
Appeal Decision

Site visit made on 6 June 2017

by Katie McDonald MSc MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/H1033/W/17/3166597

Land to the rear of the Royal Oak Public House, Rowton Grange Road, Chapel-en-le-Frith SK23 0HH

- 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 Brett Galley against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0232, dated 24 April 2016 was refused by notice dated 8 November 2016.
 - The development proposed is the erection of four apartments following demolition of the garages.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon highway safety.

Reasons

3. The site is the car park of the Royal Oak Public House, a Grade II listed building located within the Chapel-en-le-Frith Conservation Area. The site currently features a single storey garage building with little architectural merit.
4. The appeal proposal is to develop a two storey building which would provide four apartments over three floors. Four residential car parking spaces are proposed on the remaining car park to serve the development, with two spaces left over for the Royal Oak Public House.
5. At the time of my visit, Rowton Grange Road was heavily utilised for on-street car parking and featured traffic calming road humps. Parking is restricted by double yellow lines surrounding the site on both Market Street and Rowton Grange Road, and Market Street features some short stay parking bays. The Council have detailed that a build out at the junction of Rowton Grange Road and Market Street is also proposed.
6. The car parking provision proposed for the apartments falls below the adopted parking guidance by two spaces, as detailed in Appendix 1 of the High Peak Local Plan (April 2016) (LP). However, the site is in an accessible town centre location, having a bus stop outside the site, services located nearby, and being around 20 minutes' walk to the railway station. Furthermore, the appropriate level of cycle storage is proposed. The LP makes it clear that each proposal

should be considered in the context of its need for parking and its potential impact upon the local road network. In this case I consider that the minor shortfall in car parking spaces would not have an unacceptable impact upon the highway network.

7. Nevertheless, only two car parking spaces would be left to serve the Royal Oak Public House. At the time of my visit (10.10), four cars were parked on the car park. The Council's Highways officer has advised that having passed the site on many occasions and at different times of the day, the whole of the car park appears well used. Conversely the appellant's agent has stated that the car park is underused. Whilst this is anecdotal evidence from both parties and I accept that some customers may be local and access the site on foot; it seems to me that it would be reasonable to assume that a significant proportion of customers and staff would access the site by car, particularly given that the public house provides bed and breakfast/hotel accommodation.
8. Therefore, to leave only two spaces to serve the public house is highly likely to result in an additional on-street demand. Given the existing use of Rowton Grange Road for on-street car parking and the restricted short stay parking bays on Market Street, I consider that there is insufficient on-street provision to cater for the increase in demand.
9. Moreover, as a result of the proposal, there would be insufficient space to park and manoeuvre off-street for servicing and deliveries. Therefore, I consider that this is highly likely to take place on-street. Indeed, the letter from Marton's Brewery and the appellant's statement indicates that they would park on street and use a trolley, or for 'severe mitigating circumstances' use smaller vans. The parking location for the smaller vans is unknown.
10. From the information before me, and taking into account the conditions at the time of my visit, I consider it unlikely that there would be a convenient area of unrestricted parking available on Rowton Grange Road, particularly given that the proposal would increase on-street car parking demand. As such, there is a significant risk that delivery and servicing vehicles would stop in the restricted parking area outside the site. This would be very close to the junction of Market Street and Rowton Grange Road, where the new build out is proposed. To restrict the free flow of traffic in this location would cause a serious highway safety risk. It would be likely to lead to increased instances of dangerous and obstructive parking, such as on yellow lines, near the junction, on footways or across driveways and access points, to the detriment of the free and safe flow of traffic.
11. Consequently, I find conflict with Policy CF6 of the LP which seeks to ensure that development can be safely accessed in a sustainable manner. I also find conflict with Policies H3 and TR1 of the Chapel-en-le-Frith Neighbourhood Development Plan (NP), which seek to ensure that developers demonstrate how they have had regard to movement (vehicular, pedestrian and cycle) and demonstrate the impacts of the traffic arising from the development. I have taken account of the appellant's issue with the timing of the Chapel-en-le-Frith Neighbourhood Development Plan being made and the publication of the Written Ministerial Statement (WMS) of 25 March 2015, in relation to local parking standards. However, the NP does not impose local parking standards, but focusses upon highway safety. Furthermore, as the LP was adopted after the WMS was issued; it would be fair to assume that the car parking standards

sited in Appendix 1 are necessary to manage the local road network, having been through a recent examination.

12. I have also taken account of The National Planning Policy Framework, particularly paragraphs 32 and 35. Paragraph 32 makes clear that safe and suitable access can be achieved for all people, whilst paragraph 35 makes clear that developments should accommodate the efficient delivery of goods and supplies. I have shown that the proposed development would be in conflict with both of these requirements.

Other Matters

13. The site is within the setting of the Royal Oak Public House, a Grade II Listed Building and within the Chapel-en-le-Frith Conservation Area. I consider that the proposal would be in keeping with its surroundings and present an attractive and high quality development. It would preserve the setting of the listed building and enhance the character and appearance of the conservation area.
14. I have noted that the appellant's agent has detailed that the car park is not tied to the public house, privately owned and could be closed/restricted at any time. However, I have no evidence to indicate that this would happen and I have based my decision on the information before me.
15. I have also considered additional information from the appellant's agent that occupancy of the letting rooms is about 20% and that the business does not rely on on-street car parking. However, occupancy rates can go up and down and I have no evidence presented to demonstrate prolonged low occupancy. Furthermore, the rooms are available for overnight accommodation and require some form of parking. As such, I attach little weight to this. Also, whilst the business may not currently rely on on-street car parking, I have found that it would as a result of the proposal.

Conclusion

16. I have balanced the benefits of the scheme in my assessment, being the removal of a garage structure within the setting of a listed building; and its replacement with a high quality brownfield residential scheme, bringing alternative and lower priced accommodation to the market. I have also noted the appellant's additional information which states that the pub would be likely to close if the appeal is not allowed. However, my findings with regards to highway safety significantly outweigh the benefits, and I have no firm evidence before me with regards to the financial status of the business.
17. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR