



Appeal Decision

Site visit made on 12 February 2007

by **Daphne Mair** BA(Econ), MPhil, MRTPI

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

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Appeal Ref: APP/V1505/A/06/2026185

3 - 31 Runwell Road, Wickford, SS11 7HG

- 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 Butie Ltd against the decision of Basildon District Council.
- The application Ref 06/00001, dated 22 December 2005, was refused by notice dated 16 August 2006.
- The development proposed is erection of 84 apartments and ground floor for use class A1, B1 and A3 with parking.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. It was indicated by letter of 12 March 2007 that I was minded to allow the appeal subject to the conclusion of a Planning Obligation on the three matters listed by the Local Planning Authority at the end of their appeal statement. An Agreement under S.106 of the Act, dated 10 May 2007, between the Local Planning Authority and the appellant together with 7 other parties has been submitted. This Planning Obligation would, contingent on certain matters, provide sums for affordable housing, highway improvements, works to the Dick Patmore Memorial Sports Ground and for the Wickford Scouts and Guides Association.
2. In my formal decision below I shall amend the description of development to reflect the amendments to the Use Classes Order from 6 April 2006 to include Classes A4 and A5 that at the time of the application fell within Class A3.

The Main Issue

3. The main issue is the effect of the development on the appearance of Wickford Town Centre. I shall also consider the importance of ensuring the proposal helps provide for affordable housing in the District, safeguards road safety and the free flow of traffic and whether serious harm would arise to playing facilities at the adjacent sports club.

Planning Policy

4. The most relevant Development Plan policies are BAS BE12 of the Basildon District Local Plan 1998, BAS S5 to the Alterations thereto adopted in 1999 and BE1 of the Essex and Southend on Sea Structure Plan 2001. I have noted that the Replacement Local Plan Redeposit Draft is not being proceeded with but its policies have been approved for development control purposes, including BAS BE1 which aims for good design and sustainable construction.

5. Planning Policy Statement 1 is a weighty material consideration and PPS 3 is also material on the matter of affordable housing.

Reasons

6. The appeal site is a substantial area of mainly defunct automobile related uses (given as 0.32ha on the application form and 0.43ha in the accompanying Design Statement) located close to where Runwell Road leaves a roundabout with the A132 and leads into Wickford Town Centre just beyond the appeal site. Between the site and the roundabout there is a brief and pleasant vista through to the sports ground behind the appeal site. There is a filling station across the road and then a row of c.1960s shops with flats above. There is a vacant tyre workshop adjacent to the appeal site and then across Swan Lane on the corner is “Swans”, a public house of some age and character. Retail and similar uses then extend along The Broadway (the continuation of Runwell Road) to the south west. Over the River Crouch on nearby Lower Southend Road is an area of two storey buildings where redevelopment for six storey flats has recently been permitted and I saw recent three and four storey buildings further down that road. Just beyond the intended car access to the appeal site on Swan Lane is a fairly recent three storey building of flats. Otherwise that road appeared to be exclusively two storey housing. The visual context for the proposal therefore is already varied in terms of age, scale and appearance and will become more so. This part of Wickford lacks a defining visual character.
7. A Draft Master Plan for the regeneration of Wickford Town Centre was approved in 2006 as a material consideration in determining planning applications after four weeks of public consultation and some consequent revisions, none of which latter appear to bear on the general area of the appeal site. Mixed use multi-storey development is considered acceptable in principle for the appeal site in that document. A substantial number of new dwellings are envisaged in this “Riverside Living” quarter.
8. I note from a third party letter that the now closed off Southend Road was previously a main entrance to the town. Runwell Road has been developed at various periods and at the appeal site end this important new entrance to the town has a tired appearance not solely arising from the poor appearance of the appeal site and the adjacent vacant premises. It is perhaps regrettable that the latter site is not available to allow a more comprehensive scheme here but as the Local Planning Authority agree that does not prevent development of the appeal site. The recently upgraded role of Runwell Road should be defined with a building that clearly signals the edge of the town centre and helps give it distinctiveness. It should have regard for the future plans for the Town Centre and create a positive setting of the buildings and uses that are likely to remain.
9. The appeal proposal would have the A1, B1 and A3 units on the ground floor with four residential storeys under a pitched roof above. The building would be set close to the edge of the footway apart from the eastern section where a slight set back is shown. This would create a sense of enclosure at this entrance to the town centre in welcome contrast to the existing open and diffuse forecourt areas.
10. Above ground floor level the corner elevations and 3 forward “gabled” sections would be punctuated with 4 recesses varying in length between 9m and 12m. These allow balconies for many of the flats and would leaven the 90m long frontage of the proposed building, lending some rhythm and interest to a façade that could otherwise appear monotonous.

11. The building proposed would be substantially higher than any presently fronting Runwell Road or The Broadway. The road here is quite wide, an impression emphasised by the forecourt of the filling station opposite. Despite the buildings beyond the filling station being significantly lower than the appeal scheme I do not consider the building would be unduly visually dominant to passers by along Runwell Road or to the occupiers of those business premises and residential flats. The building may appear dominant to those playing tennis to the immediate rear and perhaps also to those using the cricket ground. However, the two storey parking area would separate sports enthusiasts from the 5 storey element. This seems to me of modest weight compared to the benefits from the better use of the site.
12. There is no dispute that the appeal proposal complies with the design principle in the Master Plan to create a strong continuous building line to provide a positive northern gateway to Wickford. It would also provide modern shops and/or café/bar/restaurant uses which would enliven this end of the shopping centre. The coloured-up elevation drawings confirm my view that subject to appropriate materials being employed, the design, scale and appearance of the building would be to an acceptable standard and would not overly dominate the area. It would enhance this entrance to Wickford and comply with Policies BAS BE12 and BE1 of the Development Plan.

Affordable Housing

13. The scheme of 84 apartments is predominantly 2 bedroom units but with a few 1 and 3 bedroom units. To accord with Policy BAS S5 the Local Planning Authority would look for 15-30% of the units to be affordable. The upper figure approaches that sought regionally in the emerging East of England Plan. The Town Centre Master Plan rehearses the Local Planning Authority's target to provide 1000 units of affordable housing per year and its 2005 achievement level of 350 such units. This site is close to town centre shops and services and to bus and train services. Other things equal I would expect on-site provision for affordable housing to be made and there should be robust reasons why it is not being provided. Accordingly, I sought further information on intentions about this.
14. The appellant indicated an in principle willingness to make such provision if necessary but the Local Planning Authority says that the local need is mainly for family housing. Most of the flats would be large enough for small families and 3 have 3 bedrooms. There would be a lift but apart from balconies to many of the flats, none would have private amenity space. An allocation of flats within the development is not felt by the Local Planning Authority to meet the most pressing need and the local Registered Social Landlord (RSL) does not in general favour leasehold arrangements as are perceived likely to be necessary here. They seek instead a commuted sum to provide family housing off-site. The Planning Obligation commits the appellant to contribute a sum of £650,000 towards off-site affordable housing. This accords with the formula used locally and would meet the aspirations of the RSL and Local Planning Authority for affordable housing. On that basis I conclude that adequate provision for affordable housing would be made using the established local arrangements.

The effect on the Sports Ground

15. Two of the adjacent three tennis courts and perhaps a small part of the cricket ground would be much more overshadowed by the proposed development than by the existing buildings on the site. This would affect how soon they became playable in wet or cold weather. The effect on the other court would be less as it is presently overshadowed in part by a large

electricity sub-station building (estimated on site as about 7m high) and because in the case of the third, the ramp and parking area of the proposed development would be no more than the equivalent of two storeys in height. As with the Tennis Club, the Cricket Club plays to a high standard. The taller building and consequent shadowing would to a degree detract from the attraction of the sports ground to players and spectators. There would thus be some material reduction in the quality of facilities at the Clubs. The Planning Obligation includes a “Memorial Contribution” payment to the County Council of £140,000 for the benefit of the Dick Patmore Memorial Sports Ground Trustees. This would allow resurfacing of the courts to better suit the greater shadowing caused by this proposal. I note that that would be acceptable to the Trustees and I agree that serious harm to this important and popular local facility would be averted.

The effect on road safety and the free flow of traffic

16. A comprehensive Transport Assessment was submitted with the application. I saw that, as the Local Planning Authority accepts, the existing access to the site from Swan Lane is capable of being widened and made safe for the traffic likely to be generated. Refuse vehicles would enter the site from Runwell Road via an entrance in the façade of the building. Full details of these arrangements are not given on the plans and it will thus be necessary to impose a condition on this matter. A contribution of £150,000 to necessary off-site highways improvements is included in the Planning Obligation (which I understand would include the junction of Swan Lane and The Broadway/Runwell Road).

Other matters

17. I have also considered the representations made by the County Council as Education Authority regarding a contribution to Education. There is a 12% shortfall in secondary school places locally and the appeal scheme is calculated as likely to generate 8 secondary school pupils. A deficit in infant places at the school that would serve the development is also predicted and the scheme is calculated as likely to generate 12 primary pupils (all ages). It would not be unreasonable to seek a contribution towards the necessary additional school places in accordance with Policies BE5 and H4 of the Essex and Southend on Sea Structure Plan and subsequent Supplementary Planning Guidance. However the Local Planning Authority has carefully weighed this with the other competing demands for developer contributions. Bearing in mind project viability it does not support the Education Authority on this matter. It has given priority to the need for affordable housing, road improvements and for mitigation at the Sports Ground. Few pupils are likely to arise from this scheme and I consider that the additional pressure on school places would not be so great as to rule out the proposal without sums being provided towards education.
18. I have considered the other matters raised by local residents. The car parking arrangements of one space per dwelling accords with national guidance bearing in mind the size of the flats and the proximity of the site to public transport and town centre facilities.
19. I have no representations relating to the impact of the proposal on Scouting or Guiding in Wickford. I thus make no comment on the £10,000 contribution thereto in the Agreement.

Conditions

20. I have referred above to the need for approval of details of the junctions to Swan Lane and Runwell Road, which in the interests of safety and convenience should be completed before

any apartment is first occupied. I note also the condition proposed by the Highway Authority that the developer should undertake the marketing of public transport and provide a travel information pack to occupiers and also provide free 6 month season tickets to them. The first two are necessary in the interests of promoting sustainable forms of transport but the third appears to me to stray beyond what is reasonable.

21. It is important that the car and cycle parking is provided before any flats are occupied. Details of the cycle and refuse storage areas are not adequately shown and should be submitted for approval.
22. A Flood Risk Assessment was submitted with the application but the Environment Agency considers that the details of intended surface water drainage are insufficiently detailed. I shall impose a condition to satisfy their concern that a sustainable surface water drainage system should be achieved.
23. The site is within an area of medieval and post medieval archaeology and it is important that an archaeologist be given full opportunity to monitor and record excavations. In the absence of more specific information I shall impose a less onerous condition than that proposed by Essex County Council Archaeology.
24. In view of the previous uses of the site there may be contamination present that would need remediation. I shall impose a condition to address this. The matters included in the detailed 4 part condition proposed by the Local Planning Authority are all important but I shall impose a simpler version that will still allow for their consideration.
25. Although no B1 use is shown on the plans such use is included in the description of the development. No objection is made to that use by the Local Planning Authority. In order to maintain the visual interest of the building it is important that any such use should retain the near full height windows along the ground floor front and east side elevations. For the avoidance of doubt I shall impose a condition requiring any alterations thereto to be subject to approval by the Local Planning Authority.

Conclusions

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

27. I allow the appeal, and grant planning permission for erection of 84 apartments and ground floor for Use Class A1, B1, A3, A4 and A5 with parking at 3 - 31 Runwell Road, Wickford, SS11 7HG in accordance with the terms of the application, Ref 06/00001, dated 22 December 2005 and the plans submitted with it as amended (RR00, RR01 rev B, RR02 rev B, RR03 rev A, RR04 rev A, RR05 rev A, RR08 rev A, RR09 rev A) subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted, together with

details of balcony railings, window and door furniture and rainwater goods 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) Before development commences, full details of the access junctions with Swan Lane and with Runwell Road shall be submitted to and approved in writing by the Local Planning Authority and both shall be completed in accordance with the approved details before any residential unit is first occupied.
- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawings Nos. RR02 and RR03 for 93 cars to be parked, for the storage of bicycles, for access for refuse and delivery vehicles and for all such vehicles to turn so that they may enter and leave the site in forward gear. None of the space so provided shall be used for any other purpose.
- 5) Details of the bicycle and refuse storage areas shall be submitted to and approved by the Local Planning Authority before any development commences and those areas shall be provided in accordance with the approved details before any residential unit is first occupied and shall thereafter be retained for those purposes.
- 6) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.
- 7) Development shall not begin until surface water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 8) Before the development hereby permitted begins, a scheme for decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.
- 9) Before any residential unit is first occupied, a marketing campaign to promote the use of public transport to occupiers shall be devised in accordance with a scheme to be approved by the Local Planning Authority, this to include provision of information about local bus and train services to all new occupiers.
- 10) Notwithstanding the fenestration shown to the ground floor on the approved plans, these windows shall not be modified unless the prior approval of the Local Planning Authority is first obtained in writing.

Daphne Mair

INSPECTOR