The Planning Inspectorate

# Appeal Decision

Site visit made on 22 January 2019

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 March 2019**

**Appeal Ref: APP/D1835/W/18/3208692**
**Land at Rose Bank, Worcester**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Philip Deeley, Matthews City and Country Homes against Worcester City Council.
- The application Ref P18D0064, is dated 7 February 2018.
- The development proposed is installation of new vehicular gateway and pedestrian gates.

## Decision

1. The appeal is allowed and planning permission is granted for installation of new vehicular gateway and pedestrian gates at land at Rose Bank, Worcester in accordance with the terms of the application, Ref P18D0064, dated 7 February 2018, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: MC-RB-002_Gate Location Plan and MC-RB-010A_Gate positions and detail.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described in the application.

    4) The pedestrian gates, as shown on the approved plan: MC-RB-010A_Gate positions and detail, or any replacement pedestrian gates, shall be kept unlocked at all times. The pedestrian gates shall not be fitted with any locking mechanism or similar devices whatsoever.

    5) The vehicular access, identified as 'Vehicle Entrance Feature Pedestrian Gate A' on approved plan: MC-RB-010A_Gate positions and detail, shall remain ungated for the life of the development.

## Application for costs

2. An application for costs was made by Mr Philip Deeley, Matthews City and Country Homes against Worcester City Council. This application is the subject of a separate Decision.

## Procedural Matter

3. I saw that some building works to facilitate the proposal had started. However, the plans submitted at the application stage show the development in its complete form. I have determined the appeal based on the submitted plans.

## Main Issues

4. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's report to Planning Committee dated 20 September 2018 and the related minutes of that meeting. It was resolved that the application would have been approved subject to conditions. I have treated this as the basis of the decision the Council would have made, had it been empowered to do so.

5. However, interested parties raised concerns during the application, that the siting of the proposed gate posts and pedestrian gate between the affordable housing units and the open market properties would emphasise the separation of these properties within the layout of the site, contrary to the aims of policies promoting inclusive design, social interaction, and the provision and use of shared spaces. I have drawn on these concerns to inform the main issue in this appeal.

6. Accordingly, the main issue is whether the proposed development promotes inclusive design, social interaction, and the use of shared spaces.

## Reasons

7. The appeal proposal relates to a scheme to develop 35 new dwellings on a site located to the south of Worcester City Centre, off London Road. This development is principally designed around a Georgian Square incorporating a central open space area with vehicular access to this via Albert Road. The development is largely open market housing but incorporates an element of affordable housing, located in the north-west section of the wider development site. This development was still under construction at the time of my inspection. The western part of the wider development site falls within the Sidbury and Park Royal Conservation Area.

8. The development subject of this appeal is for the installation a new gateway feature to the north-west of the square. This would comprise pillars either side of the vehicular access with a pedestrian gate and further pillar to the side of this. A further two pedestrian gateways are proposed towards the southern boundary of the square. Each of these would comprise brick pillars and a central pedestrian gate. The proposed pillars and gates would not exceed about 1.8m in height.

9. From my inspection, in terms of design and materials the different tenures of the development are largely indistinguishable. I acknowledge that the affordable housing would be predominantly to the west of the proposed vehicular pedestrian entrance feature. Nonetheless, the appellant advises that the location of this is guided by the need to provide a boundary between the newly created turning head off Albert Road and the private shared surface that extends around the central open space area. The location and design of this feature is also intended as a visual deterrent to discourage drivers using the

shared surface around the open space as a turning area. Based on my observations the proposed scheme would facilitate these objectives. Although, third parties have suggested alternative locations for the proposed development, I can only consider the scheme before me.

10. In terms of design and appearance the pillars and gates would be like those approved around the communal open space. As such, the proposal would also help complete and define the Georgian Square, which is an integral component of the wider development.

11. While the proposed piers and pedestrian gate would be visible on approach and from adjacent properties, in the context and scale of the wider scheme these are modest additions and therefore would not create any significant physical or psychological barrier.

12. Moreover, the proposed gates do not incorporate any locking system and the vehicular access feature would not incorporate gates. Consequently, this arrangement would facilitate permeability through the wider development, allowing use of the communal open space area. Furthermore, this arrangement could be secured in perpetuity by planning conditions.

13. For the above reasons, I conclude that the proposed development, subject to conditions would achieve an inclusive design, allowing social interaction and the use of shared spaces. For the above reasons, the development would accord with Policy SWDP 21 of the South Worcestershire Development Plan, this amongst other things says that development will be expected to be of a high design quality integrating effectively with its surroundings, in terms of form and function.

14. Accordingly, I also find no conflict with the National Planning Policy Framework which amongst other matters seeks to secure safe places which promote social interaction, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods.

**Other Matters**

15. As already stated, no gates are proposed to the vehicular access. Such an arrangement would not impede the free flow of traffic, restrict access to emergency vehicles or cause congestion on surrounding roads.

16. A third party has raised concern about the potential of the proposed pedestrian gates to impede refuse bins being transported around the development. However, the Council's Refuse Collections section have not raised any specific concerns in respect of this. Based on the design of the proposed scheme I am not persuaded that this would limit Badgers from accessing foraging areas.

**Conditions**

17. In addition to the standard condition which limits the lifespan of the planning permission, I have also specified the approved plans as this provides certainty. A condition relating to proposed materials is necessary in the interests of the appearance of the development. I have also imposed conditions to ensure that the pedestrian gates are kept unlocked, and the vehicular access feature remains ungated. These are necessary to ensure that permeability through the wider development site, which the appeal site forms part of is not compromised

and to facilitate access to the communal open space area, in the interests of promoting inclusive design.

**Conclusion**

18. For the reasons given above and having taken all matters raised into account I conclude that the appeal is allowed, and planning permission granted.

*M Aqbal*
INSPECTOR