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Farmoor,
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Wallingford Street, Wantage
Proposed development

May 2013
1:1250@A4
2012057

Site location plan

P47A

Appeal Decision

Site visit made on 18 November 2014

by Christa Masters MA (Hons) MRTPI

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

Decision date: 26 November 2014

Appeal Ref: APP/V3120/A/14/2219216

21 Wallingford Street, Wantage, Oxfordshire OX12 8AU

- 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 Geoff Murrain against the decision of Vale of White Horse District Council.
 - The application Ref P13/V1467/FUL, dated 26 June 2013, was refused by notice dated 26 March 2014.
 - The development proposed is erection of two shops and 7 one bedroom and 17 two bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural matters

2. An executed unilateral undertaking (UU) has been provided by the appellant. This document, dated 16 July 2014 provides for a contribution towards primary school facilities and leisure services and facilities. I have taken this document into account in reaching my conclusion below.
3. The principle of the proposed development is agreed between the parties. There is also no dispute regarding the scale of the proposal, design, or access. I can see no reason to disagree with this view. My assessment will therefore focus on the main issues as set out below.

Main Issues

4. Whether the proposal makes adequate provision for both affordable housing and contributions towards infrastructure improvements off site.

Reasons

Whether the proposal makes adequate provision for affordable housing

5. Policy H17 of the Local Plan (LP) 2006 states, amongst other things, that on sites capable of accommodating five or more dwellings, 40% of the dwellings provided will be expected to be affordable to local people. The supporting text to the policy indicates at paragraph 8.68 that the Council will take into account the viability of the scheme, including any exceptional costs in developing the site, the availability of public finance and the tenure mix of the affordable

housing to be provided. The Affordable Housing Supplementary Planning Guidance (SPG) 2006 provides further guidance regarding the issue of viability.

6. The appellant submitted a viability assessment as part of the application process. This assessment was reviewed by independent consultants, BNP Paribas on behalf of the Council. The review concluded that the scheme would not be viable. The Officers agreed with this conclusion and this position was reflected in the Officer's report to Committee. I also agree with the assessment presented by BNP Paribas which is attached as appendix 8 to the appellant's statement.
7. The Council contend that the lack of viability of the development is due in part to the developer purchasing the site at too high a price. However, I have not been presented with any evidence to substantiate this claim and I have therefore placed limited weight on this argument.
8. On the basis of the evidence presented before me, I therefore conclude on the first main issue that the proposal would conflict with policy H17. However, there are material considerations to which I have attributed significant weight as detailed above which indicate that the development contrary to policy H17 would be acceptable in this case.

Whether the proposal makes adequate provision for contributions towards infrastructure improvements off site

9. Policy DC8 of the LP states that development will only be permitted where the necessary social and physical infrastructure and service requirements of future occupiers can be, amongst other things, secured or improved to a suitable standard through an appropriate financial contribution from the developer or landowner. The submitted UU aims to secure financial contributions towards meeting the need for two of these additional facilities and services arising from the development, in accordance with policy DC8 above. These are primary school facilities (£81,752) and leisure services and facilities (£51,183). There is a discrepancy between the Council's appeal statements and the committee report regarding the amount of the leisure services and facilities contribution. However, I have used the figure above as this appears in both the Council's general appeal statement as well as the committee report.
10. In relation to leisure services and facilities, the evidence presented by the Council includes a detailed assessment of current sport and leisure provision, including, amongst other things, swimming pools, sports halls and health and fitness provision and existing deficiencies. In relation to primary school facilities, the Council have produced evidence regarding the existing school facilities, including an assessment of the existing deficiencies. Although the appellants have questioned this assessment based on their own research with Oxfordshire County Council, the information from this source makes it clear that the current numbers enrolled cannot be taken as an indication of capacity due to the number of developments already in the pipeline.
11. The contributions towards both of these items have been justified by the Council with up to date information. In relation to both of these items, I am satisfied that the measures in the UU are necessary, related to the development and fairly related in scale and kind. As such, they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the tests for planning obligations set out in the Framework.

12. However, in addition to the above items, the Council are also seeking contribution towards open space provision (£31,884) public transport (£20,280), Science vale UK (£58,500), secondary education (£50,576), special education needs (£30,065), adult learning (£544), libraries (£3570), museum resource centre (£210), waste management (£2688) and day centre (£4400). A further additional contribution is sought by the District Council in terms of waste bin provision (£4080). I have considered all of these requirements in the context of Regulation 122 of the Community Infrastructure Levy Regulations 2010.
13. In relation to the contribution sought towards open space provision, the Council's requirements towards maintenance of open space is set out within the Open Space SPD (2008). This document provides an explanation of how the sum suggested has been calculated and how it would be spent which in this case would go towards enhancing off site provision. The Council have also identified the location of the open space and explained that the contribution sought would be to improve this facility due to additional use generated by the new development. As such, I am of the view that this contribution would meet the test identified by the Framework as well as the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.
14. Turning to consider the secondary education contribution sought, the Council state that the development could generate the requirement for 2 secondary school places. Whilst the Officer's report states that the development is unlikely to attract families with secondary school aged children, I have seen no evidence to substantiate this claim. In my view, the proposal which includes for 17 two bedroomed dwellings could readily accommodate children of secondary school age. In line with the primary school evidence presented by the Council, the Council have also identified which secondary school would be affected by the proposal as well as setting out how the contribution being sought has been arrived at. For the same reasons, the contribution towards special needs education has also been adequately supported. As such, I am of the view that these contributions would meet the test identified by the Framework as well as the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.
15. In relation to library infrastructure, museum, day care, adult learning and waste management, the Council have again identified how the proposal would impact on the existing community infrastructure in relation to these items. Methodologies have been provided setting out how the contributions have been calculated and specific facilities have been referred to identifying how the monies would be spent. Again, I consider the contributions sought in this regard would accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.
16. All of these measures above appear to be necessary, related to the development and are fairly related in scale and kind. They are required to neutralise the effect of the development. As such, the contributions sought would also accord with the tests for planning obligations set out in the Framework.

17. Two further contributions sought relate to Science vale uk and public transport. The Council state that Science vale uk relates to planned improvements to the transport network to mitigate the impact of planned growth across the area. Similarly, the public transport contribution is sought in order to mitigate the impact of the development on local bus services. I agree that in both cases, the Council have identified how the monies would be spent. However, no specific information has been provided regarding how the contribution sought has been calculated. In neither of these cases has any reference been made to any policy basis for the formula used. Furthermore, no explanation has been provided regarding the allowance for commercial development or again how this figure has been arrived at. On this basis, I do not consider the contributions sought have been sufficiently justified in the terms required by Regulation 122 of the Community Infrastructure Levy Regulations 2010. In addition, no evidence has been presented regarding the waste contribution sought by the District Council. Without any justification, I can place limited weight on the request for this contribution to be made.
18. To conclude, the UU provided would go some way towards neutralising the impact of the development in terms of primary school facilities and leisure services and facilities. However, the proposal fails to adequately address the other significant contributions sought as I have outlined above. With the exception of Science vale uk, public transport and the District Council waste contribution, these have been robustly justified and are also required to neutralise the impact of the development. As such, the proposal fails to fully accord with the requirements of policy DC8 outlined above.
19. Paragraph 176 of the Framework makes it clear that where safeguards are necessary to make a development acceptable in planning terms, the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. Furthermore, the Planning Practice Guidance also states that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.

Other matters

20. I have noted the concerns raised by other departments within the Council regarding the existing trees on the site, drainage issues, waste provision on the site as well as comments from the Crime Prevention Design Advisor. These issues have been adequately addressed by the appellant and accordingly I have placed limited weight on these additional concerns raised.
21. Although it has not been raised by the Council in their appeal statement, the site is located within the Wantage Conservation Area. The proposal would be consistent with paragraph 132 of the Framework which anticipates that great weight should be given to the conservation of heritage assets. For these reasons, I conclude that the proposal would preserve the character and appearance of the conservation area, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

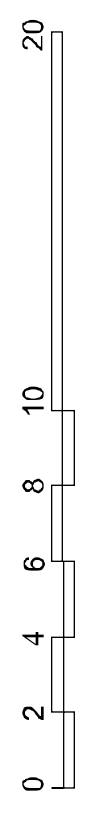
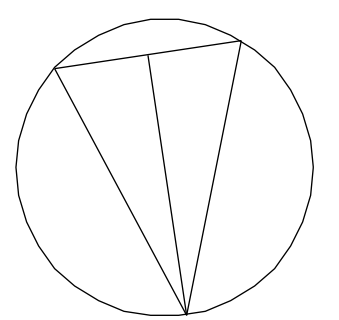
22. To conclude, I acknowledge that the scheme would contribute towards the delivery of housing for the town of Wantage and also bring a vacant site back

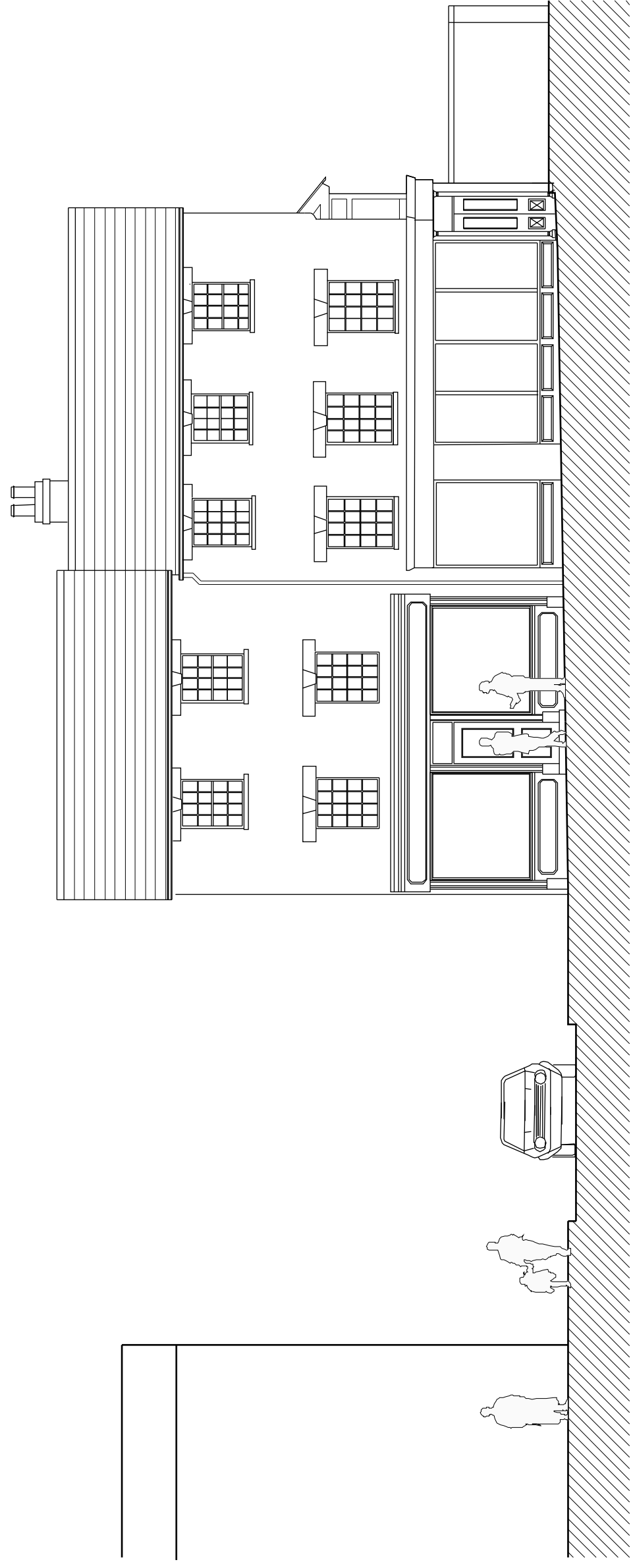
into active use. I have apportioned a modest portion of weight to both of these factors which weigh in favour of the proposal. However, they do not outweigh the harm I have identified above in relation to the lack of contributions towards local infrastructure which are required to fully mitigate the impact of the development proposed.

23. For these reasons and taking all other matters into account, the proposal would conflict with the relevant policies identified above and the appeal is dismissed.

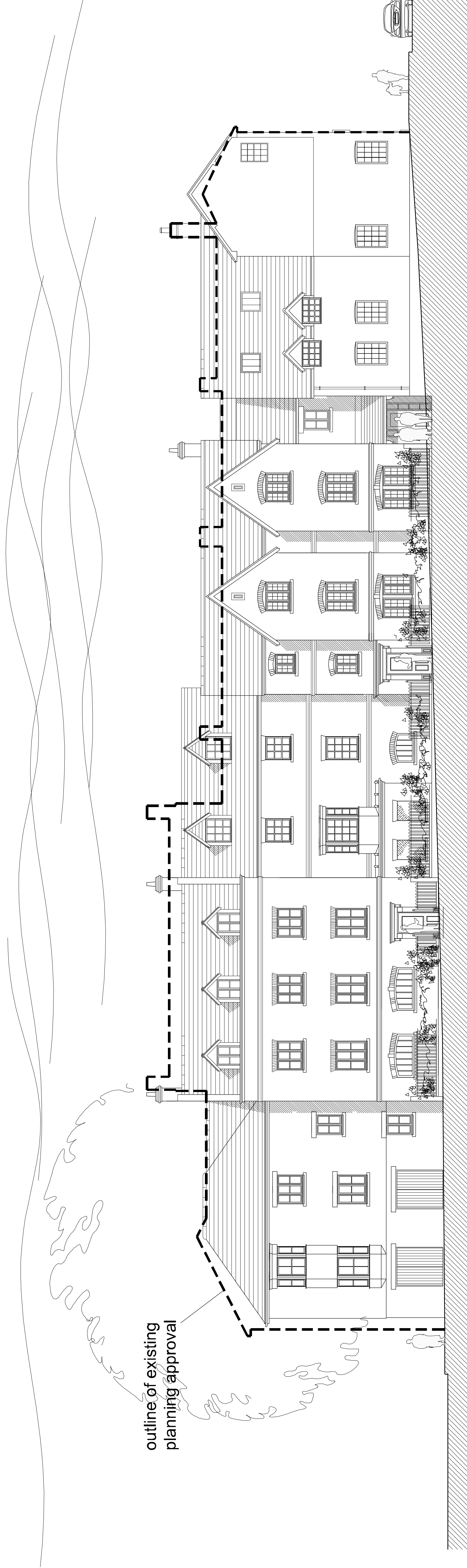
Christa Masters

INSPECTOR



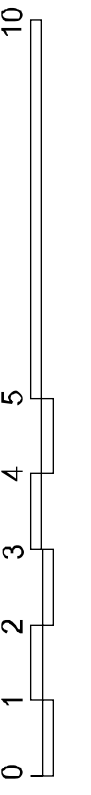


elevation to south (Wallingford Street)



outline of existing
planning approval

elevation to west (Stirling Road)



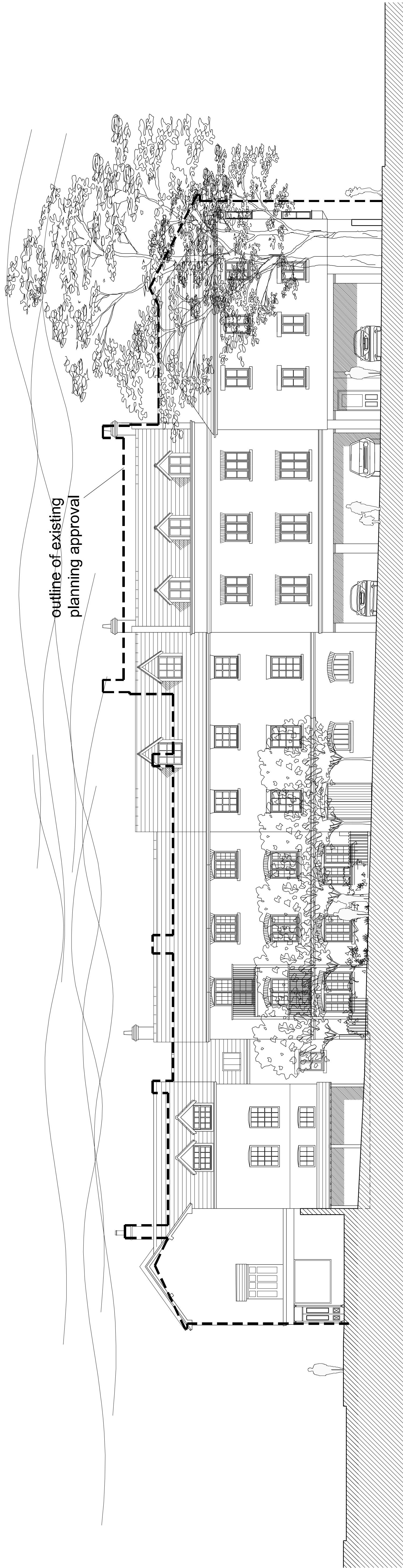
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Elevations

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elevation to north



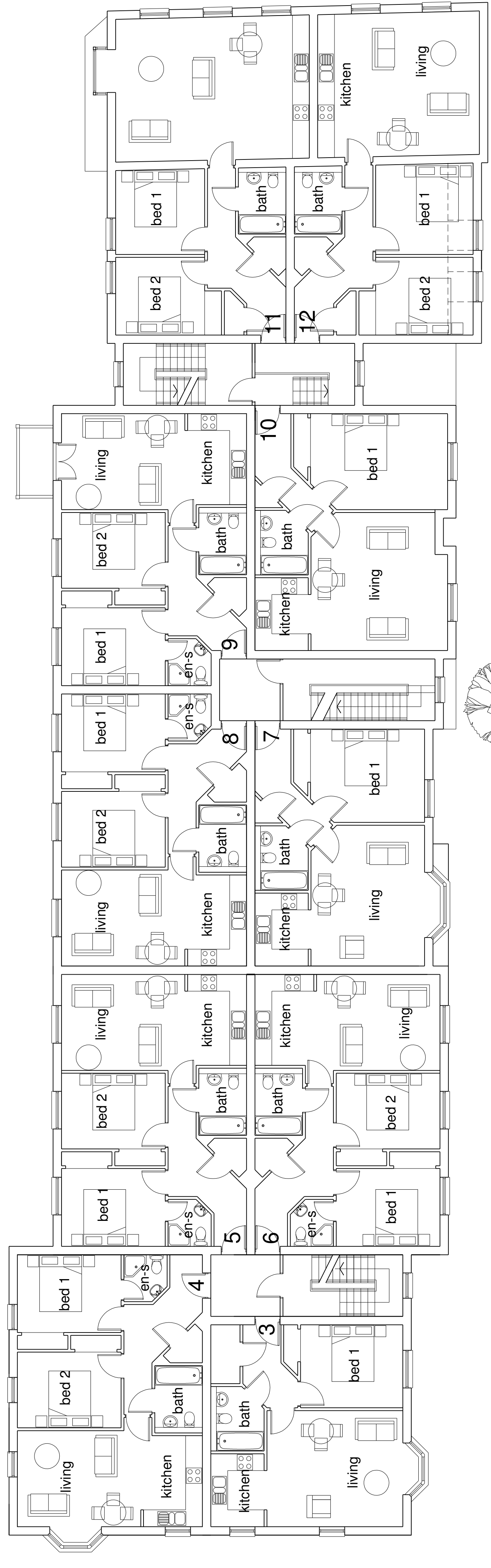
elevation to east



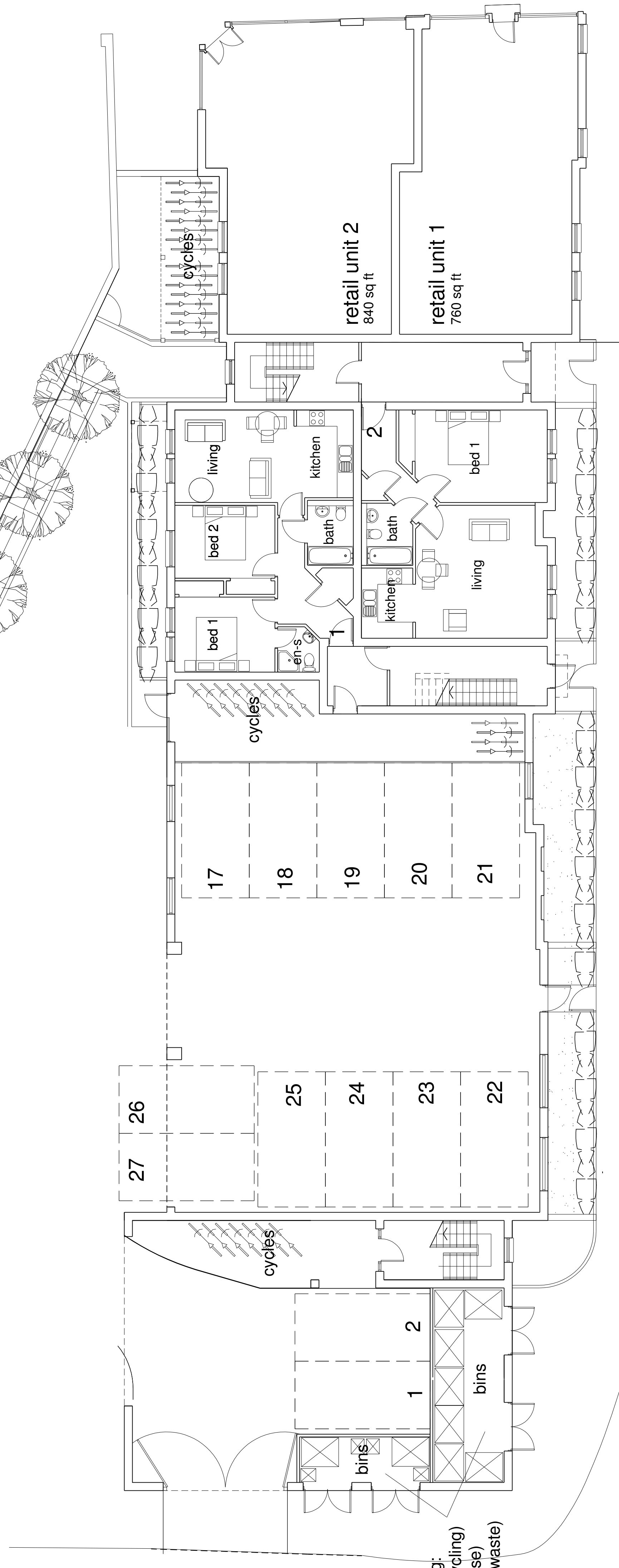
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Elevation

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first floor plans



bin stores housing:
5x1100 bins (recycling)
4x1100 bins (refuse)
4x140 bins (food waste)

ground floor plans

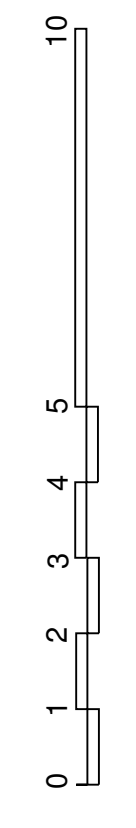
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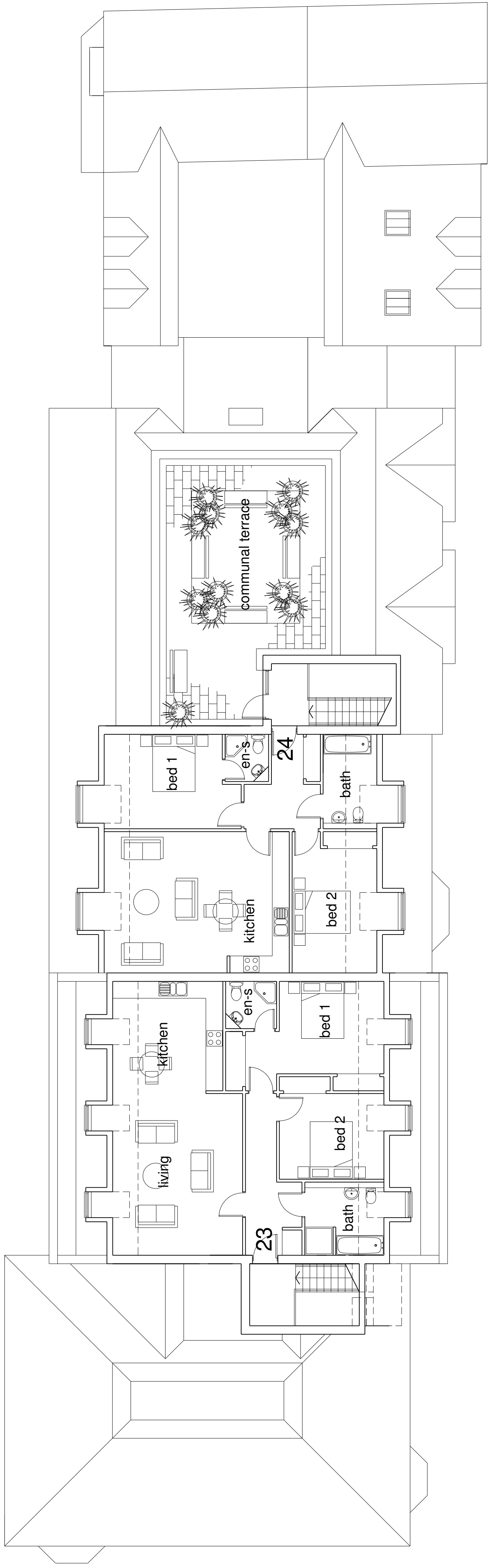


