



Appeal Decision

Site visit made on 17 December 2008

by Graham C Cundale BA(Hons) MSc
MRTPI MIEEM

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
21 January 2009

Appeal Ref: APP/R1845/A/08/2086744

The Old Post Office site, Blackwell Street, Kidderminster DY10 2DY

- 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 Regal Executive Homes Ltd against the decision of Wyre Forest District Council.
- The application Ref 07/0847/FULL, dated 3 July 2007, was refused by notice dated 4 April 2008.
- The development proposed is the retention / refurbishment of the Old Post Office frontage building, demolition of the building at the rear, and construction of 54 shared apartments with undercroft parking.

Decision

1. I dismiss the appeal.

Clarification

2. I note that the appeal site, described in the application as "the old post office site", is described elsewhere as 'the old telephone exchange site'.

Main issue

3. I consider that the main issue in the appeal is whether or not there would be sufficient provision for access to the proposed apartments.

Reasons for decision

4. Policy D1(a) of the Wyre Forest District Adopted Local Plan (January 2004) states that new development must be designed and sited to be accessible and useable by all members of the local community. It is clear to me that the appeal scheme falls well short of this policy requirement because there appears to be no provision for disabled wheelchair users to access most of the proposed apartments. My conclusion is reinforced by the Council's 'Design Quality Supplementary Planning Guidance' (2004), which explains the lifetime approach to residential provision and the importance of this to achieving more flexible housing stock. It also states that all new housing should be suitable for individuals with restricted mobility to visit. This policy and guidance is supported by Government policy in PPS1, which states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact. In doing so they should address physical access to housing for all members of the community.

5. Paragraph 100 of Circular 01/2006 points out that the access component of a Design and Access Statement relates only to 'access to the development' and therefore does not extend to internal aspects of individual buildings. I do not consider that this general requirement for Design and Access Statements or the appellant's interpretation of 'individual buildings' in this case remove the need to apply what I see as the clear intent of the above Local Plan policy. It is reasonable in this mixed use scheme to treat 'the development' as including various components including retail, office and residential units; and that for the design to be inclusive and in accordance with policy D1(a) these units should be accessible to all, including, for example, those dependent on wheelchairs.
6. I have given careful consideration to a similar issue that was the subject of an appeal decision (ref. APP/B1415/A/07/2048687) on a housing development in Hastings. However, the wording of the local planning policy was different in that case, giving rise to specific interpretation issues. Also, I do not know if the degree of accessibility proposed was comparable. The policy in the case before me is clear, as is the supplementary guidance, and in view of the contextual differences I do not find my conclusion to be inconsistent with that of my colleague.
7. In many respects the appeal scheme is sustainable and would bring planning benefits to the site and locality. Substantive though these benefits would be, I accept the Council's view that they do not outweigh the conflict with policy D1(a). The appellant is naturally concerned about economic viability, but having considered the available evidence it is not clear to me that a viable and acceptable scheme for the site could not be devised in present conditions.
8. I conclude that there would not be sufficient provision for access to the proposed apartments and that the conflict with the development plan is not outweighed by other considerations. Although the required provision for affordable housing and education and transport infrastructure does not appear to be disputed, I should add that in the absence of a Section 106 planning obligation I cannot assume that these matters would be adequately addressed. The amenity space issue could be dealt with by means of a planning condition. However, for the reasons given above, and having taken account of all the other matters raised, I conclude that the appeal should be dismissed.

G C Cundale

Inspector