
Appeal Decision

Site visit made on 13 October 2014

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 23 October 2014

Appeal Ref: APP/Q1445/A/14/2222561
68a St Georges Road, Brighton BN2 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Sussex Property Investments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/04061, dated 27 November 2013, was approved on 26 February 2014 and planning permission was granted subject to conditions.
 - The development permitted is demolition of existing building and roof covering over site and erection of 2 No three bedroom houses with associated alterations.
 - The condition in dispute is No 12 which states that: The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
 - The reason given for the condition is: To ensure that the development is car-free and to comply with Policy HO7 of the Brighton & Hove Local Plan.
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Decision

1. I dismiss the appeal.

Main Issue

2. This is whether the disputed condition is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and the effect of removing the condition on the aims of policies which seek sustainable forms of development.

Reasons

3. In addition to the condition and reason set out above, there was an informative specific to the disputed condition which read; *'The applicant is advised that the scheme required to be submitted by Condition 12 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free'*.
4. The extent of the site marked by the red line on drawing 2090.D.01B and other floor plans is a frontage onto Eastern Street but not onto St George's Road. At the time of the unaccompanied site inspection work was being carried out to clear the site, with hoardings along Eastern Street. Eastern Street is in fact a pedestrian only path between St George's Road and Marine Parade, emerging

- as a gap between properties at each end. There are no parking spaces shown and the development is clearly proposed, and has been permitted, as not providing for cars.
5. Local Plan Policy HO7 entitled 'Car Free Housing' provides for planning permission to be granted for car-free housing in locations with good access to public transport and local services where there are complementary on-street parking controls; and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term. Supporting text 4.49 refers to Government guidance and policy aimed at reducing reliance on the car in the pursuit of sustainable development.
 6. The appellant is of the view that as this policy was adopted in 2005 it should be accorded limited weight as it pre-dates and does not accord with the National Planning Policy Framework. Paragraph 29 of the Framework contains statements on reducing the need to travel, contributing to wider sustainability and health objectives and that the transport system needs to be balanced in favour of sustainable transport modes. The paragraph concludes that the Government recognises that different policies and measures will be required in different communities. It does not follow that the policy is out of date just because of its date of adoption or even the age of the data that informed it, and the need to reduce reliance on cars in an urban area such as Brighton and Hove is in line with Government Policy, as is the continued use of the policy to reflect local needs.
 7. The development has been designed and permitted as car-free in that there is no on-site parking provision, and it appears that this has allowed the density of development due to there being no space taken up with parking and turning, even if access was available. This is a design and layout where the advantages of not providing for the car have been realised. Part b. of the policy refers to the need to demonstrate that development will remain *genuinely* car free, which is more than just that it does not have cars on the site.
 8. Part a. of the policy has been queried, but that is the basis of the development being permitted in this location. A visit to the site and surroundings found that there is ready access to public transport nearby. Whilst the routes along St Georges Road are limited, there are regular and frequent routes at the Hospital, a short walk to the north, and along Marine Parade, a short walk to the south. The former provides frequent links to the main line railway station and to the city centre and the Marina for shops. A bus links the hospital to the universities by way of Queen's Park, avoiding the city centre. There are shops close-by and the appellant mentions a doctor's surgery. It does appear to be the case that the walking distance to some destinations is somewhat extended and the terrain is hilly in places.
 9. Not mentioned in representation but seen at the site inspection is a 'City Car Club' site on St George's Road occupied at the time by a car with that logo. Car clubs generally provide casual access to cars without the need to own and park one, and there is no reason to consider that this one is different. It is concluded that the site is in an accessible location with good links other than by private car and that part a. of the policy has been applied reasonably in permitting this development without on-site parking.
 10. Lastly the appellant draws attention to the fact that there is no waiting list for permits in the appropriate controlled zone. This is not disputed by the Council.

The appellant takes this to indicate that there would be no harm were the condition to be removed. However, the aims of the policy are not just to prevent harm through over-subscription of scarce parking bays, resulting in wasteful and damaging touring round to find a space, but to address on a city-wide basis the harm that can be caused through increased use of cars. As an example, the sort of trip mentioned, to a primary school, can cause congestion at the school and add to the risks of crossing roads.

11. In conclusion, the development has been permitted without parking and this is in line with Policy HO7 and makes best use of land in an accessible location. To ensure that the development stays genuinely car-free, in line with the policy aims and those of national policies on reducing the need to travel, it is necessary and reasonable to prevent occupiers being able to obtain a parking permit, notwithstanding that there appears to be no waiting list. Harm would occur to the aims of sustainable development, and particularly the environmental dimension, in removing the condition, which is also relevant to planning and to the development to be permitted, enforceable and precise. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR