



Appeal Decision

Site visit made on 24 July 2018

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 30 August 2018

Appeal Ref: APP/J3720/W/18/3197338

**Land off The Burrows, Newbold-on-Stour, Stratford-on-Avon,
Warwickshire CV37 8UP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Kendrick Homes Limited against the decision of Stratford-on-Avon District Council.
 - The application Ref 17/01429/REM, dated 3 April 2017, sought approval of details pursuant to condition No 2 of a planning permission Ref 13/03317/OUT granted on appeal (Ref APP/J3720/W/15/3004725) on 31 July 2015.
 - The application was refused by notice dated 18 January 2018.
 - The development proposed is the erection of up to 35 dwellings with associated garages, parking, landscaping and infrastructure.
 - The details for which approval is sought are appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition No 2 attached to planning permission Ref 13/03317/OUT granted on appeal (Ref APP/J3720/W/15/3004725) on 31 July 2015, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. The National Planning Policy Framework ('the Framework') was published on 24 July 2018, replacing the previous Framework published in 2012. The parties were invited to comment on the Framework in relation to the proposed development. The comments received have been taken into account in the determination of this appeal.

Application for costs

3. An application for costs was made by Kendrick Homes Limited against Stratford-on-Avon District Council. This application will be the subject of a separate Decision.

Main Issues

4. As described above, outline planning permission, including approval of the access to the site, was granted on appeal for up to 35 houses on the site in 2015. The principle of residential development of the site and the suitability of the site access has therefore been established and are not matters before me. The reserved matters application, which is the subject of this appeal, seeks approval of the proposed layout, scale, appearance and landscaping of the

development. It is common ground that the reserved matters application complies with the parameters set by the outline permission, namely a maximum of 35 dwellings and maximum ridge height of 9m.

5. Based upon the local planning authority's reasons for refusal and appeal statement, the main issues in this appeal therefore are:
 - the effect of the appearance, landscaping, layout and scale of the proposed development on the character and appearance of the area;
 - the effect of the scale and layout of development on parking provision and residential amenity; and,
 - whether the proposed dwellings would provide an adequate mix of housing to meet the needs of the district, including ageing rural residents.

Reasons

Character and appearance

6. Newbold-on-Stour is a compact village characterised by a mixture of older and newer buildings. Traditional stone and red brick gable ended buildings predominate along both sides of Stratford Road with more recent residential development in depth typically found beyond.
7. The proposed scheme, with its access approved under the outline permission off The Burrows, would be read as an extension to the Sandfield Lane housing development. The 35 dwelling scheme would be at a higher density than the existing estate. However, in public views the layout of houses set behind modest front gardens and the gaps between them would complement the existing pattern of development. Subject to control over the materials used, the brick detailing and architectural features would also complement that found along Sandfield Lane, The Burrows and wider village. The proposed play area would be overlooked by houses, and with the proposed retention of the hedges around the perimeter of the site and tree planting shown, it would result in an attractive well laid out development. Set back from Stratford Road and partially screened from view it would not be prominent in public views from this road. As a result, it would strike an appropriate balance between responding to local character whilst optimising the potential of the site to accommodate development.
8. For the reasons given, I therefore conclude that the proposed development would be well designed and would complement the character and appearance of the village in accordance with policies CS9, CS15 and AS10 of the Stratford-on-Avon Core Strategy and the supplementary planning guidance '*District Design Guide*' (SPG). These policies and SPG require the protection of the character and appearance of a locality through high quality design that respects the character of an area and local design features.

Parking provision and residential amenity

9. The proposed development would provide 82 parking spaces for the 35 dwellings. For the mixture of house sizes proposed this level of provision exceeds the Council's standards contained in its supplementary planning document '*Car and Cycle Parking Standards*' (SPD). The SPD makes no requirement for provision to be made in new housing developments for visitor car parking. The expectation therefore is that such parking will be accommodated on the road. In my judgement, given the length of the road proposed within the appeal site there would be sufficient space to

accommodate visitors parking on the road whilst still allowing vehicles to pass by.

10. Taking all these matters into account, I therefore conclude that the proposed provision of parking spaces and road layout would provide adequate parking for visitors and would not have a material adverse effect on the residential amenity of future or existing residents. As a result, it would comply with policy AS.10 of the Core Strategy which, amongst other matters, seeks to minimise the impact of development on the occupiers and users of existing properties in the area.

