

Appeal Decision

Inquiry held on 14 to 17 March 2017

Site visit made on 15 March 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 03 May 2017

Appeal Ref: APP/U4610/W/16/3151581

Land off Grange Road, Coventry CV6 6DD

- 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 Westleigh Partnerships Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2016/0822, dated 15 March 2016, was refused by notice dated 1 June 2016.
 - The development proposed is 'demolition of farm buildings and construction of 107 dwellings and associated access road'.
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Decision

1. The appeal is allowed and planning permission is granted for 'demolition of farm outbuildings and construction of 107 dwellings and associated vehicular and pedestrian access, including pedestrian/cycle access adjacent to 139 Grange Road' at Land off Grange Road, Coventry CV6 6DD, in accordance with application Ref FUL/2016/0822, dated 15 March 2016, subject to the conditions set out in Annex D to this decision.

Procedural Matters

2. Amended plans were received at appeal, which include a pedestrian/cycle link adjacent to 139 Grange Road and a location plan showing the consequent revised red line boundary. (Plan Nos.7667/006T and 7667/002E). In the context of this appeal, I take the view that the proposed amendment would not materially alter the nature of the appeal proposal. I note that third parties were consulted on those proposed amended plans on 17 January 2017. For both of these reasons, with regard to the Wheatcroft principles¹, consideration of those amended plans as part of this appeal would not prejudice the interests of third parties. I intend to determine it accordingly.
3. On the basis of the above decision, the two main parties agreed a revised description of development, which is set out in my formal decision above. The description of development in the banner heading reflects that on the application form.
4. A planning obligation proposed to secure necessary highway works and affordable housing was before me. At the Inquiry revised wording was agreed for the highway works set out in schedule 1 of that obligation. To enable that

¹ Bernard Wheatcroft Ltd v SSE [JPL1982P37]

revised wording to be reflected in a completed legal agreement, I kept the Inquiry open until 12pm 17 March 2017, at which point it was close in writing.

5. The Council confirmed that subject to additional highway information², the amended plans referred to above and a completed legal agreement securing a package of highway mitigation measures, it was satisfied that its first reason for refusal had been addressed. On the basis of the likely proposed traffic that would be generated by the appeal proposal, the provision of a cycle/pedestrian link to Grange Road and the suite of highway works proposed, I take a similar view.
6. Similarly, additional air quality information was submitted which satisfied the Council's concern in that regard³ and it confirmed that the proposed development would not breach the UK Air Quality Strategy Standards. On this basis the Council confirmed that it would not defend its second reason for refusal. As the additional studies undertaken were based on three months monitoring and take account of existing and proposed air quality, I have no reason to take an alternative view on this matter.
7. It was also agreed between the two main parties that, on the basis of further interrogation of the appeal proposal's viability and subject to the provisions of a completed legal agreement to secure affordable housing, the Council would not defend its last reason for refusal. On the basis of convincing viability evidence, the details of the legal agreement before me and no Council objection, I have no reason to take a different view.
8. A Statement of Common Ground (SoCG), signed by the two main parties and dated 15 February 2017, confirmed the above matters and invited the Inspector to allow the appeal, subject to an agreed list of planning conditions.

Main Issues

9. Notwithstanding the above, I have outstanding objections from third parties. Having read and heard the evidence of all parties, those outstanding objections are reflected in my main issues below:
 - Whether the appeal proposal would preserve the setting of the grade II listed buildings, Grange Farmhouse, 175 and 177 Grange Road ;
 - Its effect on the nearby locally listed outbuildings;
 - Whether the appeal proposal would preserve or enhance the character or appearance of the Coventry Canal Conservation Area; and
 - Whether the appeal proposal would result in satisfactory living conditions for future occupiers, with regard to noise and disturbance.

Reasons

Listed Buildings

10. Very near to the appeal site is Grange Farmhouse, which is a grade II listed building, added to and altered over time. With eighteenth century origins, it has an L shaped footprint, of two storeys, with simple colour washed elevations under a prominent pitched and tiled roof. Its significance is in its simple form

² Transport Assessment Residential Development on Land at Grange Road Longford Coventry Banners Gate Highways and Transportation dated June 2016

³ Environment-Air Quality Grange Road Coventry Air Quality Assessment (Revised) issued 9 November 2016

and footprint, its historic fabric, traditional detailing and as a survival of its agricultural past.

11. Its setting includes the remnants of its farm yard, which includes the brick outbuildings, set out in a U shaped courtyard configuration, its gardens and the remains of its landholdings, which include open green fields, with planting and hedgerows around and within them. The courtyard, outbuildings and open fields referred to are part of the appeal site. I appreciate that the landholding has diminished through time and its past rural location has been eroded by later industrial and residential development. However, along with the other elements of setting identified, they serve as reminders of the listed building's agricultural past, which, together, contribute to its significance as a heritage asset. As Grange Farmhouse is set back from the street, the residential development along Grange Road does not contribute to its setting.
12. 175 and 177 Grange Road, nearby, are also grade II listed. They are simple semi-detached nineteenth century cottages, of red brick with simple pitched slate roofs. They have been extended and altered over time. Whilst I note that they were listed for their historic interest, as 177 is the birthplace of Thomas Mann, the 1st General Secretary of the Amalgamated Engineering Union, that listing description is for identification purposes. Other than that, I consider their significance is in their simple form, traditional detailing, historic fabric, and similarity to one another as examples of nineteenth century cottages. Their immediate setting is their front and rear gardens and close relationship to one another. Their wider setting is more open and spacious, including their relationship with the open fields to the rear, which serve as a reminder of their former setting when the locality was more rural and dominated by mining. Those aspects contribute to their setting.

Conservation Area

13. The appeal site is included within the Coventry Canal Conservation Area, along with Grange Farmhouse, its outbuildings and gardens, the former course of the Oxford Canal and 175 and 177 Grange Road. That Conservation Area follows the line of this part of the canal, and generally includes the buildings and open spaces on either side. It includes the canal, the towpath and canal side features such as bridges, locks and milestones, together with the mainly industrial development close by. Although many parts have a distinctly industrial character and appearance, that character and appearance varies along its length. It changes in the locality of the appeal site, from a more suburban feel to becoming distinctly more rural. Grange Farmhouse and its gardens, the remnants of its farmyard, its agricultural land and hedgerows positively contribute to that more rural character and appearance. Together, with the other listed buildings nearby and the former Oxford Canal, they serve as a reminder of its more rural past and contribute to the Conservation Area's diverse character and appearance.
14. This assessment generally accords with that set out in Coventry City Council's The Coventry Canal Conservation Area Appraisal (CCCAA) brought to my attention. On page 63-64, it recognises those aspects in the locality that positively contribute to defining the character and appearance of the Conservation Area and include the listed buildings identified, the former course of the Oxford Canal and the view of Grange Farmhouse from Grange Road.

Locally Listed Buildings

15. The farm outbuildings, which are locally listed, have been much altered over time and are in a poor state of repair, such that the modern areas of brickwork, other alterations and failed structure give them a rather unattractive utilitarian appearance. However, their courtyard configuration serves as a reminder of the farming history of the grade II listed Grange Farmhouse and contributes in a small way to its setting.

