



Appeal Decision

Site visit made on 7 July 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/U4610/W/20/3248482

384 Stoney Stanton Road, Coventry CV6 5DH

- 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 Ramus, Michael Ramus Architects Limited against the decision of Coventry City Council.
 - The application Ref FUL/2019/2102, dated 13 August 2019, was refused by notice dated 10 February 2020.
 - The development proposed is the demolition of the existing Londis petrol station and forecourt and the erection of 6 number 2 bed and 6 number 1 bedroom apartments (12 total) with associated parking at 384 Stoney Stanton Road, Coventry.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the area; the living conditions of future occupants; highway safety; and, whether the proposal makes adequate provision towards affordable housing and health infrastructure.

Reasons

Character and appearance

3. The appeal site comprises a petrol filling station and detached utilitarian building incorporating a sales area/convenience store and other businesses, which occupy a prominent site along a main arterial road into the City centre.
4. Although dwellings nearby are mainly two-storey and other buildings immediately adjacent to the site are of a similar or lower height, there are examples of taller buildings along Stoney Stanton Road, which include three and four storey high modern flats. In this case, the proposed three-storey block would be set-back from the road and separated from nearby buildings. Therefore, this siting arrangement would assist in absorbing the height of the proposed building.
5. Nevertheless, the proposed building would occupy a sizeable footprint relative to the size of the overall plot and would incorporate extensive elevations. These, along with its height would give the proposed block a significant overall mass. The incorporation of rendered sections along the frontage would fail to articulate the mass of the building or add any discernible interest to is less than

acceptable design. The overall appearance of the development would be further undermined by the large expanse of its prominent car parking area and although some landscaping is proposed, on the available information I cannot be certain that this would be sufficient to mitigate the overall scale of the building and enhance its setting.

6. For the above reasons, and irrespective of the limited architectural quality of the existing development at the appeal site and nearby, the submitted scheme is of poor design, which would fail to enhance the quality and appearance of the area. The proposed development is therefore contrary to Policies H3 and DE1 of the Coventry Local Plan 2016 (LP) which collectively seek to ensure that new developments respect and enhance their surroundings, this includes the setting of a major road.

Living conditions

7. The separation achieved between the proposed flats and the existing industrial units to the north of the site would not be dissimilar to that associated with existing dwellings. Further, there is no substantive evidence that this existing arrangement results in any significant harm to the living conditions of existing neighbours. On this basis, I am satisfied that the location of the proposed flats relative to the industrial units would not have any significant impact on the living conditions of future occupants.
8. However, some of the windows serving habitable rooms along the western and southern elevations of the proposed building would be in close proximity of a temple to the rear of the appeal site and its extensive car parking area. As a consequence of this arrangement the occupants of these flats are likely to be affected by activity and noise associated with the temple and its car parking area.
9. I note the appellant's willingness to submit a further noise assessment and assertions that the temple operates at certain times only and generates limited activity. Nonetheless, on the basis of the submitted information it has not been clearly shown that future occupants of the proposed development would not be adversely affected by noise associated with the use of the temple and its car park. Additionally, the said windows overlooking the temple car park would result in a bleak outlook for future occupants.
10. The appellant asserts that most flat owners of the size and type in this location of the City would not require private amenity space and would be unlikely to contribute to a paid management service, I have no evidence to support this. Furthermore, I do not believe that the availability of public open space at Websters Park would be a reasonable atonement for the failure to provide adequate amenity space directly associated with the proposed dwellings, including some which could be occupied by families.
11. Drawing on the above factors, it has not been demonstrated that the proposed development would provide a high-quality residential environment for future occupants. As such, the proposal is contrary to Policy H3 of the LP which amongst other things requires that new developments must provide a high-quality residential environment with adequate amenity space and be safe from environmental pollutants such as excessive noise.

Highway safety

12. The Council has confirmed that based on its parking standards the proposed development generates a maximum requirement for 20 parking spaces. The proposed scheme only provides 18 on-site parking spaces. Nevertheless, these parking standards are expressed as maxima and the Council recognises that there may be occasions when it could be appropriate to have a lower level of parking depending on the specific details of the application. Adding that in such cases, any departures from the standards should be fully and appropriately justified with detailed supporting evidence.
13. In this case, the appeal site is within reasonable walking distance of bus stops which are on regular bus routes to the City centre and the Ricoh retail area. Furthermore, as has been highlighted in the appellant's evidence and from my observations, there are a range of shops and facilities along Stoney Stanton Road. Therefore, a range of shops and facilities to meet the day to day needs of future residents are accessible by walking, cycling and public transport. Consequently, it is likely that a high proportion of future tenants, would not need access to a car, which would limit demand for car parking spaces. In addition, the appellant is willing to provide cycle parking facilities within the development which could be secured by a planning condition if the appeal were to succeed. This would further support the reduced demand for car parking spaces.
14. For the above reasons, the modest shortfall in parking spaces is unlikely to lead to increased parking on the public highway in the vicinity of the site, to the detriment of highway safety. The proposed development would therefore not be contrary to Policy AC3 and Appendix 5 of the LP, which seek to ensure that adequate parking provision is provided for new developments in the interests of highway safety.

Affordable housing and health infrastructure

15. Based on the submitted evidence, the proposal generates requirements for affordable housing and a financial contribution towards acute and emergency healthcare. The appellant does not dispute these requirements and notwithstanding his reasons, no completed and signed agreement is before me and therefore I cannot be certain that the proposed contributions to local infrastructure and affordable housing provision can be delivered.
16. Although the appellant has suggested that the above mentioned provisions could be secured by conditions, the Planning Practice Guidance¹ states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Further, that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes) which is not the case here.
17. I therefore conclude that the proposal fails to make appropriate provision for affordable housing and financial contributions towards health infrastructure,

¹ Paragraph: 010 Reference ID: 21a-010-20190723

contrary to Policy IM1 of the LP which requires developments to provide, or contribute towards provision of measures to directly mitigate its impact and make it acceptable in planning terms.

Other Matters

18. The appellant has referred me to other modern flat developments nearby. Those at the junction with Red Lane incorporate a range of roof forms and heights, along with balconies and elements of steel cladding. Those to the north of the site, adjacent to Red House Park also incorporate varied roof heights, along with brick detailing and extensively landscaped frontages. Furthermore, in both these schemes car parking areas are largely concealed from the highway. As such, these examples are not comparable to the appeal scheme and fail to provide any clear justification for the submitted design.
19. The National Planning Policy Framework and development plan promote the effective and efficient use of previously developed land in meeting the need for homes. Nevertheless, such support is also subject to ensuring healthy living conditions, which is not the case here.
20. Whilst the proposal may provide new housing and associated benefits, including the demolition of a utilitarian building and associated concrete forecourt, along with the removal of a use which generates traffic and associated noise/air pollution. Such benefits along with the provision of some landscaping, do not outweigh the harm I have already identified and the overall conflict with the development plan.

Conclusion

21. I have found that the proposal would not harm highway safety. Nevertheless, I have also found that the proposed development would harm the character and appearance of the area and fails to provide a satisfactory living environment for future occupants. The proposal also fails to provide affordable housing and financial contributions towards health infrastructure, which are all contrary to the development plan. Therefore, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR