The Planning Inspectorate

Appeal Decision

Site visit made on 20 January 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/Q4625/W/20/3261281
Land Rear Of 147 Stratford Road, Shirley, Solihull B90 3AY

- 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 Baljeet Singh against the decision of Solihull Metropolitan Borough Council.
- The application Ref PL/2019/02948/PPFL, dated 16 August 2019, was refused by notice dated 4 September 2020.
- The development proposed is described as proposed apartments on the site of existing redundant garage blocks.

Decision

1. The appeal is allowed and planning permission is granted for proposed apartments on the site of existing redundant garage blocks at land to rear of 147 Stratford Road, Shirley, Solihull B90 3AY in accordance with the terms of the application, Ref PL/2019/02948/PPFL, dated 16 August 2019, subject to the conditions set out in the Schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr Baljeet Singh against Solihull Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the suitability of the access to the proposal having regard to highway and pedestrian safety as well as emergency vehicles.

Reasons

4. The site contains redundant garages and a parking area to the rear of commercial units with residential flats above. As well as the apartments the proposal includes 6 car parking spaces. Vehicular and pedestrian access to the development from Stratford Road would be via an existing drive that serves the site and other parking areas behind shops. A public right of way runs along the access drive and through the site to Ralph Road.

5. No trip surveys have been carried out but in light of analysis carried out by the appellant the Council recognises that the proposal would reduce car and pedestrian movements to and from the site compared to the existing situation. Therefore, the proposal would reduce the likelihood of 2 vehicles meeting on the access and so would decrease the need for drivers to reverse back onto

Stratford Road or to wait on the highway to allow a vehicle to pass. Moreover, a nearby bus stop, pedestrian crossing, other drives and parking bays already cause vehicles to slow down or stop on the Stratford Road close to the site access. Consequently, car borne visitors turning into the proposed development would not disrupt consistently free flowing traffic. For these reasons, I am satisfied the proposal would not prejudice highway safety.

6. The narrowest part of the drive between the buildings is straight and there is good visibility along it from both directions. Also, a proposed footway in front of the apartments would provide a degree of vehicle and pedestrian segregation near to the proposed parking spaces. When leaving the site by car, views of the Stratford Road pavement is curtailed on both sides by buildings. Nevertheless, there is no evidence of any accidents on or near the access despite the presence of the public right of way. In light of these factors, I consider that the access to the proposal would be safe and suitable for pedestrians even though it would be shared with vehicles.

7. The drive is too narrow to allow a fire appliance to enter the site. However, West Midlands Fire Service indicate that this would not be needed as long as an emergency water main is provided to serve the building. This could be secured by a planning condition. The tracking plan evidence shows a transit van would be able to travel along the access drive and turn around on the site. As such, I am satisfied the access would be suitable for other emergency vehicles.

8. For the above reasons, I conclude the proposal would have a suitable access having regard to highway and pedestrian safety and emergency vehicles. In these regards, it would accord with policies P7, P8 and P15 of the Solihull Local Plan 2013. These all aim, amongst other things, to ensure development has safe and attractive access and does not reduce highway safety.

Other Matters

9. A number of other concerns have been raised. The proposal would be separate from 147 to 153 Stratford Road and so it would not block the fire escape or access to the flats above the shops. The development would be seen from these residences and Ralph Road dwellings but it would be far enough away to avoid harmful overshadowing or loss of outlook. Proposed fenestration would be positioned so as to prevent direct overlooking of adjoining residences.

10. There is no substantive evidence before me that shows the site provides formal parking spaces for occupiers of the nearby flats, or that any displaced parking as a result of the development would lead to highway safety or any other problem. Future occupiers would be able to walk to a range of services and public transport links and so I am satisfied the scheme includes sufficient parking facilities.

11. The site is of a size to enable construction works to take place without obstruction to the public right of way. There is no firm evidence to suggest noise associated with the proposal would harm the living conditions of occupiers of nearby dwellings and a condition could be imposed to ensure construction only takes place during the day.

12. The development would replace unsightly garages and so it would enhance the character and appearance of the area. It would lead to a greater natural surveillance of the footpath and so would help reduce the risk and fear of

crime. There is no information before me that indicates the site is liable to flood or that the proposal would lead to light pollution of any consequence. A refuse storage area is incorporated and no issue has been raised by the Council in respect of the collection of waste.

13. I acknowledge the personal health circumstances of a neighbouring occupier. I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not share it. However, I have found the development would avoid unacceptable harm to the living conditions of occupiers of nearby properties. As such, it does not follow from the PSED that the appeal should fail.

14. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds or complaints, the concerns raised do not override or affect my conclusions on the main issue.

Conditions

15. The Council has provided no list of planning conditions although the appellant and other parties have made some suggestions. A condition is necessary to ensure the development is carried out in accordance with the approved plans for reasons of clarity. I attach a condition relating to external materials to ensure a satisfactory appearance. For the same reason and to enhance the biodiversity value of the site I include a landscaping condition. A condition requiring the provision of cycle and car parking is needed in the interests of highway and pedestrian safety. For the reasons referred to above, I include a condition relating to the provision of a water mains to be available in case of a fire emergency.

16. To protect living conditions of neighbouring occupiers I attach a condition restricting construction hours. Also, a condition is imposed to ensure a satisfactory drainage system is incorporated as part of the proposal. A condition is also imposed to ensure the archaeological interest of the site is preserved and properly recorded.

Conclusion

17. For the above reasons, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

Schedule of Planning Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 101 revision A, 102 revision A, 201 revision A, 202 revision A, 300, 401 revision A, CD_1812 401 revision A.

3) Demolition or construction works associated with the development hereby approved shall take place only between 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

4) No development, other than the demolition of existing buildings to ground slab, shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the WSI.

5) No above ground construction works on the development hereby permitted shall take place until details of a drainage system to serve the development have been submitted to and approved in writing by the local planning authority. Details to be submitted shall include evidence of site conditions in respect of infiltration, discharge rates, methods to delay and control water discharge from the site, engineering details of the drainage features and a management and maintenance plan. The drainage system shall be implemented as approved prior to the first occupation of any part of the development and shall be retained, managed and maintained thereafter in accordance with the approved details.

6) No above ground construction works on the development hereby permitted shall be carried out until details of the materials to be used on the external surfaces of the development hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

7) The development hereby approved shall not be first occupied until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees on or adjoining the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) The development hereby approved shall not be first occupied until the vehicle parking and turning space and cycle parking facilities as shown on the approved plans have been laid out and provided. These areas and facilities shall thereafter be kept available at all times for those purposes.

9) The development hereby approved shall not be first occupied until details of a water main to be made available for fire officers in an emergency have been submitted to and approved in writing by the local planning authority. The water main shall be provided in accordance with the approved details prior to the first use or occupation of the development and shall thereafter remain available for use.