



Appeal Decision

Site visit made on 8 March 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/U4610/W/21/3283038

Telephone Repeater Station, Fletchamstead Highway, Coventry CV4 7BB

- 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 Mr Parminder Bal against the decision of Coventry City Council.
 - The application Ref FUL/2020/3131, dated 18 December 2020, was refused by notice dated 26 August 2021.
 - The development proposed is the change of use and refurbishment of a former BT repeater station to provide residential and office ('Live-work') accommodation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Parminder Bal against Coventry City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - whether it has been demonstrated that the proposal would have an acceptable effect on highway safety;
 - whether the proposal would provide satisfactory living conditions for its future occupants, with particular regard to noise; and
 - the effect of the proposal on nature conservation, with particular regard to effects on Burnsall Road Local Wildlife Site and Canley Brook Local Geological Site.

Reasons

Highway safety

4. Fletchamstead Highway is a busy main road and a key route around Coventry, well used by HGVs. I accept that the proposal would make use of the existing access rather than creating an entirely new one. I also acknowledge that there would be times when traffic build up outside the site could slow traffic sufficiently to facilitate safe access and egress to the site. At less congested times, although cars may slow on approach to the roundabout, driver attention would inevitably be focussed on navigating the roundabout ahead, and vehicle manoeuvres between lanes at relative speed.

5. The site entrance is relatively concealed by dense trees. In addition, vehicular access directly to individual properties is not a common occurrence on this particular stretch of road. Consequently, drivers are unlikely to be expecting to slow down to the extent necessary to allow vehicles to safely enter or exit the appeal site, a manoeuvre that would require a relatively sharp turn into or out of the site.
6. Evidence indicates that the appeal building was used as a recording studio for a period of time, although not in very recent years and the intensity of that use and its continuity over time has not been robustly demonstrated. Even were I to accept that such use had occurred consistently for ten years or more, and amounted to a greater intensity of vehicular use of the site than for the proposed dwelling, the use of the building as a recording studio has not been established by a lawful development certificate (and that is not the function of this appeal). For these reasons, I am not persuaded that there is a realistic fallback position involving more frequent vehicular access/egress of the site than proposed by the appeal scheme.
7. I acknowledge that vehicular movements into and out of the site could be relatively limited, and that any active use here would entail a certain number of trips (noting all the evidence presented by the appellant in that regard). However, there would be no reasonable mechanism to restrict the frequency of vehicle trips. Those associated with a dwelling are, in my view, likely to significantly exceed that which would be associated with a functional piece of infrastructure (the original purpose of the exchange).
8. Therefore, for the above reasons I conclude that it has not been demonstrated that the proposal would have an acceptable effect on highway safety. Whilst I find no direct conflict with Policy AC3 of the Coventry City Council Local Plan (December 2017) (Local Plan) which is of limited relevance, the proposal would be contrary to Policy AC2 of the Local Plan, which seeks to ensure proposals that would result in unacceptable highway safety issues are designed to mitigate those effects.
9. Similarly, the proposal would conflict with paragraph 111 of the National Planning Policy Framework (Framework) which requires development proposals to be refused on highways grounds if there would be an unacceptable impact on highway safety. The proposal would also be contrary to the requirement in the Council's Design Guidance for New Residential Development (1991) for new housing to ensure safe vehicular movement.

Noise

10. Without mitigation, the appellant's noise report states that noise levels in the proposed living and bedrooms are expected to exceed the maximum noise levels specified for new developments in the relevant British Standard (BS8233)¹. Mitigation is proposed in the form of closed window units with trickle ventilation, which is predicted to result in internal noise levels that would accord with the BS8233 recommended level. Whilst windows could be openable, this is predicted to result in acceptable noise levels being exceeded. Therefore, opening of certain windows on a day-to-day basis would likely be detrimental to future living conditions within the proposal.

