



Appeal Decision

Site Visit made on 9 March 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/U4610/W/20/3264382

Aylesford Intermediate Care Centre, Aylesford Street, Coventry CV1 5HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mahesh Patel of Minster Care Group against the decision of Coventry City Council.
 - The application Ref OM/2020/0749, dated 19 March 2020, was refused by notice dated 5 June 2020.
 - The development proposed is described as residential development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mahesh Patel of Minster Care Group against Coventry City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved for future consideration save for access.
4. An illustrative layout plan accompanies the application and I have paid regard to this plan in so far as assessing the principle of development in land use terms.
5. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the accompanying details that the development comprises a residential development of up to 120 dwellings. The Council dealt with the proposal on this basis and so shall I.
6. The appellant has produced a signed and dated planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. The UU would ensure affordable housing and financial contributions towards education and the NHS.
7. I have been made aware of the planning history for the site which includes a previously refused planning application for a 189-bed student accommodation scheme which was allowed at appeal. The appellant has submitted an indicative site layout plan and elevation plan which are similar to those allowed under the previous appeal.

Main Issues

8. The main issues are:

- The effect of the proposed development upon the character and appearance of the area;
- The effect of the proposed development upon the living conditions of existing occupiers;
- Whether the proposed development would provide adequate living conditions for future occupiers;
- The effect of the proposed development upon the safe and efficient operation of the highway network and highway safety; and
- Whether the financial and affordable housing contributions are required to make the proposal acceptable in planning terms.

Reasons

Character and appearance

9. The appeal site is formed of an irregular shaped parcel of land cleared of buildings located close to Coventry city centre. The site is neighboured by existing residential development on two sides and to the south is a primary school. The area has a tight urban grain formed of traditional terraced houses and more modern housing. Many properties in the area are reliant on on-street parking.
10. The appellant has submitted illustrative layout and elevation plans showing a building located centrally in the site, in a broad U shape and up to four storeys in height. Notwithstanding the Council's assertion, there is no reason to suggest that an appropriate scale, design and layout could not be secured at reserved matters stage that reflects the surrounding context and local character.
11. As such, in this regard I conclude that the proposed development would not harm the character and appearance of the area and would accord with Policies DE1, DS3 and H3 of the Coventry Local Plan (2017) (LP) which, amongst other things, require development proposals to respect and enhance their surroundings and positively contribute towards local identity and character of an area and assist in delivering urban regeneration or creating sustainable communities.

Living conditions of existing occupiers

12. Jacquard House - a four storey high building neighbours the appeal site to the north with two storey dwellings wrapping around the site to the north and east. Jacquard House and the dwellings to the north are around a metre higher than the appeal site.
13. I acknowledge that no floor plans have been provided and a residential development would raise the potential for overlooking of neighbouring dwellings. However, the final scale, appearance and layout of the proposed development are reserved matters and there is no reason to suggest that a

scheme appropriate to its context and taking into account the relationship with nearby buildings could not be achieved.

14. Despite the appellant's comments a noise assessment does not accompany the submitted scheme. However, there is no substantive evidence before me to indicate that the activities associated with the proposed residential development would result in a significant increase in noise and disturbance so as to adversely affect the living conditions of nearby occupiers, particularly when taking into consideration the level of existing residential and non-residential activity in the area.
15. As such in this regard I am satisfied that the proposed development is unlikely to harm the living conditions of neighbouring residents in respect of overlooking or create noise that would be disturbing to local residents. It would accord with LP Policies DE1 and H3 which, amongst other things, seek high quality design and a suitable residential environment including being safe from excessive noise.

Living conditions for future occupiers

16. There is no compelling evidence to indicate that the proposed development would not provide adequate living conditions for future occupiers in terms of noise. I am satisfied that adequate noise mitigation could be secured by condition.
17. Limited information has been provided in respect of the number of bed spaces, size of dwellings, amenity space and vehicle parking. Albeit illustrative the submitted plans show limited space around the building with parking spaces along two sides of it as well as an undercroft.
18. I acknowledge that there would be scope at reserved matters stage to amend the layout and number of dwellings. However, the external area would have to accommodate the access road, resident parking, bin stores and amenity space. Based on the evidence before me including the size of the development, the limited space around the building and the size and shape of the site I am not satisfied that the appellant has demonstrated that acceptable amenity space or green space could be provided for future occupiers.
19. For these reasons I find that the proposed development, in this regard, would not provide future occupiers with acceptable living conditions with regard to amenity space and green space. Thus, it would be contrary to policies DE1, DS3 and H3 of the LP which, amongst other things, seek high quality design, increased health, wellbeing and quality of life and suitable residential environments including adequate amenity space and parking provision.

Safe and efficient operation of the local highway network

20. LP Policy AC3 sets out that parking provision for new development shall be in accordance with the Council's adopted parking standards. Those standards are set out at Appendix 5 and are expressed as maximum figures applied on a zonal basis to reflect inner city and outer city locations.
21. The Local Highway Authority consider that as the site sits outside of the city centre boundary it should reflect the parking standards contained within the LP. The provision of 60 car parking spaces is inadequate according to the Council and would lead to increased parking demand on surrounding roads.

22. I acknowledge that the details of the size and number of dwellings are not confirmed as part of this outline application and that the size and type of properties and the parking provision could change. I have also taken into consideration that the site is located close to the city centre and is accessible to local services and facilities. However, there is nothing to suggest that the Council's parking standards do not already have regard to this.
23. Notwithstanding the existing local car ownership levels provided by the appellant the size of the proposed development would increase the likelihood of residents' vehicles in the area. The appeal scheme would place additional pressure on local on-street parking for which there is already demand in part created by many properties not benefitting from off street parking. Moreover, whilst the appellant has submitted a Travel Plan, there is no parking survey or assessment to demonstrate that there is sufficient capacity to absorb any displaced parking from the scheme. The under provision of car parking against the Council's standards has not been justified and would be materially harmful. I am not satisfied that this harm could be overcome through the imposition of conditions.
24. I conclude that the lack of adequate car parking would have an unacceptable adverse impact on highway safety and the safe and efficient operation of local streets, contrary to LP Policies AC2 and AC3 which, amongst other things, seek to mitigate and manage traffic growth from developments to ensure that they do not cause unacceptable levels of traffic congestion or highway safety problems.

Planning obligations

25. The appellant has submitted a signed and dated UU as the mechanism by which to secure appropriate affordable housing and financial contributions towards education and the NHS.
26. I am satisfied that the contributions would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). As such, I find that the submitted UU would overcome the Council's fourth reason for refusal.
27. In this respect the proposed development would accord with LP Policies IM1 and H6 which, amongst other things, seek site specific infrastructure and off site contributions and 25% or more affordable housing.

Other Matters

28. The appellant contends that the Council have misunderstood the concept of an outline planning application. Whilst the illustrative plans show how the site might be developed the Council still need to be assured that the proposed development would be capable of being advanced at the reserved matters stage based on the information available. Based on the evidence before me I am not satisfied that the development as proposed could be delivered on site for the reasons set out above.

Conclusion

29. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR