
Appeal Decision

Site visit made on 5 September 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/R3705/W/16/3146566

Barge and Bridge Pub, Coleshill Road, Atherstone, Warwickshire CV9 2AB

- 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 Arragon Construction Limited against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2015/0222, dated 31 March 2015, was refused by notice dated 8 March 2016.
 - The development proposed is the development of 9 No. 2 bed flats, three storeys high, on site of existing Barge and Bridge pub which is to be demolished.
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Decision

1. The appeal is allowed and planning permission is granted for the development of 9 No. 2 bed flats, three storeys high, on site of existing Barge and Bridge pub which is to be demolished at the Barge and Bridge Pub, Coleshill Road, Atherstone, Warwickshire CV9 2AB in accordance with the terms of the application, Ref PAP/2015/0222, dated 31 March 2015 subject to the conditions set out in the schedule to this decision notice.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) The effect of the proposal on the setting of the nearby Grade II Listed Buildings, Britannia Mill and Queen Anne House;
 - iii) The effect of the proposal on highway safety, and
 - iv) Whether the proposal would provide sufficient parking spaces.

Reasons

Character and appearance

3. The appeal site is on the corner of Westwood Road and Coleshill Road to the south of the town centre of Atherstone. Coleshill Road rises from the town centre towards the appeal site culminating in the bridge over the nearby canal. To the north west of the site is a railway line which runs beneath the road.
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4. Development along Coleshill Road is mixed in design, style and height. Properties are sited back from the road, by varying distances or on the back edge of the pavement. The buildings are predominantly in residential use although immediately south east of the appeal site is a building used for motor repairs.
5. To the east of the site fronting Westwood Road is a building under construction which will be a three storey residential block. At the time of my site visit the roof had been applied to the block and therefore its height was readily apparent. It appeared to be of a similar height to the Barge and Bridge public house on the appeal site.
6. The existing building on the appeal site is a two and single storey detached structure set back from Coleshill Road by a significant amount to accommodate parking. As a result the building is not particularly prominent in the street scene or visible in views from the north and south along the road.
7. The proposal is for the demolition of the existing public house and the erection of a three storey residential block the appearance of which would be similar to that under construction on the adjacent site. Drawing 0662.7 B shows that the height of the proposed building would be similar to the block currently under the construction and the existing structure on the appeal site. It would though have a considerably larger mass, and be sited closer to the road than the existing building. Furthermore, the rise in land level from the town centre adds to the prominence of the appeal site.
8. Nevertheless, the massing of the building would not be significantly different to that already approved on the adjacent site and a three storey building on the west side of Coleshill Road further towards the town centre. In addition the massing would be broken by the addition of gable details. Although the roof would have shallow pitch it would not be dissimilar to residential properties on the opposite side of the road, that on the block currently under construction and others elsewhere on Coleshill Road. Furthermore, it would retain some set back and on a street where there is little uniformity to the building line it would not appear out of place. As a result the proposed building would not be unique or unusual within the mixed character of the street scene. Moreover the current building on site, together with its surrounding curtilage has a run-down appearance, with visible signs of neglect. The proposals would therefore improve the appearance and environmental quality of the appeal site.
9. Accordingly, although the proposed building would be visible in views from the north it would not be significantly more visible and prominent than the existing building on the site. Moreover the design detail on the north facing gable would provide some visual interest when viewed from this direction.
10. The proposed building would be viewed as a large free standing block from the south but only within a localised distance, due to the presence of the large mass of buildings of the Britannia Mill. In this respect it would not be dissimilar to the existing structure on site which is also a large free standing block. While the proposed building would have a larger mass than the existing pub I saw nothing to suggest that this would be particularly harmful given the mixed character of the area. Moreover, because of the siting of the building the subject of this appeal in front of the block currently under construction there would be little opportunity to view the two structures together. Therefore the

proposed building would not be so prominent as to cause material harm to the character and appearance of the area either individually or cumulatively.

11. For the reasons above I conclude that the proposal would not be materially harmful to the character and appearance of the area. It would therefore accord with NW12 of the North Warwickshire Core Strategy 2014 (the Core Strategy) which requires that development is of high quality sustainable design that positively improves an individual settlements character, appearance and environmental quality of the area.

Setting of listed buildings

12. The Britannia Mill is a Grade II listed building and is a former Victorian hat factory located alongside the canal. Its main visible frontage is at the back edge of the footway to Coleshill Road where it forms a prominent feature of the road. The full extent of the building can be viewed from the brow of the bridge over the canal where its relationship to the canal can be fully appreciated. The canal therefore forms an important part of the setting of the building together with the view of the building from Coleshill Road.
13. The proposed building would be sited some way from the canal. Given that the view of the building and the canal is prominently from the brow of the bridge it would not interfere with the relationship of Britannia Mill to the canal. While the proposed building is large I consider that the intervening distance between it and the canal would ensure that it would not compete with views of Britannia Mill from both the north and south.
14. The siting of the proposed building forward in the appeal site would block a small amount of the view of the roof of Britannia Mill from the north, with the view of the rest of the building already being blocked by existing structures south of the appeal site. However, because of the difference in land levels and the line of the road, the full extent of the listed building can only be viewed after the appeal site is passed. Furthermore, I observed that when approaching Britannia Mill from either direction along the canal side the appeal site is not particularly visible.
15. Queen Anne House is a Grade II listed building on the west side of Coleshill Road opposite the appeal site. It is an intact late 18th/early 19th century house with associated garden and boundaries with contemporaneous architectural details. It is set back from the road and sited at a lower level than the appeal site. It has a brick wall to the front and side boundary containing a large front garden, which given the original use of the property, effectively forms its open garden setting.
16. The proposed building would be at a higher level than Queen Anne House and would be sited slightly closer than the existing building on the appeal site. Nonetheless, the intervening distance between the two structures would be considerable and would ensure that the open garden setting was not eroded.
17. For the reasons above I consider that the proposal would not be harmful to the setting of Britannia Mill or Queen Anne House and therefore there would be no conflict with Policies NW10 (10), NW12 and NW14 of the Core Strategy. These seek to protect, conserve and enhance the historic environment.

Highway safety and parking

18. The access for the appeal proposals would be taken from Westwood Road and shared with the development currently under construction to the east. However, there is also an existing access into the site from Coleshill Road which was used to access the pub and its car parking. Furthermore, there is an existing private right of way across the pub car park to the adjacent motor repair business.
19. The highway control engineer considers the retention of this access to be contrary to guidance and could result in an in out access arrangement. The officer goes on to state that every access is considered a hazard so only one access should be provided.
20. The solution to the issue was deemed to be a sliding gate across the private access where it abuts the highway. This would only be operated by staff members of the motor repair business and residents of the proposed block would be unable to use the access. Conditions would be used to control these two factors. However, having had regard to the requirements of paragraph 206 of the National Planning Policy Framework (the Framework) I am not convinced that such conditions restricting the use of each access would be enforceable. Furthermore there is limited room for vehicles to pull off the highway while the gate is opened in order for them to access the motor repair business which could lead to a highway hazard.
21. I have been supplied with no evidence from each party regarding the likely harm to highway safety associated with using the access onto Coleshill Road. I saw that visibility was good to the north but more limited to the south due to the bridge over the canal. Nonetheless I saw that vehicles could be observed when approaching from the south at the brow of the hill. In addition, I am mindful that the access is existing and is currently used by the motor repair business and could be used by the pub if it reopened. Furthermore, the highway control engineer confirms that the proposed development may not result in an increase in vehicle movements associated with the site.
22. In the absence of any substantive evidence indicating that the use of the access for the nine houses would be materially different to the use associated with a pub then I consider the proposal would not be severely harmful to highway safety. Particularly in this instance as the future occupiers would have the choice of which exit to use.
23. Drawing ref 0662.1B shows that 12 car parking spaces would be provided for nine flats. Policy TPT6 of the North Warwickshire Local Plan 2006 (the Local Plan) sets out maximum parking standards for new development and the parking standards state that in this instance the provision should be for 18 spaces. As this is a maximum parking standard then the provision of 12 spaces would be in accordance with this policy. However, paragraph 008 of the Planning Practice Guidance (the PPG) states that maximum parking standards can lead to poor quality development and congested streets. It suggests that local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable.
24. In this instance the site is within walking distance of the town centre and bus stops. As a result therefore future occupiers would not be dependent on the

car to visit services and facilities. Accordingly I consider the site to be accessible and therefore the proposed car parking would be sufficient to meet the needs of the occupiers. Furthermore the flats are 2 bedroom only and therefore unlikely to be occupied by large families which may generate a high requirement for parking.

25. At the time of my site visit there were on street parking spaces available on surrounding residential streets including Westwood Road that could be accessed safely. I appreciate though that this was a snap shot in time. I have also had regard to the comments of residents regarding parking in Minions Close. I have not though been provided with any substantive evidence to demonstrate that if there were to be overspill parking from the development that this would necessarily cause severe pressure to on-street parking and consequently harm to highway safety.
26. I also have regard to the comments of the owner of the motor repair business regarding the ownership of land to be laid out as parking area. It is not though for the planning system to be involved in land ownership issues.
27. For the reasons above I conclude that the proposal would provide sufficient parking spaces and would not be harmful to highway safety and therefore would be in accordance with Policy NW10 (6) of the Core Strategy. This requires that development has proper vehicular access and sufficient parking.

Other matters

28. Residential properties on Minions Close have their rear elevations facing towards Coleshill Road and the appeal site. They contain two large windows at first floor level. Ground floor windows are screened by the existing boundary wall.
29. The proposed residential block would have four windows on each floor which would be directly opposite 1 Minions Close. However, the intervening distance between the properties of about 21 metres would ensure that any overlooking from the windows of the proposed building towards No 1 would not be harmful or unacceptable.
30. The appeal site is located some distance from the Atherstone Conservation Area boundary. Moreover there are very different and mixed built forms to the south of the railway line to those in the Conservation Area. As a result the railway marks a distinct dividing line between the appeal site and the Conservation Area. Therefore I saw nothing on my site visit to cause me to disagree with the views of the Council that the proposal would not impact adversely on the setting of the Conservation Area.

Conditions

31. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
32. I have had regard to the comments made by the Council's Pollution Control Officer and would concur that a condition is necessary to secure details of

ground gas protection measures in the interests of avoiding pollution. To protect the living conditions of the future occupiers with regard to noise a condition is necessary to secure details of glazing and ventilation.

33. Details of materials, window reveals, and boundary treatments are required to protect the character and appearance of the area. Conditions requiring details of the access are necessary in the interests of highway safety. However for the reasons above I have not imposed any conditions regarding the provision of a sliding gate, or works to the existing access to Coleshill Road.
34. I note the Council's suggested condition regarding the provision of 2 affordable housing units as part of the proposals. I am not convinced that a condition would adequately achieve affordable housing on the site and in my experience, a S106 planning obligation would be required to secure such provision.
35. However, following a recent decision of the Court of Appeal¹ the Planning Practice Guidance (the PPG) has been amended and it states that affordable housing and social infrastructure contributions should not be sought from developments of less than 10 dwellings. Having regard to the guidance I therefore consider that the proposal for 9 flats would not be subject to a requirement for affordable housing.
36. The Council also suggest a condition regarding the restriction of deliveries during deliveries when children will be going to or leaving school. I have not been provided with any specific justification for this condition and did not see a school within the vicinity of the appeal site. I have not therefore imposed this condition.

Conclusion

37. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

¹Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 0662.1B, 0662.3B, 0662.4B, 0662.5B, 0662.7B.
- 3) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted flats until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted flats until details of the windows, including lintels, cills, position of frame within the openings and materials have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to the occupation of any part of the development.
- 5) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted flats until details of the ground gas protection measures to be installed have been submitted to and approved in writing by the local planning authority. The approved details shall be installed on site prior to the occupation of any part of the development.
- 6) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted flats until details of the acoustically treated glazing and ventilation have been submitted to and approved in writing by the local planning authority. The approved details shall be installed on site prior to the first occupation of any part of the development and retained as such thereafter.
- 7) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted flats until details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to the occupation of any part of the development.
- 8) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted flats until details of an area to be laid out for the storage of refuse bins has been submitted to and approved in writing by the local planning authority. The refuse storage area shall be provided in accordance with the approved details prior to the development being occupied and it shall be retained and kept available for its intended purposes at all times thereafter.
- 9) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted flats until details of the access, car parking, manoeuvring and service areas have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to the first occupation of any part of the development. Those areas shall not thereafter be used for any purpose

other than the parking and turning of vehicles and they shall be retained and kept available for their intended purposes at all times thereafter.