



Appeal Decision

Hearing held on 25 April 2019

Site visit made on 25 April 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2019

Appeal Ref: APP/W3710/W/18/3207809

Land at Park Farm, Smarts Road, Bedworth CV12 0BP

- 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 an outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034772, dated 24 March 2017, sought approval of details pursuant to condition No 1 of planning permission Ref 031398, granted on 9 April 2014.
 - The application was refused by notice dated 22 February 2018.
 - The development proposed is erection of up to 92 houses (Outline to include access).
 - 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 1 attached to planning permission Ref 031398 dated 9 April 2014.

Procedural Matter

2. Revised plans have been submitted showing the insertion of ground floor windows in certain plots. The Council has confirmed that this overcomes its concerns in relation to natural surveillance of parking areas. No party would be prejudiced by my determining the appeal based on the revised plans and therefore I have proceeded on this basis.

Main Issues

3. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area, with reference to whether the scheme displays the high quality design sought by local and national planning policy; and
 - b) whether the affordable housing would be properly integrated into the development, and whether the residents of those properties would enjoy an acceptable living environment.

Reasons

Character and appearance

4. The appeal site comprises approximately 4.3 ha of agricultural land south of Smarts Road and immediately to the east of the A444. It is bounded by the River Sowe to the south and part of the site lies within the flood plain. The surrounding area is urban and largely residential in character. There is no single defining typology, with the design of houses being influenced mainly by their era of construction. This has led to a varied mix of styles, the common theme being that most are two-storey with dual-pitched roofs.
5. The only exception to this is Silk Weavers Way, a relatively recent development of 44 affordable homes on the opposite side of the river. This scheme has a contemporary appearance with mono-pitched roofs and a mix of red and grey weatherboarding and render for the walls. The development received an award for 'outstanding environmental improvement' from the Bedworth Society but it is unclear whether this was for the quality of architecture. Either way, there can be no doubt that the design of Silk Weavers Way is an anomaly in an area characterised by more traditional forms of residential development.
6. The Council's Residential Design Guide (2004) is critical of development which reflects and reinforces a national house builder style or architectural practice 'style' or to create a self-contained 'estate'. The guidance is cited in support of the argument that standard house types should be resisted. However, it could equally be used against a self-contained development of contemporary housing which does not reflect the prevailing local character. The general thrust of development plan policy is to encourage development which has proper regard to its context and local distinctiveness.
7. The appellant's approach to designing individual dwellings within the scheme is sympathetic to the prevailing local character, which is traditional rather than contemporary. Whilst I acknowledge the resistance to standard house types, these are capable of being adapted to suit local circumstances. The Council conceded that it had approved standard house types on other sites in the Borough. Given the variation in architectural styles locally, I consider the proposed house designs to be acceptable.
8. In any event, good design is about more than building architecture. The appeal scheme demonstrates many of the principles of high quality urban design. For example, it uses perimeter blocks to define public and private space and provide strong and active street frontages, with key buildings on corners and terminating vistas. All dwellings would have convenient access to a sizeable area of public open space in the centre of the site. The development overall would create a strong sense of place and an attractive living environment for residents.
9. Whilst I do not doubt the Council's support for modern and innovative design, there are no policies requiring such an approach in this case. Furthermore, the authority has not prepared a development brief for the site, despite its status as a local plan allocation. It may be that a contemporary approach could be made to work. However, I must consider the proposal before me on its merits. There would be no material harm to the character or appearance of the area and no conflict with saved Policy ENV14 of the Nuneaton and Bedworth Borough Local Plan (2006) insofar as it seeks a high standard of development which is in keeping with the scale and character of the locality.