Housing mix and type

11. Policy CS.19 of the Core Strategy sets out the preferred housing mix in residential schemes in the District. In terms of open market dwellings, the proposed development would provide fewer one bedroom units and slightly more four bedroom units than sought by this policy. In relation to affordable housing, there would be an overprovision of two bedroom units and an under provision of three and four bedroom units. The Council also refers to a recent report¹ which considered the housing needs of older people in rural areas and recommended that the construction of bungalows should be considered. The appellant states that the affordable housing partner has accepted the affordable housing mix. However, no evidence has been provided to support the proposed open market housing mix.
12. Notwithstanding these observations, the interpretation of 'scale' and 'layout' contained in The Town and Country Planning (Development Management Procedure) (England) Order 2015 does not imply that the mix of use can be part of either 'scale' or 'layout'. As a result, housing mix is not a matter that is relevant to consideration of the application that is subject of this appeal. Housing mix could have been controlled if a condition in relation to this matter had been attached to the outline planning permission.

Other matters

13. A road safety audit has been carried out which recommends the use of dropped kerbs at appropriate locations within the development to allow pedestrians to cross the road. However, given that frequent dropped kerbs would be provided to the vehicle crossover points serving the proposed houses additional provision would be unnecessary.
14. In terms of ecology, the local planning authority is satisfied with the mitigation measures proposed in relation to a condition attached to the outline planning permission and are content with the proposed landscaping in this regard. I have no reason to disagree with that position.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed. In reaching this decision the views of local residents, Parish Council and councillors have been taken into account.
16. In the interests of certainty, I have imposed a condition specifying the relevant plans and drawings that the development is to be carried out in accordance with. In order to ensure that the development complements the appearance of

¹ Rural Housing for an Ageing Population: Preserving Independence – The Rural HAPPI Inquiry (April 2018)

the area, control needs to be exerted over the location of external meter boxes, extracts and chimney/boiler flues. To ensure that any planting becomes well established it needs to be well maintained. I have required these matters by condition.

17. Conditions have been suggested regarding a highway survey, installation of superfast broadband and electric vehicle recharging points. However, these matters fall outside the scope of the reserved matters and so conditions in relation to them cannot be attached to the approval.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby approved shall be carried out in accordance with the following plans, drawings and schedules:

354-01-01 Rev.A Site Layout Plan
354-01-05 Rev.A Streetscene
354-02-100 P4 Site Layout
354-02-102 P3 External Levels Plan
354-02-104 P4 Drainage Layout
354-02-106 P5 External Finishes Plan
354-02-114 P3-Bin Storage and Collection Plan
354-02-120 P3 Construction Management Plan
354-02-600 P1 Trees Removed
354-02-610 P7 Landscaping Layout
354-02-700 P3 Flood Routing Plan
354-02-702 P4 Auto-Track Layout
354-02-703 P2 Play Area Layout
354-02-704 P1 Adoption Plan
354-07-01 Rev.A - Bourne - Floor Plans
354-07-02 Rev.B - Bourne - Elevations
354-08-01 Rev.A - Cloverley - Floor Plans
354-08-02 Rev.A - Cloverley - Elevations
354-10-01 Rev.A - Cotheridge - Floor Plans
354-10-02 Rev.A - Cotheridge - Elevations
354-14-01 Rev.A - Kinlet - Floor Plans
354-14-02 Rev.A - Kinlet - Elevations
354-16-01 Rev.B - Melbury - Floor Plans
354-16-01 Rev.C - Melbury - Floor Plans
354-16-02 Rev.B - Melbury - Elevations
354-16-02 Rev.C - Melbury - Elevations
354-18-01 Rev.A - Somerford - Floor Plans
354-18-02 Rev.A - Somerford - Elevations
354-19-01 Rev.A - Whitwick - Floor Plans
354-19-02 Rev.A - Whitwick - Elevations
354-23-01 - Denford - Floor Plans & Elevations
354-24-01 - Harlington - Floor Plans
354-24-02 Rev.A - Harlington - Elevations
354-25-01 - Kinlet Plus - Floor Plans
354-25-02 - Kinlet Plus- Elevations

354-26-01 - Bluebell - Floor Plans
354-26-02 - Bluebell - Elevations
354-27-01 - Foxglove - Floor Plans
354-27-02 - Foxglove - Elevations
354-28-01 - Lily-Lilac - Floor Plans
354-28-02 - Lily-Lilac - Elevations
354-29-01 Rev.A - Poppy (Special) - Floor Plans
354-29-02 Rev.A - Poppy (Special) - Elevations
Schedule of Planting
Schedule of Accommodation Rev.C

The development shall also be carried out in accordance with the Design and Access Statement unless otherwise required by conditions attached to this permission.

- 2) The approved landscaping scheme pursuant to condition 1 shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted. If within a period of five years from the date of the soft planting pursuant to condition 1 that soft planting, or any soft planting in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, this shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.
- 3) Notwithstanding the details of any elevations hereby approved, external meter boxes, extracts and chimney/boiler flues forming part of the development shall not, without the prior written consent of the Local Planning Authority, be installed on any elevation or roof slope forming: the front elevation of a dwellings and/or the frontage facing onto the open space. Meter boxes within the development hereby approved shall be finished in a colour to match the elevation upon which they are placed.

-----End of Conditions Schedule-----