Effect of Development on Heritage Assets

16. The proposed development would remove the locally listed out buildings. However, on the basis of their condition, appearance, including alteration and relationship to Grange Farmhouse, I have no reason to take an alternative view to that of my Colleague in determining previous appeals and do not oppose their removal⁴.
17. The proposal would retain the gardens closest to Grange Farmhouse and generally replicate the courtyard setting of the locally listed buildings. Those buildings nearest would be secondary to that listed building in terms of scale and architectural detailing. They would therefore, together with the proposed planting and open space, preserve the immediate courtyard setting of that listed building. I note that this judgement general accords with that of my Colleague, in considering the effect of a courtyard format of development in a roughly similar location⁵. I am also mindful that the Council has granted planning permission for erection of five dwellings including demolition of the existing outbuildings to the rear of Grange Farmhouse in the past, although that permission has now expired.⁶
18. However, the appeal would result in residential development on most of the remains of Grange Farmhouse's land, which would include the open green fields. It would be seen in views of Grange Farmhouse from Grange Road identified in Coventry City Council's CCCAA (page 64). However, as the immediate setting of the listed building would be preserved and as the open space to its front and some to its sides would be retained and its wider setting is beyond that, the harm identified would be small. Moreover, I accept that such harm would be further reduced by the layout and design of the appeal development, which would include different character areas, which would respond positively to its context, including the canal, many important hedgerows and trees and it would include open spaces and new planting.
19. The proposed development would be mainly at the rear of 175 and 177 Grange Road and would erode that aspect of their wider open and spacious setting. However, due to the factors outlined above and as some space to their side and rear would be retained, that harm would also be small.
20. I have identified that some small harm would result to the setting of Grange Farmhouse and other listed buildings. I have also identified that those listed buildings positively contribute to the character and appearance of the Conservation Area. It therefore follows that the appeal development would fail to preserve its diverse character and appearance. I acknowledge that such harm would be limited by the factors already mentioned. In addition, there are

⁴ APP/U4610/A/07/2037651; APP/U4610/A/07/2037647; APP/U4610/E/07/2037648

⁵ APP/U4610/A/07/2037651; APP/U4610/A/07/2037647; APP/U4610/E/07/2037648

⁶ Ref 26318/K

hedgerows and planting that divide the canal from the appeal site which would limit views of the appeal development from it. The greenspace of the former Oxford Canal would be retained along the length of the appeal site. Also the hedges within the fields behind the former farmyard and Nos 175 and 177 would be retained in the main and some new hedge planting would be included. The appropriate layout and design of the appeal site add to those factors.

21. In coming to the above findings, I have had regard to the SoCG between the Council and Historic England regarding the Coventry City Council Local Plan 2016. On page 11 it provides high level comments regarding the proposed allocation of the appeal site for 105 houses. I have generally concurred with those high level comments. I have also had regard to the letter from Historic England dated 11 October 2016, in relation to a subsequent similar planning application⁷. However, I accept that this in part does not accord with the SOCG referred to earlier. Whilst I have agreed with the overall conclusion, that there would be harm to some heritage assets, I have set out above why I have taken an alternative view on what heritage assets would be harmed and the extent of that harm.
22. Even though the harm identified would be small, I conclude that the appeal development would fail to preserve the setting of the grade II listed buildings, Grange Farmhouse and 175 and 177 Grange Road. It would also fail to preserve the character and appearance of the Coventry Canal Conservation Area. It would therefore fail to accord with City of Coventry Unitary Development Plan (2001) (UDP), Policies BE9, BE11 and BE14. Those policies aim for development that would affect the setting of a listed building to be permitted only if there would be no detrimental impact on the appearance, character and architectural or historic interest of the building and its setting, and aim for development to preserve or enhance the character or appearance of conservation areas.

Public Benefits

23. In accordance with paragraph 132 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the heritage assets identified would be less than substantial. Mindful of my statutory duties⁸, this is a matter to which I attach considerable importance and weight. In this case, however, public benefits, as identified in paragraph 134 of the Framework, are before me. I will balance these against the harm identified later in my decision.

Living Conditions

24. The appeal scheme would be located in a locality with high ambient noise levels, mainly from the traffic on the M6. Some potential noise has been identified from the nearby European Metal Recycling Site (EMR). On my site visit I could appreciate the traffic noise from within the appeal site.
25. In this regard, I have a Noise Impact Assessment⁹ (NIA) supporting the appeal application before me. Its methodology and findings have been agreed with

⁷ Appendix 16 to Ms Stoten's proof

⁸ sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁹ REC report dated 15 April 2016

the Council, a matter to which I attach significant weight. However, I also have summary observations on that NIA by MAS Environmental, dated 1 February 2016, plus subsequent evidence, which questions both the methodology and its findings and arrives at an alternative conclusion that the noise environment would have harmful effects on the living conditions of future occupiers.

26. The appellant's NIA assesses each noise source separately against the relevant criteria (traffic noise against BS8233:2014¹⁰ and industrial noise against BS4142:2014¹¹) as the level and characteristics of each is different. It relies on monitoring of traffic noise over a full weekday and weekend period. In assessing potential EMR noise, I note that its nature i.e. crashes and bangs, have been taken into account, by adding 'acoustic penalties' that were agreed with MAS. It takes into account night time operations at EMR, which it was later confirmed by Mr Dodd, were not at present permitted. For all these reasons, I generally find the appellant's NIA robust and its findings convincing. As the MAS study relies on limited short term attended monitoring, does not take into account all mitigation proposed, and I was unable to test that evidence at the Inquiry, all in all, I find it less convincing.
27. The main noise source impacting upon the appeal development would be from the M6 road traffic. Additional potential noise would result from the neighbouring (EMR), which is not operating at the present time. The careful design of the proposed layout, to include planting and positioning of dwellings and built form between the noise sources and the gardens and open spaces, together with other mitigation measures, would ensure that the external and internal noise criteria set out in BS8233:2014, could be achieved. In this regard, I have noted that BS8233:2014 sets an upper guideline value of 55dB LAeq,T for external noise levels in noisier environments, such as adjoining a strategic transport network. I consider that the appeal site fits into that category and would achieve the lowest practicable levels.
28. In relation to potential noise from EMR, the lowest background sound level would not be exceeded in any garden areas, with the use of acoustic barriers during a typical daytime operation. The internal noise criteria would be exceeded in some internal spaces at both day and night but could be sufficiently reduced through a higher specification of glazing on those units nearest to the EMR site. That would bring the impact within an acceptable range. With mitigation, the appeal scheme would meet the World Health Organisation (WHO) *Guidelines for Community Noise*, and BS4142:2014. Overall, the measures and mitigation proposed, some of which could be secured through planning conditions would ensure a satisfactory living environment in this regard.
29. In coming to this conclusion, I have had regard to the conclusions of my Colleague in determining an appeal for 139 dwellings at the appeal site¹². She concluded that the noise environment would not result in satisfactory living conditions. However, that appeal was some time ago and I am aware that the carriageway of the M6 has been resurfaced since that time. Furthermore, that appeal was for a different, denser development, and I am unaware of the

¹⁰ BS8233:2014 *Guidance on sound insulation and noise reduction for buildings*

¹¹ BS4142:2014 *Methods for rating and assessing industrial and commercial sound*

¹² APP/U4610/A/07/2037651; APP/U4610/A/07/2037647; APP/U4610/E/07/2037648

mitigation proposed or the evidence before that Inspector. Those matters differentiate it from this appeal.

30. I have also had regard to the findings of my Colleague in his report on the examination into Coventry Core Strategy Development Plan Document which, in respect of the appeal site, concluded in paragraph 3.442, that there was sufficient evidence to conclude that a scheme could be designed to meet both the BS8233:2014 'good' criteria for new dwellings internally and externally and the WHO guideline value externally so that new housing could be built on much, if not all, of the available site. Although that document was not subsequently adopted, this gives me confidence on this point. Additionally, I note that the appeal development would be in a locality with residential development nearby, which gives me further assurance on this point.
31. On the basis of the evidence before me, with mitigation in place, no observed adverse effect level would be achieved in accordance with the Planning Practice Guidance and the Framework. I conclude, therefore, that the appeal proposal would result in satisfactory living conditions for future occupiers, with regard to noise and disturbance. For this reason, it would generally accord with UDP Policy EM5. That policy aims that proposals for uses which are sensitive to pollution will not be permitted close to existing or potentially polluting uses or in their areas of influence and seeks to assure the health, safety and amenity of the users of land.

Other Matters

32. On the basis of my previous findings, due to the existing noise climate and the inclusion of mitigation, it is unlikely that noise resulting from operations at the EMR site, would result in complaints from future residents of the appeal development. As the assumptions in the appellant's NIA regarding potential EMR noise were provided by EMR, I can be assured that they are a true representation. For the reason given earlier, any adverse effect on the operation of that business or its economic prospects would be an unlikely consequence therefore. In any event, Mr Dodd also confirmed that there was some doubt as to when operations would commence on its site. If its operations were the subject of noise complaints from future residents, that could be controlled through the Environment Agency Permit Regime. I appreciate that there is no certainty regarding the future change of use of rooms in the flats nearest to the EMR site. However, I must deal with the appeal proposal before.
33. The appeal development is supported by a Transport Assessment dated June 2016¹³ and the Council is satisfied that it has been carried out to industry standard. On the basis that Warwickshire County Council, in the final event, did not object to the subsequent similar application¹⁴ supported by the same assessment, I have no reason to take an alternative view on its methodology or its findings. It concludes that the traffic impact of the appeal development could be mitigated through a suite of off-site highway improvements. Furthermore, on the basis of the pedestrian/cycle link that would be provided, from the appeal site to Grange Road, together with the proposed highway

¹³ Transport Assessment Residential Development on Land at Grange Road Longford Coventry Banners Gate Highways and Transportation dated June 2016

¹⁴ Ref FUL/2016/2245

improvements, it would provide satisfactory access to local public transport, facilities and services.

34. The Air Quality Assessment¹⁵ concludes that the appeal development would accord with the UK Air Quality Standards. As the results of the air dispersion model outputs accord with three months monitoring that was undertaken, I have no reason to take an alternative view to that of the Council on this matter.
35. I have noted the use of alternative ventilation systems for the majority of habitable rooms across the appeal site. This could provide for purge ventilation and would be an alternative to opening windows. This could be controlled through the use of a planning condition and would be required to ensure a satisfactory living environment. As future occupiers would be able to open windows if they chose, I consider that it would be acceptable. I note that the Building Regulations 2000: Ventilation: *Approved Document F: Means of Ventilation* recommends that an alternative ventilation system is provided where openable windows cannot be relied upon, which adds weight to this finding.
36. I have noted the views of my Colleague in this regard, in determining previous appeals¹⁶. She found that a large proportion of that development would be almost entirely reliant upon mechanical cooling or ventilation systems in key habitable spaces to achieve satisfactory living conditions. That development had external predicated noise levels at the edge of acceptability and that Inspector had concerns that they may in fact be higher. In such circumstances that development could have been subject to greater noise levels than this appeal and would have been more reliant on those systems. In any event, I am unaware of the evidence before that inspector, in this regard.
37. The appeal development would result in the loss of agricultural land. Even though the appeal site has most recently been used for agriculture, it is separated from other farmland, which has been fragmented by the development of the M6 motorway and has little prospect of being used long term for that use. Such harm therefore would not be material. Loss of hedgerows identified would be compensated for by proposed planting.

Legal Agreement

38. The provisions of the legal agreement set out the appellant's intention that 75% of the dwellings would be affordable housing. In the event that a Social Housing Grant allocated by the Homes and Communities Agency would not be forthcoming, it would secure 25%.
39. It was explained at the Inquiry, that a 75% provision is intended. The Social Housing Grant has been allocated to the appeal scheme at present and that funding would only be likely to be threatened by delay, of over six months or so. The scheme is deliverable and the appellant has extensive experience of delivering affordable housing. It has partnered with a housing association, with whom it has previously closely worked and to whom the affordable housing would be delivered. On this basis, Mr Onions confirmed that the risk of 75% affordable housing not coming forward would be 'very limited'. On the basis of

¹⁵ Environment-Air Quality Grange Road Coventry Air Quality Assessment (Revised) issued 9 November 2016

¹⁶ APP/U4610/A/07/2037651; APP/U4610/A/07/2037647; APP/U4610/E/07/2037648

the evidence before me, I have confidence that the intended figure could be realised.

40. The affordable housing proposed would meet the requirements of UDP Policy H10, which requires at least 25% of dwellings to be so provided. Evidence of a significant need is before me, which is represented by the 13,750 applicants on the affordable housing waiting list within the Council's administrative area; a figure that was not challenged at the Inquiry. On the basis of the significant identified need in the area, I consider that it would be fairly and reasonably related in scale and kind to the appeal development. For the same reason, and as I have identified some harm, it would be necessary to make the proposed development acceptable in planning terms. Therefore, I intend to take that benefit into account in coming to my conclusion on this appeal.
41. The legal agreement also includes the provision of funding for a suite of highway works. These include improvements to the pedestrian route from the appeal site to the existing bus stop on Anderton Road, network improvements to Grange Road, Oakmoor Road including its junction with Longford Road and or a pedestrian cycle link to the canal towpath and towpath improvements.
42. Full justification for the highway contributions is provided; the identification of policy and a local need, the means by which it has been calculated and the identification of a project close to the appeal site. On this basis, the provisions meet the tests set out above and are taken into account in my decision. In addition, justification is provided to assure me that the financial contributions requested would meet Regulation 123 of the Community Infrastructure Levy Regulations, in as much as the contributions sought would either be site specific and if they would form part of a pooled contribution, they would amount to fewer than five separate contributions.

Conclusions

43. As a result of the proposed development, I have identified some small harm to the setting of listed buildings nearby. In addition, as I have found that those listed buildings positively contribute to the Coventry Canal Conservation Area, it would fail to preserve its character and appearance. Even though I have identified that such harm would be less than substantial, I accord considerable weight and importance to it. For the same reasons, the appeal development would be contrary to UDP Policies BE9, BE11 and BE14.
44. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case, I have no reason to determine that regard should not be had to the development plan. Further, in this respect, I have identified that a development plan conflict would arise.
45. In assessing whether there are other material considerations which would outweigh that development plan conflict, I have had regard to the environmental benefits, which would include new tree and hedge planting along with planting around the attenuation basin proposed. Overall, they would provide the opportunity to enhance biodiversity and to them I attach some weight.

46. In terms of social benefits, the appeal proposal would provide additional housing, 75% of which would be affordable. Some of that would be different to existing housing in the area, which would widen choice. It would provide new accessible open space and a new pedestrian and cycle route which would improve accessibility in the locality. The Council can demonstrate a five year housing land supply, a matter that was uncontested at the Inquiry. Even so, to these social benefits, most notably the provision of housing, I attach more than considerable weight in favour of the appeal.
47. There would be some economic benefits from the proposed development through employment, additional spending power resulting from the construction phase and from future occupiers of the proposed development. I have no evidence to assure me that additional Council Tax and New Homes Bonus that would be a consequence of the appeal would be a direct benefit to the locality and therefore they do not attract weight in my balancing exercise. To these economic benefits, overall, I accord some weight.
48. To all of the benefits of the appeal, I accord more than considerable weight. They represent public benefits as referred to in paragraph 134 of the Framework, which in the circumstances of this appeal, would outweigh the considerable weight and importance that I attach to the heritage harm that I have identified. Further, together, they are material considerations, sufficient in this case to outweigh the development plan conflict identified and therefore the appeal should be allowed.

Planning Conditions

49. A list of suggested planning conditions was agreed between the two main parties at the Inquiry. I have agreed with the imposition of most of these subject to refinement to improve clarity and ensure consistency with national policy and guidance.¹⁷ A list of planning conditions to be imposed is set out in Annex D.
50. Standard plans and time conditions are necessary to ensure certainty in the planning process. Details of external materials, hard landscape proposals along with conditions to ensure that the soft landscaping proposals are implemented in a timely manner and that a landscape management plan is submitted and implemented are necessary to ensure that the development blends into the locality. A condition to protect bats during the demolition of the outbuilding with a roof voids is required as bats are a protected species. A condition to safeguard all other protected species present during the construction phase is necessary. Details of drainage are required to ensure that a sustainable drainage system appropriate for the site to avoid flooding and harm to the environment in the future. A condition to ensure that the pedestrian/cycle link to Grange Road is installed at an appropriate time will ensure suitable access to public transport and local facilities. A Construction Method Statement is required to ensure that development takes place in a neighbourly fashion and to ensure highway safety. Conditions to ensure that the accesses from Grange Road and those to the dwellings and parking provisions are provided in a timely manner are necessary in the interests of highway safety. A condition to control the submission of a scheme of site investigation of the nature and extent of contamination is required along with the implementation of any required remediation is necessary to protect future

¹⁷ Paragraphs 203 and 206 of the Framework and PPG paragraphs 21a-001-034

residents and the environment. Control over the mechanical ventilation systems and noise and air quality mitigation measures are required to ensure a good quality living environment is created. I have not included the provision of wiring for the connection of electric vehicle charging points in all houses as I am not convinced that such a condition would be specific and therefore enforceable. Conditions to protect existing trees and hedges shown to be retained on the approved plans are necessary to ensure a good quality development that preserves the setting of the listed building and the character and appearance of the Conservation Area. To ensure the safety of highway users, a condition to ensure that the vehicular crossover is closed and the pavement is reinstated is necessary.

51. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be allowed subject to the conditions listed in Annex D to my decision.

R Barrett

INSPECTOR

APPEARANCES AT THE INQUIRY

Annex A

FOR THE COUNCIL

Jonathan Powell Barrister

Instructed by Clara Thompson legal
Department Coventry City Council

He did not call any witnesses.

FOR THE APPELLANT

Clive Newberry QC

Instructed by David Onions Pegasus
Group

He Called:

Mrs Gail Stoten BA (Hons) MCIfA FSA

Heritage Director Pegasus Group

Mr Nigel Vening BSc (Hons) CEng MICE
MCIHT

Director Banners Gate Transportation Ltd

Mr John Goodwin BSc (Hons) MIOA

Associate Director Resource and
Environmental Consultants (REC) Ltd
Associate BWB Consultancy

Dr Paul Beckett DPhil MSc BSc (Hons) CSci,
MCIEEM, MIEEnvSc, MIAQM

Mr David Onions BA (Hons) Dip TP MRTPI

Planning Director Pegasus Group

OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Mr Simon Dodd

Group Property Manager European Metal
Recycling (EMR) Ltd

DOCUMENTS

Annex B

The Council's Documents

LA1	Council's Statement of Case dated 10 January 2017
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The Appellant's Documents

AP1	Appellant's Statement of Case dated June 2016
AP2	Proof of Evidence plus appendices and summary of Mrs Gail Stoten
AP3	Proof of Evidence plus appendices of Mr Vening
AP4	Proof of Evidence plus appendices of Mr Goodwin
AP5	Proof of Evidence plus appendices of Dr Beckett
AP6	Proof of Evidence plus appendices and summary of Mr Onion
AP7	SoCG dated 15 February 2017

Documents Submitted at the Oral Inquiry

Annex C

- IQ1 Appellant's Opening
- IQ2 List of suggested conditions dated 14 March 2017
- IQ3 Amended list of suggested conditions dated 15 March 2017
- IQ4 Agreed revised wording for highway works described in schedule 1 to the legal agreement
- IQ5 Letter dated 11 May 2016 from MAS Environmental regarding proposed residential development at 'Land off Grange Road, Coventry'
- IQ6 Statement of Mr Dodd EMR Ltd
- IQ7 Final list of conditions dated 15 March 2017
- IQ8 Appellant's closing submissions

Documents Submitted after the Oral Inquiry

- IQ9 Completed legal agreement dated 16 March 2017

LIST OF PLANNING CONDITIONS

Annex D

- 1) The development hereby permitted shall begin no later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved documents: 002E; 006T; 029D; 030A; 031C; 032C; 033B; 034B; 036B; 037C; 038C; 040C; 041B; 042B; 043C; 044C; 045B; 046B; 047F; 051B; 052C; 053A; 056; 065C; 072C; 073; 074; 075; 076; 077; 078; 079; 080A; 081; 082; 083; 084; 015.1214.001A; 015.1214.002A; 015.1214.003A; 015.1214.004A; 015.1214.005A; 015.1214.006A; 015.1214.007A; 015.1214.008A; 015.1214.009A; 015.1214.010A; 015.1214.011A; 015.1214.012A.
- 3) The development shall be carried out only in full accordance with sample details of the external facing and roofing materials which shall be submitted to and approved in writing by the local planning authority prior to development commencing.
- 4) All destructive works to building 3 (as referred to in the ecology and protected species report prepared by Tim Smith dated March 2016) shall be carried out in the presence of a suitably qualified bat worker appointed by the applicant. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be completed in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority.
- 5) Prior to commencement of development, a Construction and Ecological Management Plan shall be submitted to and approved by the local planning authority. The plan shall include pre-commencement checks for badgers and birds and appropriate working practices and safeguards for wildlife that will be employed whilst works are taking place on site. The approved plan shall thereafter be implemented in full.
- 6) The approved soft landscaping scheme shall be implemented within the 1st planting season following 1st occupation of any dwellings. Any trees or shrubs which, within a period of 5 years from the completion of the development, dies or is removed shall be replaced in the next planting season with another of similar size and species.
- 7) A landscape management plan, including long term design objectives, long term management responsibilities and maintenance schedules for all landscape areas (other than domestic gardens within the curtilage of a single dwelling house), shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby

permitted. The landscape management plan shall be implemented as soon as the approved landscaping is carried out.

- 8) The development hereby permitted shall only be undertaken in strict accordance with drainage details which shall be submitted to and approved in writing by the local planning authority prior to development commencing. The details shall achieve a Qbar greenfield discharge rate minus 20% and incorporate a Sustainable Drainage System (SUDS) and respond to the hydrological conditions (soil permeability, watercourses etc) within the application site and include a long term management and maintenance plan as well as evidence to show the management of overland flow routes in the event of exceedance or blockage to the drainage system. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details.
- 9) Prior to occupation of any dwellings, other than those on plots 95-98 or 103-107, the proposed pedestrian /cycle link adjacent to 139 Grange Road, indicated on drawing 006T, shall be installed and available for use in accordance with details which shall be submitted to and approved in writing by the local planning authority.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 11) None of the dwellings hereby permitted shall be occupied unless and until vehicular access to the dwelling and the car parking provision for that dwelling/s has been constructed or laid out, and made available for use by the occupants and/or visitors to the dwelling/s and thereafter those spaces shall be retained for parking purposes.
- 12) None of the dwellings hereby permitted shall be occupied until the proposed site access to Grange Road, depicted on drawing number 006T, has been constructed and is available for use.
- 13) The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of

contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted and approved in writing by the local planning authority.

- 14) Prior to construction of any dwellings hereby approved, details of the proposed air supply and ventilation systems to be used in each dwelling shall be submitted to and approved in writing by the local planning authority. Thereafter the approved systems shall be installed and retained.
- 15) None of the dwellings hereby permitted shall be occupied until the noise mitigation measures recommended in the Noise Impact Assessment prepared by REC dated 15.4.16 (reference AC100033-1r10) have been installed. In particular, 2.1m high barriers shall be installed in the locations shown on figure 5 in appendix III and the glazing specification listed in table 5.1 shall be installed on the relevant plots and facades. Once installed the measures shall be retained and any replacement glazing shall be of the same specification.
- 16) The following measures shall be provided to mitigate the impact of the development upon air quality:
 - (i) Any boilers which are installed prior to the occupation of any dwelling shall have a dry NO_x emission rate of <40mg/kWh (ultra low emission).
- 17) Before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved protection measures shall be put into place prior to and remain in place during any construction work:
 - a] a dimensioned tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with 5.5/ Table B.1 of British Standard BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations) which shall also include any proposal for pruning or other preventative works.
- 18) The existing hedges indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedge(s) falls below 2m at any point. Any hedge(s) removed without consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced within the next planting season with hedging, tree(s) and/or shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS8545:2014 Trees: from nursery to independence in the

landscape - Recommendations and BS4428-Code of Practice for General Landscape Operations (excluding hard surfaces).

- 19) The development hereby permitted shall only be undertaken in strict accordance with details of hard landscaping works which shall be submitted to and approved in writing by the local planning authority prior to development commencing. The details shall include an implementation plan. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details.
- 20) Within one month of the approved vehicular access to the site being brought into use, the redundant vehicular pavement crossing adjacent to the proposed pedestrian/cycle link adjacent to 139 Grange Road, shall be closed and the pavement reinstated.