Affordable housing

10. The proposal would be policy compliant in terms of the number of affordable dwellings provided. However, the Council is concerned that those dwellings are not sufficiently distributed around the site layout. It cites paragraph 9.1.2 of the Affordable Housing Supplementary Planning Document (2007) which states that affordable housing should be evenly dispersed throughout the development, or 'pepper-potted'. The ratio of 1 in every 4 dwellings (for non-flatted homes) is the Council's preferred spread.
11. Notwithstanding the above guidance, the Council accepts that there is a need to have small groupings for ease of management by the registered provider. This approach is in line with many recent residential schemes approved within the Borough, including a recent development at Church Fields, Weddington. In the latter case, the development of 162 dwellings was permitted with three clusters of affordable units numbering 10, 11 and 19 units respectively. The appeal scheme includes four distinct groupings across the site, with between 3 to 7 units in each. To my mind, this distribution is not dissimilar to that permitted elsewhere and reflects the stated preferences of the registered provider with whom the appellant is having discussions.
12. The Council is concerned that residents of the affordable homes in the north-western corner of the site would be adversely affected by traffic noise from the A444. The outline planning application was accompanied by an illustrative layout showing dwellings in much the same position and a noise report was submitted to demonstrate that the adverse impacts could be adequately mitigated. Condition no.9 on the planning permission secures a noise attenuation scheme for this purpose. Occupiers of the above affordable homes would have a pleasant outlook onto a landscape buffer, which would be comparable to that enjoyed by three of the private plots.
13. Occupiers of the affordable units are likely to attend the same schools and mix with other residents within the public open space. They would share the same walking route through the site to local shops and facilities and their homes would be designed to be 'tenure blind' which means that they would be indistinguishable from the market housing. As such, there is no substantive evidence to persuade me that the scheme would fail to facilitate social interaction and an inclusive community.
14. Accordingly, I conclude that the affordable housing would be properly integrated into the development, and that the residents of those properties would enjoy an acceptable living environment. There would be no conflict with development plan policy, or with Policy H2 of the emerging Nuneaton and Bedworth Borough Plan 2011-2031.

Other Matters

15. Residents have raised concerns regarding the principle of development, traffic generation and the effects on highway safety. However, these matters are not before me for consideration, given that the site already has outline planning permission with access approved. Flooding on Smarts Road beneath the A444 road bridge will be addressed as part of the s278 agreement with the Highway Authority. Updated ecology surveys have not identified any new biodiversity issues, albeit this would not affect the status of the outline permission in any event.

Conditions

16. The Council's suggested conditions were discussed at the hearing and various consequential amendments have since been agreed between the parties. I have considered each of the conditions against the tests set out in paragraph 55 of the National Planning Policy Framework and within the Planning Practice Guidance (PPG).
17. In the interests of certainty, I have attached a condition specifying the approved plans. To prevent flooding, I have attached conditions requiring the submission of details of flood compensation areas and a Construction Method Statement relating to these areas. A condition to secure implementation of the submitted Construction Management Plan is also necessary to prevent, amongst other things, obstruction of the public footpath to Rectory Drive and the deposit of mud and debris on the public road. To ensure highway safety, a condition is necessary to ensure that dwellings are not occupied until the estate road and footways serving them are laid out and substantially constructed.
18. Further conditions are required in relation to details of new planting, digging within root protection zones and the specification of boundary treatments. These are required to ensure that the site has a satisfactory appearance with adequate landscaping. The boundary treatment measures will also protect the public open space from trespass by unauthorised vehicles and prevent damage to paths from tree roots.
19. In the interests of securing harmonious architectural treatment, a condition is needed to ensure that boundary walls are built using materials to match the main brick type specified for that plot. I have also attached a condition requiring obscured glazing for the first floor windows in the western elevation of plots 51-56, to ensure privacy for the occupiers of neighbouring plots.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kathryn Ventham	Partner, Barton Willmore
Morag Ellis QC	Francis Taylor Building
Luke Hillson	Urban Design Director, Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY:

Jacqui Padbury	Planning Officer
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INTERESTED PARTIES:

Laurel Towers	Local resident
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Richborough Estates

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

	Name	Reference
1.	Site Location Plan	LPrm
2.	Planning Layout	PLF-01 Rev H
3.	Materials Layout	ML-01 Rev B
4.	Boundary Layout	Bou-01 Rev B
5.	Dimension Layout	DL-01 Rev A
6.	Soft Plots & POS	JBA 16/255-01 Rev E
7.	Soft Plots & POS	JBA 16/255-02 Rev E
8.	Soft Plots & POS	JBA 16/255-03 Rev E
9.	Soft Plots & POS	JBA 16/255-04 Rev E
10.	Soft Plots & POS	JBA 16/255-05 Rev E
11.	Arboricultural Impact Assessment	JBA 16/255 AR01 Rev C
12.	Tree Mature Canopy Plan	JBA 16/255 TC01 Rev B
13.	Tree Protection Plan	JBA 16/255 TP01 Rev C
14.	Tree Survey Schedule	JBA 16/255 TS01
15.	House Type Floor Plans	AA22/6/PL1 Rev H
16.	House Type Elevations	AA26/6/PL2 Rev H
17.	House Type Floor Plans	AA31/6/PL1 Rev J
18.	House Type Elevations	AA31/6/PL2 Rev J
19.	Bayswater House Type	BAYS/7/PL1
20.	Bayswater House Type	BAYS/7/PL2
21.	Clifford House Type	CLIFF/6/PL1
22.	Clifford House Type	CLIFF/6/PL2
23.	Eskdale House Type Plot 1 & 82 only	PT41/7/PL1
24.	Eskdale House Type Plot 1 & 82 only	PT41/7/PL2
25.	Eskdale House Type Plot 5 & 60 only	PT41/7/PL1
26.	Eskdale House Type Plot 5 & 60 only	PT41/7/PL2
27.	Single Garage	GD/01 Rev A
28.	Single Garage Sheet 2	GD/02
29.	Shared Double Garage	GD/10 Rev A
30.	Shared Double Garage Sheet 2	GD/11
31.	Milldale House Type	PT310/7/PL1 Rev A
32.	Milldale House Type	PT310/7/PL2
33.	Canford House Type	PA25/7/PL1
34.	Canford House Type	PA25/7/PL2
35.	Flatford House Type	PA33/7/PL1
36.	Flatford House Type	PA33/7/PL2
37.	Gosford House Type	PA34/7/PL1
38.	Gosford House Type	PA34/7/PL2
39.	Lydford House Type	PA42/7/PL1
40.	Lydford House Type	PA42/7/PL2
41.	Midford House Type	PA44/7/PL1 Rev A
42.	Midford House Type	PA44/7/PL2
43.	Alton G House Type	PB35-G/7/PL1
44.	Alton G House Type	PB35-G/7/PL2
45.	Ardingham House Type	PD33/7/PL1
46.	Ardingham House Type	PD33/7/PL2
47.	Easedale House Type	PT36/7/PL1

48.	Easedale House Type	PT36/7/PL2
49.	Eskdale House Type	PT41/7/PL1
50.	Eskdale House Type	PT41/7/PL2
51.	Kentdale House Type	PT42/7/PL1
52.	Kentdale House Type	PT42/7/PL2
53.	Section 38 Agreement Plan	15109-100S38 Rev L
54.	Section 104 Agreement Plan	15109-100S104 Rev E
55.	External Levels & Features Layout Sheet 1	15109-101 Rev C
56.	External Levels & Features Layout Sheet 2	15109-102 Rev D
57.	External Levels & Features Layout Sheet 3	15109-103 Rev D
58.	External Levels & Features Layout Sheet 4	15109-104 Rev D
59.	Contours & Chainages Plan	15109-110 Rev C
60.	Kerbing & Finishes Plan Sheet 1	15109-115 Rev C
61.	Kerbing and Finishes Plan Sheet 2	15109-116 Rev C
62.	Private Drainage Sheet 1	15109-121 Rev C
63.	Private Drainage Sheet 2	15109-122 Rev D
64.	Private Drainage Sheet 3	15109-123 Rev D
65.	Private Drainage Sheet 4	15109-124 Rev D
66.	Floodplain Displacement & Flood Contours Plan	15109-181 Rev B
67.	Flood Plain Compensation Plan	15109-182 Rev B
68.	Road & Drainage Longitudinal Sections Sheet 1	15109-201 Rev B
69.	Road & Drainage Longitudinal Sections Sheet 2	15109-202 Rev B
70.	Road & Drainage Longitudinal Sections Sheet 3	15109-203 Rev B
71.	Road & Drainage Longitudinal Sections Sheet 4	15109-204 Rev B
72.	Adoptable Manhole Schedules	15109-211 Rev C
73.	Attenuation Pond Cross Sections	15109-221
74.	Adoptable Highway Construction Details	15109-300 Rev B
75.	S54 Control Chamber Construction Details	15109-311 Rev C
76.	Balancing Pond POD Construction Details	15109-315 Rev C
77.	Swept Path Refuse Vehicle	15109-ATR01 Rev C
78.	Swept Path Fire Tender	15109-ATR02 Rev C
79.	Swept Path Private Car	15109-ATR03 Rev G
80.	Flatford House Type Plot 85 & 86 only	PA33/7/PL1
81.	Flatford House Type Plot 85 & 86 only	PA33/7/PL2
82.	Lydford House Type Plot 31, 37, 61, 64, 81 & 92 only	PA42/7/PL1
83.	Lydford House Type Plot 31, 37, 61, 64, 81 & 92 only	PA42/7/PL2
84.	Midford House Type Plot 87 only	PA44/7/PL1 Rev A
85.	Midford House Type Plot 87 only	PA44/7/PL2
86.	House Type Floor Plans Plot 8 only	AA22/7/PL1
87.	House Type Elevations Plot 8 only	AA22/7/PL2

- 2) No development shall commence within the 1:1000 year flood plain as defined on Plan 15109-181 B: Flood Plain Displacement and Contours Plan, within the site, until a scheme containing the following information has been submitted to and approved in writing by the local planning authority:
- Full details, including plans, drawings and calculations demonstrating that the area of floodplain to be created, as outlined in drawing number 15109-182 revision B, matches or exceeds the loss of floodplain both during construction and upon completion of the overall development;
 - Location of the compensation areas; and
 - Detailed designs of any retaining structure/s and the flood plain compensation areas through the submission of plans and cross-sectional drawings, showing each 200mm horizontal slice through the scheme.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the agreed details.

- 3) No development shall commence within the 1:1000 year flood plain, as defined on Plan 15109-181 B: Flood Plain Displacement and Contours Plan, within the site, until detailed Construction Method Statements for the flood plain compensation have been submitted to, and approved in writing by, the local planning authority. The approved statements shall be adhered to throughout the construction period. The statements shall provide for:
 - a) Methods used for all flood plain and /or channel and bank-side/water margin works including temporary and permanent works;
 - b) Machinery to be used;
 - c) Location and storage of plant, materials and fuel;
 - d) Access routes to the works, access to the banks of the watercourses;
 - e) Method of protection of the site and any areas of ecological sensitivity and importance;
 - f) Site supervision; and
 - g) Location of site office, compounds and welfare facilities.
- 4) No dwelling shall be occupied until the estate roads (including footways) serving it have been laid out and substantially constructed in accordance with the details which shall first have been submitted to approved in writing by the local planning authority.
- 5) Notwithstanding the details shown on landscaping plans ref JBA 16/255 01 Rev E, 02 Rev E, 03 Rev E and 04 Rev E, no dwelling shall be occupied until full details of the following have been submitted to, and approved in writing by, the local planning authority:
 - a) The location and specification of the barrier to prevent unauthorised vehicular access from the main estate road to the Public Open Space. The open space shall not be made available for use until this means of barrier has been provided.
 - b) Specification of the trip-rail fencing (recommended to be 150x150x2000mm treated softwood fixed to 150x200x950mm "V" profiled treated softwood posts at 2000mm centres with 250x6mm "timber-lock" hex screws or similar). The open space shall not be made available for use until the trip rail fencing has been provided.
 - c) A landscaping plan showing trees within the Public Open Space planted at least 5m away from tarmac paths;
 - d) Specification of all public bins on site (recommended to be Broxap Derby Weyburn bin, pyramidal top, resin plinth mounted powder coated dark green RAL 6005);
 - e) Specification of the planting mix in the south western corner of the site (recommended to be native sweet briar, dog rose and field rose).

The matters specified under items (c) – (e) are to be implemented prior to final occupation.

- 6) The development hereby approved shall be carried out in accordance with the Construction Management Plan (Issue 1, dated 20th December 2017). In addition to the details contained therein and for the avoidance of doubt, an area for wheel washing shall be made available on site during the construction process, no staff/construction/delivery loading, unloading or parking shall take place outside of the site boundary (as delineated on drawing reference LPrm) and site working hours shall not start before 08:00 Monday to Saturday.
- 7) No digging within the root protection zones identified on the Tree Protection Plan ref JBA 16/255 TP01 Rev C to the rear of plots 33 to 47 for the erection of boundary fencing shall take place other than by hand. If any roots are encountered during the dig that could be damaged by the location of fence posts, the roots shall be bridged to prevent damage.
- 8) Any brick boundary treatments as shown on the approved Materials Layout plan ref 2931 ML-01 Rev B shall be constructed to match the main brick type specified for that plot.
- 9) The first floor side window shown in the approved plans (western elevation) in plots 51 to 56 (overlooking plots 48 and 49) shall not be fitted or subsequently maintained other than in obscure fixed glazing.

*** END ***