



Appeal Decision

Hearing held on 27 October 2020

Site visit made on 28 October 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2020

Appeal Ref: APP/Y0435/W/20/3246813

Land to the east of Maltings Field, Castlethorpe MK19 7EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by condition of a planning permission.
 - The appeal is made by Ms Cherise Berridge, Stonewater against the decision of the Milton Keynes Council.
 - The application Ref: 19/02444/REM, dated 2 September 2019, sought approval of details pursuant to conditions No 2 and 3 of outline planning permission Ref: 17/01536/OUT, granted on 23 January 2018.
 - The development proposed is described as reserved matters for the erection of 31 dwellings.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
-

Decision

1. The appeal is allowed and reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of conditions No 2 and 3 attached to planning permission Ref: 17/01536/OUT, subject to the conditions set out in attached Schedule A.

Application for Costs

2. An application for an award of costs was made by Ms Cherise Berridge, Stonewater against Milton Keynes Council. This application is the subject of a separate decision.

Procedural Matter

3. The appellant has submitted a second set of drawings to the appeal, which include Proposed Site Plan drawing Revision K and amendments to the detailing of house elevations. The amendments to the Proposed Site Plan consist of minor labelling and drawing line corrections that do not fundamentally alter the layout of the site. The elevation drawings make modest changes to detailing. The substance of the proposal and core issues relating to its suitability remain to a large extent the same. As such, no interests would be prejudiced by my consideration of the amended scheme, as illustrated in the drawings listed in Schedule A below, as the proposal.

Background and Main Issues

4. The site is adjacent to Castlethorpe Conservation Area (CA). While the effect of the proposal on the setting of the CA is not among the reasons for refusal, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. Tenure mix and infrastructure planning obligations were set in the section 106 agreement at outline stage. Changes to tenure mix and infrastructure contributions are sought by the appellant. However, these matters are beyond the scope of the reserved matters of appearance, landscaping, layout and scale. Accordingly, I am not accepting the submitted plan of tenure mix as part of the proposal.
6. Having regard to the above, the main issues are the effect of the proposed development on:
 - the character and appearance of the area, including whether it would preserve the setting of the Castlethorpe Conservation Area (CA), and
 - the living conditions of neighbouring occupiers, with particular regard to noise, disturbance and privacy.

Reasons

Character and appearance

7. Much of the village of Castlethorpe, including housing that adjoins the north-west boundary of the appeal site, sits within the CA. Judging by what I saw during my site visit and the evidence before me, the CA's significance lies in the evolution of the village's townscape from the Norman period through to the Victorian railway era and into the early twentieth century. This townscape is situated along and leading off from the South Street 'spine' and is set within a partly rural 'frame'.
8. In terms of pattern and massing, the CA including development in the vicinity of the site has a compact 'jigsaw' feel, which reflects Castlethorpe's historic evolution as a village with ancient roots. Eighteenth century stone cottages combine with red brick Victorian, Edwardian and other twentieth century buildings to form the CA's varied architectural blend. Pitched roofs, chimneys and lower-rise building form of a maximum of two storeys are prevailing, unifying characteristics of the CA and its setting.
9. The appeal site comprises mostly a field. Towards the northern end of the site, two established areas of green space adjoin a roadway which leads to Paddock Close and Maltings Field.
10. While the inter-visibility between the site and CA is limited by intervening dwellings, the site provides pedestrian access to the Maltings Field entrance to the CA. As such, the site forms part of the access and transition between the south-east corner of the CA and countryside to the east. In this way, the appeal site makes a positive contribution to the setting and thus significance of the CA.
11. Bay windows and recessed front porches help characterise some of the brick housing in the north-eastern part of the CA and village, for example in the vicinity of the junction of North Street and Bullington End Road, and on parts of

South Street. These features are replicated at Paddock Close, which is a residential scheme adjoining the CA and northern boundary of the appeal site. Paddock Close is a recently constructed, compact cul-de-sac development of red brick-walled, pitched roof, two-storey houses in semi-detached and terrace form. 'Edwardian style' features in the form of bay windows, sash windows, stone lintels, recessed front porches and chimneys are prevailing characteristics of Paddock Close.

12. That said, a substantial proportion of dwellings on South Street do not have a combination of bay windows and arched recessed porches and nor do dwellings along Maltings Field, which adjoins the western boundary of the site. As such, while bay windows and arched recessed front porches are characteristic of some clusters of buildings within the village, including the eastern part of the CA, the wider CA and village context has architectural variety, including properties without that detailing.
13. Policy 2 of the made and emerging modified version of the Castlethorpe Neighbourhood Plan (NP) sets out design principles for the appeal site. Principle ii) requires, among other things, built form and materials to be of a similar character to Paddock Close. Supporting text paragraph 4.2.3 for Policy 2 of the NP sets out that Paddock Close 'should' act as a clear cue for the design of development on the appeal site. Following examination of the draft modified NP, the emerging version of this text has been changed to Paddock Close 'could' act as a clear cue, having regard to Paddock Close's 'Edwardian style' features. Thus while a similar character to Paddock Close - taking a cue from the latter's design - is required on the appeal site, a full replication of the former's built form and detailing does not automatically follow.
14. The proposal would comprise a compact cul-de-sac development of modest sized, mainly two-storey houses, and two bungalows. The dwellings would be a mix of semi-detached pairs and short terraced rows. The proposed buildings would have brick walls and pitched roofs with roof overhangs. These elements would together complement the compact 'jigsaw' feel and lower-rise built form of the CA. Furthermore, the proposed detailing would include chimneys on most dwellings and stone lintels. There would be bay windows on the front of houses at plot Nos 2 and 23 which, in terms of location, flow on from Paddock Close. While the proposed dwellings would not have arched recessed porches, most of the dwellings would have arch-shaped fascia detailing above their front doors to visually echo these features. The above combination of elements would help the proposal to positively assimilate into the local townscape.
15. The proposed location of the pumping station at approximately the centre of the southern part of the development is influenced by drainage practicalities. A combination of middle and longer distance views to the public open space (POS) and countryside beyond would draw the eye elsewhere, from some viewpoints. Furthermore, a sympathetically designed building, boundary and landscaping treatment will be secured by planning condition, to ensure that the pumping station integrates into the streetscene.
16. The proposal would maintain access to the Maltings Field entrance to the CA. The two proposed areas of POS at the northern end of the site are established, with grass areas and planting on them. One of the POS areas would remain as mainly a swale with a naturalistic feel. The other has scope to continue to be a relatively simple 'doorstep' green space, with potential for community

involvement through orchard tree planting. The areas of POS would provide a 'green' backdrop to the pedestrian route between the countryside public rights of way network to the east and the CA.

17. Therefore, while the site would be urbanised, the POS and road layout would preserve visual and physical connection between the edge of the CA and the village's countryside 'frame'. The POS would also retain some of the verdancy of the transition between the CA and countryside. In combination with the retained hedgerow boundary, the proposed landscaped buffer strip along the eastern edge of the site would also soften the interface between the development and the countryside beyond.
18. The Council and Parish Council consider that the proposal would harm the character and appearance of the area. However, I conclude that the combination of factors described above would enable the proposed development to take sufficient design cues from its setting, including Paddock Close, to assimilate acceptably into the area. The above factors would also ensure that the proposal would preserve the setting and thus significance of the CA, resulting in no harm to its character or appearance.
19. Thus the proposal would accord with Policies D1, D2 and D3 of Plan:MK (PMK) and Policy 2 of the NP. These policies together seek to ensure that development is of appropriate design and appearance to conserve or enhance the historic environment, and is sympathetic to local character. Furthermore, the proposal would accord with the approach of the National Planning Policy Framework (the Framework) in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Living conditions of neighbouring occupiers

20. The westernmost POS would be located on an existing area of grass, trees and shrubs which adjoins the side garden boundaries of No 17 Maltings Field and 1 Paddock Close. This POS would retain a semi-naturalistic character, with scope for community fruit trees as part of the landscape scheme. The POS is not a large formal park and would not have play equipment on it. It would also be open to 'natural surveillance' from the street and several of the proposed new homes to the south which look towards it. Moreover, the countryside rights of way network close to the site offers alternatives for exercise and 'letting off steam'. These factors together mean that the on-site POS would be a pleasantly verdant, 'low key' green space which would not be likely to attract use resulting excessive noise and disturbance.
21. There would be separation gaps of around 22m between the main rear elevations of proposed units 3 to 6 and adjacent houses on Maltings Field. This would make sufficient provision for the privacy of neighbours.
22. In conclusion, the proposal would not be likely to harm the living conditions of neighbouring occupiers in respect of noise, disturbance and privacy. As such, it would accord with Policy D5 of PMK which seeks, among other things, to ensure that development safeguards the living conditions of residents.

Other Matters

23. I note residents' concerns about the effect of the proposal on parking and drainage in the area. Whilst I do not underestimate the importance of the

above matters to those involved, there is no substantive evidence which would lead me to conclude that the scheme should be resisted on these grounds.

Conditions

24. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. I have found them to be broadly reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision. As agreed by the main parties, I have added a condition covering the design of the pumping station in the interests of character and appearance. I have also included a condition suggested by Network Rail regarding excavation near the railway boundary, to protect the railway.
25. Drawing 015 rev C Proposed Tenure Plan is not included in the approved plans as tenure mix is outside the scope of the reserved matters. A condition relating to cycle parking is necessary in the interests of sustainable transport. Conditions regarding materials, boundary treatment and landscape are required to safeguard the character and appearance of the area.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

William Cooper

INSPECTOR

Schedule A) Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: 001 Location Plan; 010 rev K Proposed Site Plan; 016 rev C Proposed Boundary Plan; 020 rev C Proposed Street Scenes; 102 rev B House Type B; 103 rev C House Type C; 104 rev B House Type D; 105 rev D House Type E & F plts 1 and 2; 106 rev A House Type G; 107 rev B House Type C; 108 House Type H (Accessible); 109 rev A House Type E & F1 plts 30 and 31; 110 rev A House Type E & F plts 23 and 24; L-010 rev A Detailed Soft Landscape.
- 2) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a schedule of external materials to be used in the construction of the development. The schedule shall include detailed specification, photo examples, RAL numbers and/or samples, as appropriate. The relevant works shall be carried out in accordance with the approved details.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a detailed design for the pumping station building and its boundary treatment. The scheme implemented as approved shall be retained thereafter.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority full details of hard and soft landscape works. These details shall include: existing trees and/or hedgerows to be retained and/or removed, accurately shown with root protection areas; existing and proposed finished levels or contours; means of enclosure; visibility splays; areas of hard surfacing materials; proximity between street lights and tree planting; pedestrian access and circulation areas; civic space/park furniture; proposed and existing functional services above and below ground such as cables, pipelines and substations. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities; written specifications, including cultivation and other operations associated with tree, plant and grass establishment; and the implementation programme.

All hard and soft landscape works shall be carried out in accordance with a programme to be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement of it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, they shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity.

- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority details of a programme for the proposed boundary treatments. The details shall include a boundary treatment plan (at a minimum scale of 1:500) which illustrates the position of all proposed boundary treatments and specifies the type, height, composition, appearance and installation method of boundary

treatments on the site. This shall also include appropriate acoustic and safety fencing in relation to the railway corridor. The works shall be carried out as approved prior to the first occupation of the development and be retained thereafter.

- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority full details of ground levels, earthworks and excavations to be carried out near the railway boundary.
- 7) Prior to the first occupation of the development hereby permitted there shall have been submitted to and approved in writing by the local planning authority details of a programme for the provision of bicycle parking. The development shall be completed in accordance with the approved details and be retained thereafter.
- 8) Prior to the first occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority a landscape management plan for a minimum period of 10 years. This shall include: long term design objectives; management responsibilities; and a schedule of landscape maintenance with details of arrangements for all landscaped open space and public amenity areas, other than privately owned domestic gardens. The landscape management plan shall be carried out in full accordance with approved details.

APPEARANCES

FOR THE APPELLANT:

Joe Bennett	RCA Regeneration Ltd
Cherise Berridge	Stonewater
Arthur Gott	Stonewater
Sian Griffiths	RCA Regeneration Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Richard Edgington	Milton Keynes Council
Elizabeth Verdegem	Milton Keynes Council

INTERESTED PARTIES:

Philip Ayles	Chairman, Castlethorpe Parish Council
George Bowyer	Councillor, Newport Pagnell North and Hanslope Ward
Steve Bradbury	Parish Clerk, Castlethorpe Parish Council
Russell Forgham	Parish Councillor, Castlethorpe Parish Council