Wallingford Street, Wantage
Proposed development

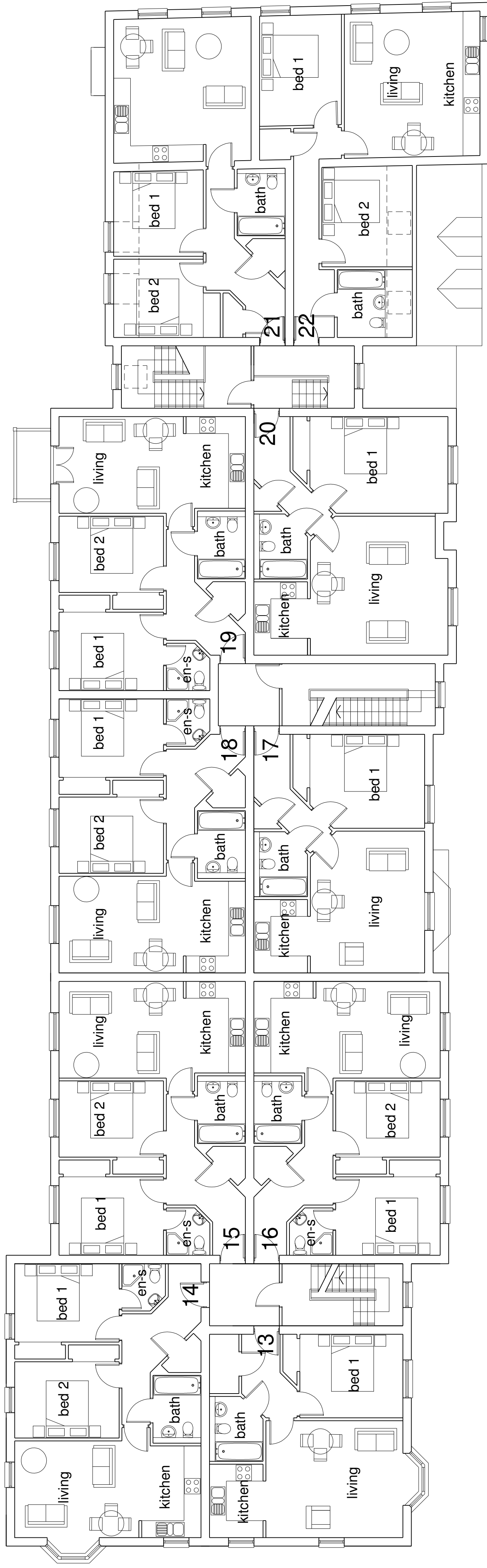
Floor plans

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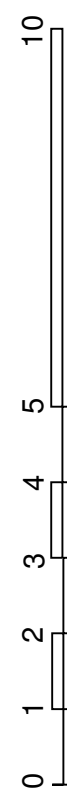




