



Appeal Decision

Site visit made on 12 November 2018

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2018

Appeal Ref: APP/J3720/W/18/3200314

Land East of Knightcote Road, Knightcote Road, Bishops Itchington, CV47 2SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Bovis Homes Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 17/01884/REM, dated 31 May 2017, sought approval of details pursuant to condition No 1 of 17/00648/VARY, granted on 5 September 2017.
 - The application was refused by notice dated 22 March 2018.
 - The development proposed is outline planning application for residential development of up to 84 dwellings including means of access, new footway, on Knightcote Road, open space, landscaping and associated infrastructure with all other matters reserved for subsequent approval. Later approved at appeal APP/J3720/W/15/3133319.
 - The details for which approval is sought are: 'detailed planning application for 84 new residential homes which includes affordable housing, a balancing feature, footway links, open space and associated works'.
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Decision

1. The appeal is allowed and approval is granted under the provisions of section 78 of the Town and Country Planning Act 1990 for the appearance, landscaping, layout and scale of 84 new residential homes which includes affordable housing, a balancing feature, footway links, open space and associated works at Land East of Knightcote Road, Knightcote Road, Bishops Itchington, CV47 2SP in accordance with the terms of the application Ref 17/01884/REM, dated 31 May 2017 and the plans submitted with it, subject to the conditions in Annex A.

Preliminary Matter

2. The application was amended prior to the Council's determination. The mix agreed between the parties was two x 1 bed; fourteen x 2 bed; twenty four x 3 bed; eleven x 4 bed and four x 5 bed. The appeal is considered on this basis.

Background and Main Issue

3. Planning permission for development of the site was granted at appeal¹. Subsequently a variation to this scheme was permitted². The current reserved matters submission, to which the appeal relates, was submitted for

¹ APP/J3720/W/15/3004725

² LPA Ref 17/00648/VARY

appearance, landscaping, layout and scale. It was refused solely on the issue of the mix of market housing. Accordingly the main issue in the appeal is:

- Whether the layout would provide a suitable mix of housing

Reasons

4. The issue of housing mix is governed by policy CS.19 of the Core Strategy (CS). The aim and purpose of the policy is to ensure that new homes contribute to the creation of balanced and sustainable communities. It seeks to achieve this by '*...meeting identified local and District housing needs in terms of mix, size, tenure and type to cater for the full range of different households...'*. It goes on to set out a preferred type and mix of housing. This table refers to both market and affordable homes. In this case it is market homes where there is dispute. Specifically that the scheme would over provide 4+ bed dwellings and it would under provide both 2 bed and 3 bed dwellings.
5. The Council has specifically referred to its Development Requirements Supplementary Planning Document (SPD), Consultation Draft. This provides detailed advice and guidance to ensure that the housing needs of the district are met. However, as this has not been adopted, I can only attach limited weight to the requirements of this document. The approach advocated in the SPD is that the Council will seek the preferred mix and that any proposal that would depart from this would require justification. The adopted policy allows for flexibility and also suggests that any proposed mix should take account of any relevant site specific issues and the evidence of local market circumstances.
6. In this case the appellants have provided information from an independent consultant regarding housing mix. This has been considered by consultants on behalf of the Council. The appellants submit that there are local issues that would justify some departure from the adopted policy. In particular that there has not been population growth in Bishop Itchington and there is a risk to the village if it is not able to accommodate families. Therefore there is a need to make it attractive to families by providing larger homes. In this context the mix presented would be more specific to the local rather than district wide need. Furthermore that it would meet a requirement for larger new homes.
7. The housing mix has been amended from that initially applied for as part of the reserved matters submission. The scheme before me would be below the percentage requirements of CS.19. However, the amount of variation would be within a range of 1-10% and it would still meet the aim and purpose of the policy to cater for a range of different households. Considering the flexibility within the policy wording and the supporting information provided in this case to justify the variation I do not consider that this would be so significant as to justify resisting the scheme. I therefore conclude that the scheme would provide a suitable mix of housing that would meet the overall aims and objectives of CS.19.

Other matters

8. I have carefully considered the representations made by interested parties, including local councillors. The location of the access was agreed as part of the outline planning permission. Therefore it is not part of the reserved matters submission before me.

9. The effect on the living conditions of the occupiers of nearby dwellings has also been raised. The committee report for the scheme points out that the some of the dwellings have be changed to bungalows and that the separation distances between the scheme and the existing dwellings would be in excess of the Councils standards. In this regard it would not be in conflict with the Council's policies. I have no reason to disagree with this assessment.
10. The effect of the scheme on ecology was considered as part of the outline planning permission. The detailed scheme follows the parameters of the outline. In addition there are no objections from consultees on this point. I have no substantive evidence that would lead me to a different conclusion.

Conditions and Conclusion

11. The appeal scheme relates to reserved matters approval for appearance, landscaping, layout and scale. The Planning Practice Guidance (PPG) is clear that the only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. In this case that would be in relation to appearance, landscaping, layout and scale.
12. On this basis I have considered the suggested conditions in light of the guidance of the PPG and the National Planning Policy Framework. I have also considered the conditions attached to the outline planning permission.
13. Of the suggested conditions I have not imposed a number of conditions. Landscaping was considered by the Council within its report and this was no a matter in dispute. The application was accompanied by a detailed soft landscape plan and specification. Therefore the condition seeking submission of a scheme would not be necessary. The conditions requiring details of hard landscaping and details of the street trees are necessary though in the interests of the character and appearance of the area. For the same reason it is necessary to ensure the scheme is carried out in accordance with the materials plan.
14. The other conditions that have been suggested are directly related to elements of the layout or appearance of the dwellings. Therefore it is reasonable to impose them.
15. The Construction management plan is a matter covered by the conditions of the outline planning permission. Therefore it is not necessary to impose it again.
16. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board
INSPECTOR

Annex A – Conditions

- 1) Development in accordance with the following approved plans: ITCH/02/210 Location Plan; ITCH/02/200 Rev.I Planning Layout; ITCH/02/260 Rev.B Storey Heights Plan; ITCH/02/280 Rev.D Street Scenes Sheet 1 of 2; ITCH/02/281 Rev.C Street Scenes Sheet 1 of 2; ITCH/02/290 Rev.B Parking and Refuse Strategy; ITCH/02/250 Boundary Treatment; HTPD_S110 Rev.A House Type S1 1 Bed Maisonette; HTPD_S241 Rev.A House Type S2 2 Bed Cottage; HTPD_S351-1 Rev.A House Type S3 3 Bed Cottage; HTPD_S351-3 Rev.A House Type S3 3 Bed Cottage; HTPD_S461 Rev.A House Type S4 4 Bed Cottage; HTPD_1B.BUNG House Type M 1 Bed Bungalow; HTPD_PH – NO2 House Type N 2 Bed Bungalow; HTPD_PH – NO4 House Type P 2 Bed Semi Detached; HTPD_P3003VT Rev.A House Type Q 3 Bed Detached; HTPD_C3003CT House Type R 3 Bed Detached; HTPD_PH – NO7A House Type S 3 Bed Detached; HTPD_PH – NO7B House Type T 3 Bed Detached; HTPD_PH – NO8 House Type U 3 Bed Detached; HTPD_C3404 House Type V 3 Bed Detached; HTPD_PH-N016-1 Rev.A House Type W 5 Bed Detached; HTPD_PH-N016-2 Rev.A House Type W 5 Bed Detached; HTPD_C4506 1 of 2 House Type X 5 Bed Detached; HTPD_C4506 2 of 2 House Type X 5 Bed Detached o HTPD_P507V 1 of 2 House Type Y 5 Bed Detached; HTPD_P507V 2 of 2 House Type Y 5 Bed Detached; HTPD_PH-N022-1 House Type Z 5 Bed Detached; HTPD_PH-N022-2 House Type Z 5 Bed Detached; HTPD_AGD2_1VT Double Garage; HTPD_AGD2_2VT Single Garage; HTPD_AGS2_2VT X2 Double Single Garage; M42038-D100B Sheet 1 of 2 Drainage Strategy; M42038-D101B Sheet 2 of 2 Drainage Strategy; ITCH-05-002 Rev.B Finished Floor Levels; ITCH-05-002 Rev.B Highways Road Adoption Plan; ITCH-05-003 Rev.A Site Sections
- 2) The materials to be used externally on the development hereby permitted shall comply with the details shown on the approved plan ITCH/02/230 Rev.C Materials Layout.
- 3) Within three months of the date of this decision, excluding ground works and the formation of the access, hereby permitted details of the materials to be used for the hard surfaced and turning area(s) shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include:
 - a) existing and proposed finished levels (to include details of grading and earthworks where appropriate)
 - b) the means of accommodating change in level (e.g. steps, retaining walls, ramps where appropriate)
 - c) hard surfacing materials - details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.
 - d) the position and design of all site enclosures
 - e) car parking layout
 - f) other vehicular and pedestrian areas
 - g) minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, signage, lighting etc.)

h) historic landscape features to be retained, removed or restored (where appropriate)

The approved scheme shall be carried out as agreed and completed prior to the first occupation of the development hereby permitted.

- 4) Notwithstanding the details of the plans hereby approved, within 3 months of the date of this decision, details of the size, location and specification of planting pits for street trees shall be submitted to and approved by the local planning authority.
- 5) Prior to the occupation of the dwellings hereby permitted, the materials and construction specification and trade descriptions for the resurfacing of the public footpath SM85 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) Prior to the occupation of the dwellings hereby permitted, the ground levels and a cross section of public footpath SM85 at the intersection of the internal road shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) The garages shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwelling house which it/they serve(s), and shall not be used for, nor in connection with, any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.
- 8) Notwithstanding the details of any elevations hereby approved, external meter boxes, extracts and chimney/boiler flues forming part of the development shall not be installed on any elevation or roof slope forming the front elevation of a dwelling and/or the frontage facing onto the open space.
- 9) Meter boxes within the development hereby approved shall be finished in a colour to match the elevation upon which they are placed.
- 10) Notwithstanding the details of the plans hereby approved, no construction of any gas compounds, electricity substations or water pumping stations shall occur prior to the submission and approval of detailed plans indicating the levels, elevations, boundary treatments and landscaping for each of those structures. Development shall thereafter be undertaken only in accordance with the approved details.
- 11) The dwellings hereby approved shall not be occupied until they have been provided with suitable connections to facilitate superfast Broadband connectivity.
- 12) The dwellings hereby approved shall not be occupied until they have each been provided with a vehicle charging connection at a minimum of 7kW. These connections shall thereafter be retained in perpetuity.
- 13) The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

- 14) No dwelling/building shall be occupied until the estate roads including footways serving it, have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

END