¹ BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings

11. Without mitigation, noise levels in the proposed front garden are predicted to exceed, by a considerable margin, the World Health Organisation's guideline level of less than 55dB LAeq (16hour) for daytime outdoor noise. Mitigation is therefore proposed in the form of a close boarded fence to provide an acoustic barrier to road noise at the front of the house. This is anticipated to provide attenuation 'in the region of 9.3dB(A)' thus bringing the scheme within the upper WHO guideline level, albeit not by a significant margin.
12. The Planning Practice Guidance advises that in circumstances where the predicted noise level would require a material change in behaviour, such as keeping windows closed for most of the time, the planning process should be used to avoid this effect occurring, for example by use of appropriate mitigation such as altering the design and layout. In this instance, the proposed design would likely require future occupants to live with windows closed for the majority of the time, to achieve acceptable living conditions with respect to noise. In addition, private outside space around the property would comprise relatively narrow strips of garden around the perimeter of the house. As such, access to quieter outside space away from road noise would be highly limited.
13. Whilst set back from the road, the proposed balcony at the front of the dwelling would be in an elevated position relative to the acoustic fence. Noise levels on this balcony are therefore predicted to be very close to the maximum acceptable noise level in BS8233. Therefore, the extent to which future occupants would be likely to use and enjoy that outside space would be somewhat limited.
14. It is not uncommon for housing to be located alongside the strategic transport network where a reasonable degree of road noise would be expected. However, each proposal must be determined on its own merits and with regard to the circumstances of its particular site and its surroundings. The site here, whilst alongside a busy main road, has the character of a more rural woodland setting. However, the ability of future occupants to benefit from and enjoy that setting would be severely compromised by the need to keep windows closed and the very limited access to private outside space away from road noise.
15. Although not necessarily harmful to human health, the proposal would result in a compromised living environment for its future occupants with implications for their quality of life. I therefore conclude that the proposal would not achieve acceptable living conditions for its future occupants, with particular regard to noise. Consequently, it would conflict with Policy H3 of the Local Plan which requires new housing to provide a high quality residential environment, avoiding excessive noise. It would also conflict with paragraph 185 of the Framework, which seeks to ensure new development is appropriate for its location, taking into account likely effects of pollution on living conditions.

Nature Conservation

16. The site is located in an area with extensive tree cover within Burnsall Road Local Wildlife Site and close to Canley Brook Local Geological Site. Trees within the site are close to the site's perimeter. During the course of the Council's determination of the application an updated response from the appellant's arboricultural consultant (dated 2 February 2021) acknowledged that the proposal would retain all existing trees. It also highlighted that an alternative to strip foundations could be undertaken for part of the proposed boundary

wall, to minimise effects on trees to the east of the site. The appellant's Updated Ecological and Biodiversity Impact Assessment Report (March 2021), which was prepared on the basis that all trees would be retained, also found that there would be no loss of habitat or net loss to biodiversity, and no harm to the Local Wildlife Site or Local Geological Site.

17. Given the relatively limited nature of the redevelopment works proposed, I am satisfied that in the event that planning permission were to be granted, conditions could reasonably be imposed to secure appropriate retention of trees, construction methods to minimise effects on retained trees, and provision of limited biodiversity enhancement measures on site. Accordingly, the proposal would avoid unacceptable harm to nature conservation, with particular regard to effects on Burnsall Road Local Wildlife Site and Canley Brook Local Geological Site.
18. The proposal would therefore be capable of according with Policy GE3 of the Local Plan which seeks to protect and enhance Local Wildlife and Geological Sites, and avoid biodiversity harm. It would similarly accord with paragraph 174 of the Framework, which seeks to ensure proposals protect and enhance sites of biodiversity or geological value, as well as minimising impacts on, and providing net gains for biodiversity.

Other Matters

19. The proposal would, in a small way, increase housing supply on a previously developed site. It would create a live-work unit in an accessible location, and I note the appellant's intention to employ high standards of environmental sensitivity in design, construction and operation. However, there is no robust information to suggest that the Council is not meeting its housing requirements. In addition, given the scale of the proposal, associated benefits to the local economy from its construction and occupation would be similarly limited. Improvements to the visual appearance of the building and sense of security from the surrounding woodland and footpath would also be limited, and are not inherently reliant on the proposal before me. As such, no other matter outweighs or alters my overall finding that the development proposed would be unacceptable.

Conclusion

20. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR