

Appeal Decision

Hearing held on 26 September 2024

Site visit made on 30 September 2024

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/J3720/W/24/3340417

Phase 4C Meon Vale, Wellington Avenue, Long Marston, Stratford-on-Avon CV37 8WD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval to details required by a condition of an outline planning permission.
- The appeal is made by Crest Nicholson Operations Ltd against the decision of Stratford-on-Avon District Council.
- The application Ref 21/02405/REM sought approval of details pursuant to conditions No 1 of a consent Ref 14/01186/OUT, granted on 2 April 2015.
- The application was refused by notice dated 20 December 2023.
- The development proposed is development of up to 550 dwellings Use Class C3/C2 (Use Class C2 not to exceed 85 dwellings); a one-form entry Primary School (Use Class D1) with associated open space; a leisure village comprising up to 300 units of self-catering lodges and holiday homes (Use Classes C1/C3), ancillary facilities building(s) to incorporate reception and administration facilities (Use Class B1a), entertainment areas (Use Classes D1/D2) and retail uses (Use Classes A1/A2/A5), a touring caravan and camping site with up to 80 pitches and ancillary facilities building: the creation of landscaping, open space and ecological habitats; new accesses for vehicles, pedestrians and cycles; new internal highways; car and cycle parking; sustainable drainage measures; including storage ponds for surface water attenuation; provision of utilities infrastructure; earth bunds and all ancillary enabling works including demolition of buildings and structure and ground radiation.
- The details for which approval is sought are: access, appearance, layout, scale and landscaping (for Phase 4C of the development).

Decision

1. The appeal is allowed and the reserved matters are approved, namely; access, appearance, layout, scale and landscaping submitted in pursuance of condition No. 1 attached to planning permission, Ref 14/01186/OUT, granted 2 April 2015, and the plans submitted with it, subject to the conditions in the attached Schedule A.

Preliminary Matters

2. Meon Vale, a former MOD Central Engineers Depot, has been re-developed in phases for housing through reserved matter approvals pursuant to the outline planning permission (OPP), referenced in the banner heading. Approved reserved matters have been mainly implemented for phases 4A, 4B, 4D and 4E under the OPP. Under the OPP, Phase 4C was identified for up to 110 dwellings and under this appeal, reserved matter approval is sought for matters of access, appearance, layout, scale and landscaping matters in respect of 109 dwellings for this phase.
3. Under the OPP, a condition required development to be carried out in accordance with the approved plans, including land use and access and green infrastructure parameter plans, which showed areas identified for development and green space. There is a dispute as to whether the housing scheme infringes upon the green space. However, these plans can only realistically identify broad areas for development and green space due to their substantial drawn scale. Such a scale prevents any accurate assessment of the boundaries of the green space areas and therefore, can only relate to wider development principles of development for the different phases.
4. Even if this was not the case, the end of condition is worded, "unless otherwise agreed in writing by the Council", which gives flexibility in dealing with any differences between developed and green space areas. Therefore, the condition does not invalidate this reserved matter approval appeal.

Application for costs

5. At the hearing, an application for costs was made by Crest Nicholson Operations Ltd against Stratford-on-Avon District Council. This application is the subject of a separate decision.

Main Issues

6. The main issues are the effects of the approval for reserved matters on (a) the character and appearance of the area, having regard to design, (b) housing mix and (c) affordable housing integration and community cohesion, having regard to the relationship between affordable and market housing.

Reasons

Character and appearance

7. The appeal site comprises a rectangular parcel of land, north of Wellington Avenue and Sharry Lane. There is a reception gate lodge on Sharry Lane, providing access/exit into a large industrial park, in front of the site. In the other direction, Wellington Avenue leads to a new local centre and community buildings. A woodland strip, separating the appeal site from the industrial park, flanks the site and there is a hedgerow (within the site), grassland, brook and greenway (a landscaped right of way) on the other flank. Within the north end of the site, there are trees and grassland designated as a Local Wildlife Site (LWS). The surrounding area comprises open space, housing, local centre and community facilities, built under different approved phases of Meon Vale.

8. In terms of layout, the proposed housing would be accessed from Wellington Avenue, at a junction just over three-quarters along the frontage in the direction of the greenway and local centre. In terms of street layout, a main street would be routed from this junction through the site, turning to a more central position within the site and then turning up towards the north west corner of the site. Off this main street, there would also be two shortened spurs, which would change to side streets. There would also be private drives off the main and side streets.
9. The National Planning Policy Framework (the Framework) and the National Design Code, through its ten characteristics, places considerable importance on achieving well-designed places that create a sense of place. At the local level, the Council's Development Requirements Supplementary Planning Document (SPD) (2018 onwards) reinforces this by identifying specific areas of focus, including context, character, local distinctiveness, landscape design and trees, parking and travel, and a process to achieve good design. In the Meon Vale phases, different street types have created legibility and a sense of place through street hierarchy.
10. In terms of legibility, the main street would be distinguished by its meandering nature compared to side streets and private drives. These three street types would have generally differing carriage way widths, use of hard surfaced materials and landscaping, with more substantive trees and hedging on the main street. At the hearing, it was agreed that some greater differentiation between hard surfaced materials between the different street types, including frontage parking, could be made.
11. Other design aspects of the appeal scheme would not reinforce street hierarchy. Layout has been influenced by the need to fit in with the bendy nature of the main street and its entrance/exit on Wellington Avenue, close to the east boundary of the site. In terms of external dwelling materials, there would be no discernible pattern through the development. Similarly, there would be differing dwelling forms, terraced, semi-detached and detached, heights, storey scales and parking arrangements, frontage and side, across the whole development.
12. In contrast, street hierarchy and legibility are more noticeable in other housing phases. Within Phase 4, the main street type typologies have dwellings generally setback from the road and spaced apart, with parking to the side, and side streets/drives have denser development, setback less and in places, frontage parking. In Phase 4A, the setback dwellings are characterised by avenue style tree planting. Some of the side streets/drives vary with some looser siting of dwellings where there are landscape features, such as trees in Phase 4B and a large pond in Phase 4D providing legibility as well as distinctiveness.
13. However, the appeal proposal has a strong landscape framework comprising the landscaping within and outside the site as envisaged by the outline application Design and Access statement. In particular, there would be the wooded strip to the west, a landscaped public open space (POS) within the site to the north and a replacement hedge to the east, close to the greenway. On Wellington Avenue, there would be a landscaped frontage that would be attractive as arrival point, with the electricity substation and

bin collection point subordinate elements in views. Many of the dwellings would face onto these landscaped areas and areas beyond the site. Together with planting in and around the main street, this results in an attractive verdant quality and a sense of place.

14. Frontage car parking would be sited directly in front of dwellings, both affordable and market, for instance plots 68-72 and 54-58, which is apparent along the west part of the site. Whilst this car parking arrangement would be more extensive than other phases, the landscaping plans show such areas to be interspersed with landscaping strips, with trees in many instances. The width of such strips should prevent accidental damage of planting from people exiting/accessing vehicles and notwithstanding this, an OPP condition requires the replacement of dead or damaged planting.
15. The proposed Hexham and Filey house types would have a study which if used as a bedroom could require additional parking space under the guidance of the SPD. Such standards also require visitor parking provision that has not been provided and therefore, the standards could require significant additional car parking on the road. However, the SPD is guidance and people need a study area for everyday living, including for home working. The Hexham plots would have tandem spaces in front of a garage capable of providing an additional third space, if it was required. For other phases, the appellant provided findings that visitor parking has not been provided according to the SPD standards and there is no detailed evidence of on street parking problems in these phases. For all these reasons, the need for extra parking within the development and on street parking problems have not been proven.
16. On the east boundary alongside the greenway, an existing hedgerow is to be removed but it has been planted relatively recently, with historic photographs showing no significant hedgerow at the time of the OPP. Its amenity value is weakened by gaps within it. Although narrower in places, the replacement hedgerow would be extensive in length and planted with varied native species. As a result, the removal of the hedgerow would not be a significant loss.
17. The drainage proposal for the housing development would necessitate the removal of trees and the creation of a balancing pond within the LWS and public open space (POS). The SPD details a range of different types of sustainable drainage systems but the highwater table restricts practical use of many of these measures, for instance, soakaways, infiltration basins and trenches. No evidence has been produced to demonstrate a viable alternative to the appellant's proposed underground tanks and flood attenuation pond. Furthermore, the flood attenuation pond falls within an area identified for POS, landscape planting and flood attenuation under the approved parameter plan.
18. There are frontage car parking areas and the position of the main street has resulted in differing dwelling sitings, plot shapes and orientations. Some of the dwelling gardens on the west boundary would be smaller than others on the site. However, this more urbanised character and appearance would be acceptable given that the development would be more self-contained than

other phases. It would not directly link up, through roads, with other phases and would be contained within a strong landscape framework. The site has also been identified for up to 110 dwellings under the OPP and for all these reasons, the built-up nature of development would be acceptable.

19. At this reserved matter stage, the provision of a public linkage to the greenway from the site's east boundary represents a fundamental change to the scheme and would be likely to involve agreement of other parties with land interest. As such, such a feature would have required consideration at the outline planning stage. The enclosures plan shows a variety of boundary treatments. There would be two stretches of close boarded fencing adjoining the east boundary of the site, but this would be seen with the context of hedgerow planting in front and the backdrop of the development.
20. In conclusion, the housing scheme would not be cramped for its context and would not harm the character and appearance of the area. Accordingly, the proposal would comply with Policies CS.5, CS.7, CS.9 and CS.15 of the Stratford-Upon-Avon Core Strategy (DCS) 2011 to 2031, which collectively and amongst other matters, require high quality design, the enhancement of a sense of place reflecting the character and distinctiveness of the locality, provision of open space in accordance with local standards, incorporation of trees in a manner appropriate to the nature of the site, and the landscape character and quality of the district to be maintained. Similarly, there would be no conflict with the guidance of the SPD.

Housing mix

21. DCS Policy CS.18 establishes a requirement for affordable housing within developments and DCS Policy CS.19 sets out the optimum mix for both affordable and market homes on housing sites. The Council has indicated agreement on the affordable housing mix and tenure, although the proposed affordable housing details require approval by the Council under a s106 agreement attached to the OPP.
22. For market housing, the percentage of different bedroom numbered units would not match that preferred under this policy, apart from the 3 bedroom housing units. In respect of one bedroom market housing units, there would be none. However, reserved matters are importantly defined under the Town and Country Planning (Development Management Plan) (England) Order (DMPO) 2015 and housing mix does not fall within the definition of these. Furthermore, Part 3 s(6)(b) also details that an application for the approval of reserved matters must include such particulars and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the OPP.
23. During negotiations, housing mix has been discussed between the appellant and Council and is referenced in supporting documentation. In other phases of Meon Vale, the Council has negotiated housing mix on reserved matters applications. However, the reasons that developer may undertake negotiations are many but are likely to include the need to progress schemes, and this cannot change the fact that housing mix does not fall within the definition of any of the reserved matters. Accordingly, there would be no conflict with DCS Policies CS.18 and CS.19.

Affordable housing integration and community cohesion

24. DCS Policy CS.18 further states to ensure community cohesion and good design, affordable homes will be fully integrated in the design of the overall scheme, being physically and visually indistinguishable from the market units and dispersed across the site in clusters appropriate to the size and scale of development. Throughout the development, there would be dispersed clustering of units and external building design/materials would be similar between affordable and market housing. Such a view concurs with the Council's up to date position detailed in the Statement of Common Ground.
25. In terms of community cohesion, the development would have 4 and 5 bedroom dwellings but there would also be 3 bedroom dwellings. For the reasons previously made, it is not considered that 3 bedroom dwellings with study should be reclassified. There is no substantive evidence to demonstrate that the number of 3 bedroom dwellings would be so limited as to put significant pressure on the demand for the affordable housing stock in this development and be detrimental to community cohesion. The scheme would also provide the appropriate amount of affordable housing in accordance with policy. Notwithstanding this, the issue cannot be addressed at this reserved matter stage because it relates to housing mix, an issue beyond the scope of reserved matters before me. For all these reasons, there would be no conflict with DCS Policies CS.18 and CS.19.

Other matters

26. The Council has declared a Climate Emergency but development has already been granted under the OPP for housing. Associated with this, sustainable development measures, including electric vehicle points, use of renewable energy and reduction in CO2 emissions, fall outside of the scope of the reserved matters being considered here. The Local Lead Flood Authority has objected to the proposal on drainage grounds. However, drainage is beyond the scope of the reserved matters before me, and the OPP contains conditions to require the submission and implementation of acceptable drainage.
27. In a response dated December 2023, the highway authority commented on car parking provision but nevertheless, confirmed no highway objections to the proposal. As a statutory consultee on highway matters, significant weight is attached to this and in the absence of detailed evidence to the contrary, unacceptable impact on highway safety has not been proven. Under the OPP, a condition requires the implementation of a travel plan to encourage sustainable transport.
28. For Protected Species and biodiversity, there are OPP conditions requiring the implementation of an approved Construction and Management Plan to protect wildlife during building works, a Protected Species strategy, including mitigation, and lighting strategy, including details of lighting contour plans (luminance) and technical specifications. Although the greenway lies outside of the appeal site, such conditions should minimise construction impact on it. Given OPP has been granted, there is no statutory requirement for Biodiversity Net Gain. Consequently, there would be no significant adverse ecological effects arising from this development.

29. There would be an equipped play space adjacent to the development which would be accessed from a footway through the POS to be provided on this site. To address neighbour living conditions on noise, vibration and dust, there is a conditioned requirement for a construction and environmental management plan under the OPP.

Planning balance

30. Under OPP, up to 110 dwellings have been identified for Phase 4C. For the reasons indicated, matters of access, appearance, layout, scale and landscaping would be acceptable in accordance with the policies of DCS. In particular, there would be no harm to the character and appearance of the area in compliance with Policies CS.5, CS.7, CS.9 and CS.15 of the DCS. The proposal would result in a well-designed place in accordance with national policy within the National Planning Policy Framework (the Framework). There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, approval for the reserved matters should be granted.

Conditions

31. Suggested conditions have been considered in light of the tests of the Framework and the advice in Planning Practice Guidance. Conditions have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. Conditions that fall outside the scope of the reserved matters cannot pass the test of necessity.
32. A condition requiring that the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt. Only plans relating to the construction of the development have been detailed. In the interests of the character and appearance of the area, conditions are necessary to require the implementation of agreed services across the site to safeguard landscaped areas, the implementation of approved materials for dwellings, hard surfaced areas, and bin storage enclosures and electricity substation. A hearing discussion led to an agreement by the appellant that frontage car parking areas could be differentiated further from other hard surfaced areas.
33. The provision of refuse bins and caddies is a separate operational matter for occupiers to resolve with the Council. To ensure uncluttered frontages, a condition seeking the control of services apparatus, including cable and meter boxes, is necessary. To prevent unacceptable impact on highway safety, a condition preventing planting within visibility spays is necessary. At the hearing, hybrid poplar trees were requested to replace felled trees within the CWS and POS. Landscaping details have been submitted with the appeal and in the interests of clarity, a condition has been imposed to ensure this.
34. Many suggested conditions repeat OPP condition requirements. Tree protection, drainage, landscaping, including for POS areas and mud/debris prevention on public roads have been detailed under OPP. Specifically, outline planning permission condition 16 deals with long term design objectives, management responsibilities and maintenance schedules for all

landscape areas that would include POS. Therefore, the suggested detailed condition on POS arrangements for transfer to a management company is not necessary.

35. Several suggested conditions, including drainage referred above, fall outside the scope of the reserved matters that are being considered and cannot pass the test of necessity. Suggested conditions on Broadband connectivity and Climate Change measures, including water butts, also fail the necessity test due to this. A condition requiring private drives to be constructed to withstand heavy tonnage lorries has not been justified on highway or amenity grounds. Requiring dwellings to be laid out as per their indicated internal layout, including bedrooms, is unnecessary as internal changes do not normally require planning permission. Enforcing any such condition concerning internal change would be difficult. Greater conditioned detail on architectural features, such as windows, is not necessary given the detailed elevations plans before me and the site's location outside of any special character designation.

Conclusion

36. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: A961_03; A961_01 Rev Q; A961_02 Rev Q; A961_04 Rev J; A961_05 Rev H; A961_06 Rev H; A961_07 Rev L; A961_08 Rev H; A961_09 Rev Q; A961_10 Rev H; A961_27; A961_12; A961_13; A961_14; A961_15; A961_49; A961_16; A961_17; A961_18; A961_21; A961_22; A961_23; A961_60; A961_24; A961_61; A961_25; A961_26; A961_62; A961_32; A961_38; A961_39; A961_40; A961_43; A961_44; A961_45; A961_46; A961_47; A961_48; A961_27; A961_28; A961_42 Rev D; P21-1781_01 Rev M; P21-1781_02 Rev M; P21-1781_03 Rev M; CN_MVLM_Eng 100 Rev M; CN_MVLM_Eng 110 Rev M; CN_MVLM_Eng 111 Rev K; CN_MVLM_Eng 112 Rev L ; CN_MVLM_Eng 113 Rev L; CN_MVLM_Eng 140 Rev E ;CN_MVLM_Eng 145 Rev E; CN_MVLM_Eng 150 Rev F; 21267_RLL_21_XX_DR_C_102 Rev P5; CN_MVLM_Eng 170 Rev F; CN_MVLM_Eng 175 Rev H; CN_MVLM_Eng 176 Rev C; A961_41 Rev D and CN_MVLM_Eng 180 Rev F in so far as they relate to the reserved matters of access, appearance, layout, scale and landscaping.
- 2) No development shall commence until full details of all services shall be submitted to and approved in writing by the local planning authority. The details shall accurately specify the location of all existing and proposed services above and below the ground. Gas compounds, electricity substations and water pumping stations shall avoid locations within landscaped areas unless already specified on approved plans or the prior written approval of the local planning authority has been obtained beforehand. The development shall be carried out in accordance with the approved details.
- 3) All dwellings shall be finished externally in accordance with the approved materials shown on drawing number A961_04 Rev J unless otherwise agreed in writing beforehand by the local planning authority.
- 4) Notwithstanding drawing number CN_MVLM_ENG_175 Rev H, details of hard surfacing for car parking areas, access drives and roads shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 5) No development shall commence until full details of external service connections on dwelling frontages has been submitted and approved in writing by the local planning authority. Such service connections shall relate to pipes, wires, aerials, vents, pipework (except rainwater pipes), flues and meter/service boxes. Meter/service boxes shall be located away from front and side elevations facing a highway unless otherwise agreed in writing beforehand by the local planning authority.
- 6) No dwelling shall be occupied until details of materials and elevations, of the bin collection areas and electricity substation, shown on approved plan, drawing A961_01 Rev Q, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plans.

- 7) No structure, tree or shrub shall be erected, planted or retained within the visibility splays, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 8) Notwithstanding the landscaping drawing no. P21_1781_03 Rev M, no works on the drainage attenuation pond within the Public Open Space shall commence until details of replacement trees have been submitted and approved in writing by the local planning authority. Such details shall specify species, plant sizes and proposed numbers/densities and a programme of implementation. The details shall be completed in accordance with the approved programme of implementation.

Richborough

APPEARANCES

FOR THE APPELLANT:

S S Choongh	Barrister, No.5 Chambers
K Else	Claremont Planning Consultancy
A M Wood	Pegasus

FOR THE LOCAL PLANNING AUTHORITY:

A Willers	Stratford-on-Avon District Council
L Davies	Stratford-on-Avon District Council
A Folliss	Stratford-on-Avon District Council
R Greenway	Stratford-on-Avon District Council

INTERESTED PARTIES

R Kidd	Meon Vale Residents Association
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DOCUMENTS:

1. Appeal Ref: APP/D1265/W/20/3256211 Land South-West of Blandford Forum By-Pass, Blandford St Mary, Dorset, Substantive and Cost decisions, January 2021.
2. Letter from Claremont Planning Consultancy with layout, affordable housing, tenure and landscaping plans for Phase 4A, 4B, 4C, 4D and 4E, September 2024.
3. Draft Statement of Common Ground Addendum (SoCGA) relating to draft National Planning Policy Statement and associated Ministerial Statement, September 2024.
4. Email from Stratford-on-Avon District Council detailing reasons for not agreeing to SoCGA, September 2024.
5. Email from Stratford-on-Avon District Council detailing plans for 4C and LWS, September 2024.
6. Appellant's Cost application, September 2024.
7. R v Newbury District Council and Newbury and District Agricultural Society, Ex Parte Chieveley Parish Council (1999) P.L.C.R 51.

8. Appellant's Historic Photographic Mapping of Meon Vale (to assess timeline of planting of eastern hedgerow), 30 September 2024.
9. Council suggested Construction Management Plan (CMP) condition to address Greenway, 30 September 2024.
10. Council's written cost rebuttal (heard at hearing), 30 September 2024.
11. Appellant's comments on CMP condition drawing attention to conditions on outline planning permission, 30 September 2024.

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