



Appeal Decision

Site visit made on 9 March 2009

by **Paul Crysell** BSc (Hons) MSc MRTPI

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

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Decision date:
7 April 2009

Appeal Ref: APP/D1835/A/08/2087107

Former Business Premises, Cumberland Street, Worcester WR1 1QE

- 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 Gemini Properties UK Ltd against the decision of Worcester City Council.
- The application Ref P08A0039, dated 25 January 2008, was refused by notice dated 15 May 2008.
- The development involves the proposed demolition of the existing building (previously business premises) and the change of use to residential for the erection of a 6 No. apartment complex and associated drainage.

Decision

1. I allow the appeal, and grant planning permission for the demolition of the existing building (previously business premises) and the change of use to residential for the erection of a 6 No. apartment complex and associated drainage at the Former Business Premises, Cumberland Street, Worcester WR1 1QE in accordance with the terms of the application, Ref P08A0039, dated 25 January 2008, and the plans and conditions set out in the attachment at the end of this decision letter.

Procedural Matter

2. I undertook a site visit on 9 March but in view of concerns raised by both the appellant and local residents I also visited the site on two other occasions, to assess parking levels during daytime and evening hours.

Main issue

3. I consider the main issue in this case is whether the proposal would represent over development of the site, particularly in respect of parking provision.

Reasons

4. The proposal involves the redevelopment of a vacant building, previously used as a workshop, with six apartments designed to fit into the existing street scene. The surrounding area consists of nineteenth Victorian terraced housing where the high density of development limits the opportunity for off-road parking. Consequently the streets are dominated by parked cars. The situation is compounded by the narrow road width which means that cars are often parked obstructing the pavements. Even so there is insufficient width for two vehicles to pass on the road.
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5. The proposal would replace the two storey brick building which has a barrel style roof constructed of metal sheeting. By contrast the form of the replacement building would correspond more closely to the existing housing following the eaves and ridge lines of the properties on either side. It appears that the proposal would accord with the Council's residential design guidance insofar as its impact on the living conditions of neighbouring residents is concerned. I have not been provided with a copy of this guidance but from my site inspection I find no reason to disagree. I therefore concur with the Council that the proposed scheme responds positively to the context and character of the area and I consider it to be an appropriate form of development which would sit comfortably in the street scene.
6. Instead the main issue relates to parking provision which is also the primary concern of local residents. It was evident during my visits to the site that a majority of the road space in Cumberland Street and the surrounding roads is taken up by parked vehicles. Residents suggest that parking is exacerbated during term times because of pupils attending the nearby Grammar School while in the evening and at weekends every available space is occupied.
7. Information on parking numbers has been provided by the appellant and a local resident but this covers different times of the day and year and appears to be contradictory. A city councillor points out that a parking survey of on-street parking in the vicinity of a new campus for the University of Worcester is underway. This is intended to establish a 'baseline' of parking provision to determine whether measures such as resident parking schemes are necessary. The appeal site and surrounding streets lies within the study area. The intention was that preliminary information would be available in January 2009 but I have not seen the results of such work.
8. I am not persuaded that the parking information available to me adequately illustrates the current situation. My visits to the site showed the surrounding roads to be heavily parked throughout the day and evening hours although I found no discernible difference in the number of parked cars or the spaces that were available at different times of the day. The Highway Authority has not objected to the scheme because it considers it would create no more parking pressure or increased vehicular movement than that associated with a re-activated employment use. At present there seems little likelihood of this because the site has been marketed for at least 12 months without attracting interest.
9. National guidance in PPG13 *Transport* says that developers should not have to provide more parking spaces than they would wish other than where there are implications for road safety. The Council identifies highway safety as its main concern, referring to policy BE1 (g) of the City of Worcester Local Plan in support of its case, but I am not persuaded that a lack of parking provision would compromise highway safety. Instead, it seems to me that the proposal would lead to inconvenience for local residents rather than safety concerns. I also note that the site is close to a bus route and is within walking distance of the City Centre, reducing the need to travel by car as encouraged by PPG13.
10. I have considerable sympathy for the views put forward by residents and the difficulties they face in parking their vehicles, particularly if they also have to compete with visitors to the area. Some residents suggest the employment

use creates few problems but the site is currently vacant and its previous occupants appear to have been considerate neighbours. There is no guarantee that either of these circumstances would persist. Although this is an established employment site, it is not within one of the safeguarded employment areas identified by the Council and I regard housing as a more appropriate use in this location than employment.

11. In support of its case the appellant refers to PPS3 *Housing* which says that applications for residential development should be treated favourably where a five year supply of housing land cannot be demonstrated. I accept this is a material consideration but I also note the circumstances associated with housing provision for Worcester referred to by the Inspector who carried out an examination into *Balanced Housing Market Development Plan Document* in 2007¹. In view of this and the small number of dwellings involved I do not consider that housing supply is a factor on which the appeal should turn.
12. I have also had regard to other points raised by local residents including the presence of bats and the effect of the development on property values. The latter is not a material factor in planning decisions while a survey found there were no bats on the site and that the building is unlikely to be suitable for them.
13. The Council suggested a number of conditions in the event the appeal was allowed and I have considered these against the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. I agree that conditions covering materials, building details, lighting, satellite sharing and service locations are required to deliver an acceptable outcome. Refuse and cycle storage is also a reasonable requirement as is a condition permitting further investigation if archaeological features are found during construction; so too is one limiting construction hours although I have modified the times to accord with those suggested by the Council's Environmental Health Department. A condition covering renewable/ sustainable measures is not sufficiently clear in my view to meet the test of precision in the Circular and I find it to be unreasonable. Finally, I have not included a condition covering relevant plans because these are identified as part of the approval notice.
14. For the reasons given above and having regard to all other matters raised, I allow the appeal.

P R Crysell

INSPECTOR

¹ Balanced Housing Market Development Plan Document – Appendix 1, Inspectors Report

APPROVED PLANS

P001 Rev A	Site Layout & Location Plan
P002 Rev A	Ground & First Floor Plans
P003 Rev A	Second Floor Plan
P004 Rev A	Proposed Front and Rear Elevations

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
- 3) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.
- 4) Prior to the commencement of the development details shall be submitted to and approved by the local planning authority showing how provision will be made for the storage and collection of refuse. The approved work shall be completed prior to occupation of any of the units of accommodation.
- 5) Prior to the commencement of the development details shall be submitted to and approved by the local planning authority showing how provision of a shared system for satellite television will be made using one satellite dish only. The approved scheme shall include the siting, size and colour of the satellite dish and shall be completed prior to occupation of any of the units of accommodation.
- 6) Prior to the commencement of the development details shall be submitted and approved by the local planning authority showing the location of service meters, cycle storage and large scale drawings of windows and doors at a scale of 1:5. Development shall be carried out in accordance with the approved details.
- 7) If during the course of works hereby approved any medieval artefacts or structural remains are uncovered, the local planning authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the local planning authority and a scheme for their retention and/or treatment agreed in writing.
- 8) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. Development shall be carried out in accordance with the approved details.