



Appeal Decision

Site visit made on 15 May 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/G4620/W/23/3334161

91 Cape Hill Post Office, Cape Hill, Sandwell, Smethwick B66 4SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Chawla of Renovate Concepts Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref is DC/22/67827.
 - The development proposed is the retention of post office to ground floor, change of use of first floor offices to residential with 3 storey rear extension and addition of a new second floor to create 6 No. self-contained apartments and 1 No. office at ground floor with parking, bike store and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scheme was amended during consideration of the planning application and the number of apartments reduced. Therefore, I have taken the description of development from the Council's decision notice as this more accurately describes the appeal development. I have however omitted reference to the refused scheme as this does not relate to the act of development.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. However, the policies of the Framework that are material to this case have not fundamentally changed. Therefore, I have proceeded to determine the appeal having regard to the revised Framework.

Main Issue

4. The main issue in this appeal is the effect of the proposal on highway safety and living conditions with particular regard to the adequacy of the on-site parking provision and parking stress.

Reasons

5. The appeal site lies within a defined Town Centre location and occupies a corner plot at the junction of Rosebery Road and Cape Hill – the latter being a busy thoroughfare through the area. The site is occupied by a two-storey building which is set back to the rear edge of the footway on both sides. The diversity of land use in the surrounding area means that the area is busy with vehicles and pedestrians.

6. In accordance with the Council's parking standards¹ the provision of 8 off-street parking spaces would be required. However, the amended block plan indicates that a total of 4 off-street parking spaces would be provided. Whilst the on-site parking provision would represent an increase in that proposed in the earlier submission², there would be a shortfall, nonetheless.
7. The parking spaces identified to the rear of the building would be laid out in a tandem arrangement, and owing to the physical enclosure, could not be used independently of each other. Further, it is not clear how these spaces would be retained for the exclusive use of residents given that the Post Office will still be functional. Moreover, whilst the swept path analysis demonstrates that the spaces off Cape Hill could be accessed with limited manoeuvres, it is not clear from the evidence how the crossover arrangement would be designed and managed to prevent obstruction of the footway or indeed keep the parking free of obstruction. The impracticalities would compromise usability of the spaces which in turn could lead to instances of inconsiderate or obstructive parking, to the detriment of highway and pedestrian safety. The absence of recorded personal injury accidents in the immediate area does not in my opinion provide justification for a development which could compromise highway safety.
8. Given the parking shortfall together with the limitations and impracticality of the proposed off-street parking, I consider it highly likely that the demand for on-street parking within proximity of the appeal site would be increased. Parking on Cape Hill is controlled by a combination of double yellow lines and time restricted bays which apply Monday-Saturday between the hours of 0800 and 1800. Outside of these hours on-street parking is unrestricted. There is a small, time limited car park on the opposite side of Cape Hill associated with the retail parade. Parking on nearby residential streets including Salisbury Road, Rosebery Road, Durban Road, and Montague Road is unrestricted.
9. I visited the appeal site on a weekday, in the mid-morning, at a time when it would be reasonable to expect many residents would be away from home. Nevertheless, at the time of my visit Rosebery Road, being the closest to the appeal site was heavily parked with limited capacity. A similar situation was observed on the other nearby streets. Whilst my observations only represent a snapshot in time, there is no evidence before me to suggest that these parking conditions were untypical of the nearby roads.
10. A Parking Stress Survey in accordance with the 'Lambeth' methodology was undertaken by the appellant to determine the availability of on-street parking on the surrounding roads (within 200m of the site) and identify any displacement. The survey was undertaken between the hours of 0030 and 0530 which would represent the time when the highest number of residents are at home. While high levels of parking stress were identified on Salisbury, Rosebery, Durban and Montague Road, sufficient capacity to accommodate vehicles from the proposal, including the additional 4 spaces was identified across the roads surveyed.
11. However, as the survey is limited to 2 weekday nights and does not include weekend data, I cannot be certain how parking demand would vary throughout the week. In this case, this seems particularly relevant given that the Town Centre location means that traffic and parking provision in the area is a

¹ Revised Residential Design Guide Supplementary Planning Document (January 2014)

² DC/22/6286

dynamic situation with lots of comings and goings throughout the day to nearby shops and services.

12. The case is made by the appellant that Cape Hill Town Centre caters well to the day to day needs of the immediate population. The site is well served by public transport and cycling infrastructure and has good access to facilities, services, and employment further afield, including Birmingham City Centre. Notwithstanding the above and despite the level of car ownership within the Borough, in all likelihood future residents of the development would require some use of a private vehicle and therefore space to park. It is also reasonable to assume that existing residents and future occupiers of the development would park as close to home as possible which in this case would place greater pressure on Rosebery Road.
13. Based on the evidence before me, I cannot be certain that there would be alternative parking within a convenient distance of the existing properties throughout the week such that the amenity of the existing occupiers would not be materially harmed. The displacement of these vehicles could lead to instances of dangerous and obstructive parking such as on yellow lines, at road junctions and on nearby footways which would be harmful to highway and pedestrian safety.
14. My attention has been drawn by the appellant to several examples of car free developments in the area. However, I have not been furnished with detailed plans of the respective proposals and therefore cannot be sure that they are directly comparable. In any case, just because residential development in the past has been allowed with few or no spaces, this does not in itself indicate that further development would be acceptable. Despite the Town Centre location, there is no convincing reason why the required parking provision should not be required.
15. For the foregoing reasons, I find that the proposed development would have a significant unacceptable adverse effect on highway safety and living conditions with particular regard to the adequacy of the on-site parking provision and parking stress. It would therefore conflict with the highway safety objectives of the Framework where they seek to create safe places which minimise the scope for conflict between road users including pedestrians and vehicles.

Other Considerations

16. The appeal development would not affect the supply of employment land. Rather, it would utilise previously developed land and would make a small contribution to the supply and mix of housing in the area whilst also supporting the local economy and services. The development would be located within the 'Regeneration Corridor 12' which has been identified as a major contributor to the economic prosperity of the Black Country. Future occupants of the development would have access to an extensive range of shops, services, employment opportunities, healthcare facilities and open space which could be accessed by various means of sustainable transport. However, given the relatively limited scale of the proposal, I find that the social and economic benefits would be moderate.
17. The proposal would improve the appearance of the street scene which would provide a positive benefit to the character and appearance of the area, albeit modest. Each of the units would meet or exceed the Council's minimum space

standards set out in the Residential Design Guide and the proposal would comply with other relevant development plan policies. These however are neutral factors and neither weigh in favour nor against the proposal.

Planning Balance and Conclusion

18. The Council's reason for refusal does not allege conflict with any development plan policies. However, as set out above the Framework seeks to ensure that proposals create safe places which minimise the scope for conflicts between road users including pedestrians and vehicles. For the reasons outlined, I have identified harm to highway safety and the conflict with the Framework carries significant weight in this appeal.
19. It has been put to me by the appellant that the Council cannot demonstrate a 5-year supply of deliverable housing sites, and there is no evidence before me which would indicate otherwise. In such circumstances, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The benefits associated with the development would be moderate even when taking account of the Framework's desire to significantly boost the supply of housing and the Council's housing land supply position. The Framework also seeks to safeguard highway safety. Consequently, in this case, whatever the shortfall in housing land supply, the adverse impacts on highway safety would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
21. Whilst no conflict with the development plan has been alleged, the proposal would nevertheless fail to accord with the provisions of the Framework. Therefore, for the reasons given, the appeal is dismissed.

H Wilkinson

INSPECTOR