third floor plans



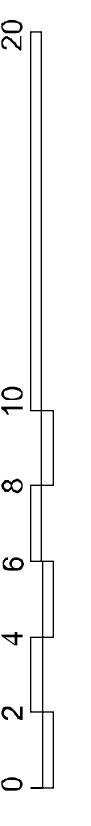
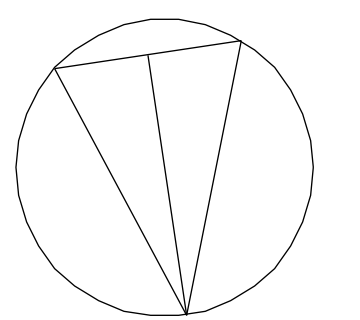
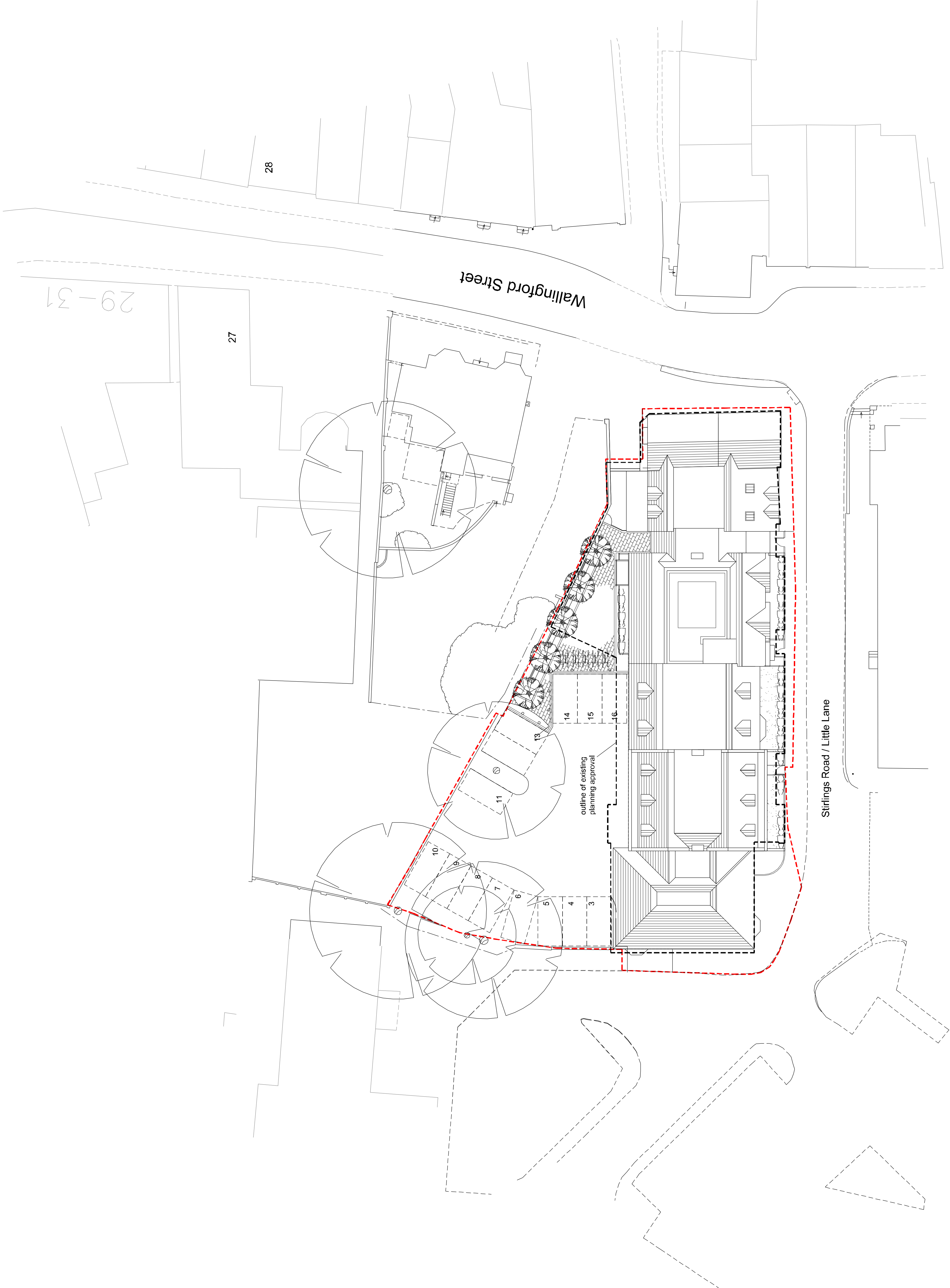
second floor plans



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Floor plans

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Roof plan	P46A