



Appeal Decision

Site visit made on 23 March 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/C4615/W/20/3264581

St John Fisher RC Church, Yew Tree Lane, Coseley, Bilston WV14 8RF

- 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 Kirkwood Walter against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/0568, dated 28 April 2020, was refused by notice dated 24 June 2020.
 - The development proposed is proposed external works and ramp to children's day nursery.
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Decision

1. The appeal is dismissed

Procedural Matters

2. The description of development on the Council's Decision Notice refers to the proposal as "works to include remodelling of ground at side of building with creation of a ramp to new car park and play area, landscape works, new access and erection of close board fencing (part retrospective)" but I have no evidence that this was agreed by the appellant who used their original wording on the appeal form, so I have used the appellant's description.
3. The Council appear to have had no issue with the proposals except for the car parking area, as they did not form a reason for refusal, and from the evidence in front of me, it would appear that a subsequent planning application has been approved for the remaining works. As a result, I will not deal with these matters, as approval has already been obtained, and only deal with the issue relating to the access and proposed car park.

Main Issue

4. The main issue in this appeal is the effect of the development on the residents of Salcombe Grove in terms of highway and pedestrian safety.

Reasons

5. The appeal site was formerly a church but is now to be operating as a day nursery. The proposals involved a number of external works, but the Council's concerns relate to the use of the rear of the site as a car park and the access to that car park.
6. The site is effectively split level, with the main entrance accessed from Yew Tree Lane, but vehicular access is sought from Salcombe Close, which is at a lower site level than the former church building.

7. Salcombe Close is a residential cul-de-sac. The evidence in front of me indicates that the nursery could accommodate up to 50 children. Whilst the applicant has produced details of numbers of children using the facility, and drop-off/pick-up times as part of their statement, I have no details of the number of vehicles that would carry out those functions. Whilst it would be a common assumption that not every child would be ferried to the nursery by some form of private vehicle, one must assume that there are a number of such movements, and I note from interested parties that it would seem there are issues with highway movements at busy times.
8. I find that the narrowness of Salcombe Close restricts vehicle movements. It is a narrow highway, below the standard that would normally be expected for unhindered vehicle passing, and vehicles could not pass side by side without mounting the pavement, which would be harmful to vehicle and pedestrian safety. I have noted the supporting information from the appellant with regard to the level of on-street parking on Salcombe Close, but that was a one-off snapshot in time, and to expect that situation to remain at all times is somewhat hopeful.
9. In the absence of any form of survey to set out the numbers of vehicle movements, I cannot be convinced of the merits of the car park to the rear of the appeal site being served via Salcombe Close, and I find that it would cause harm to highway and pedestrian safety, primarily for the residents of Salcombe Close.
10. As a result, I find that the proposals are in conflict with policy TRAN2 of the Black County Core Strategy (2011) which expects development to address the issue of transport implications and appropriate mitigation.

Conclusion

11. For the above reasons, the appeal is dismissed.

Paul Cooper

INSPECTOR