



Appeal Decision

Site visit made on 26 April 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th May 2022

Appeal Ref: APP/E2530/W/21/3285633

Land South of Harvey Close and West of Wincanton Way Bourne, PE10 9PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of an approval.
 - The appeal is made by Bellway Homes Ltd (Eastern Counties) against the decision of South Kesteven District Council.
 - The application Ref S21/1201, dated 4 June 2021, sought approval of details pursuant to conditions Nos 2 and 5 of an approval of reserved matters Ref S21/0113, granted on 1 April 2021.
 - The application for condition No 5 was refused by notice dated 4 October 2021.
 - The development proposed is Residential and associated development, link road, estate roads, open space and landscaping.
 - The details for which approval is sought are: 'Notwithstanding the submitted details, before any development, including demolition, in each phase is commenced, details of the soft and hard landscaping to be used for the dwellings and public areas in that phase shall have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details should follow the principles shown on the landscaping masterplan drawing no. PR205-01 C. Details must include:
 - i. planting plans;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - iv. boundary treatments;
 - v. car parking layouts;
 - vi. hard surfacing materials;
 - vii. cycle and footpath construction details, including any lighting;
 - viii. detail of play areas including naming, equipment and interpretation boards for proposed pocket park in phase 1.'Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.
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Decision

1. The appeal is allowed.

Application for costs

2. An application for costs was made by Bellway Homes Ltd (Eastern Counties) against South Kesteven District Council. This application is the subject of a separate Decision.

Background and Main Issue

3. Outline Planning permission reference SK.94/0125/12 for 373 dwellings was granted by the Council on 4 June 2001. The development of the whole site has been undertaken in phases and the appeal site forms part of the final phase.
4. The reserved matters for this phase S21/0113 was approved by the Council on 1 April 2021. This approval was subject to a series of conditions which required prior approval of the Council.
5. The Appellant made an application, S21/1201 (the application), to the Council in respect to two conditions. A split decision was issued with condition No 2 being discharged and condition No 5 not being discharged. Condition No 5 is the subject of this appeal.
6. Consequently, I consider that the main issue to be whether the details submitted in respect of the soft and hard landscaping meets the requirements of condition No 5 with regard to the character and appearance of the site and surrounding area.

Reasons

7. The appeal site is part of a housing development currently under construction. While the details submitted to discharge condition 5 were for the whole of this phase of the development, the area of dispute relates only to a proposed play area within the broader development site. Part of the proposed play area is currently occupied by a former railway bridge.
8. In approving the reserved matters details on 1 April 2021. The principles of the landscape masterplan drawing number PR205 - 01 C were agreed. Upon that drawing a note was added dated the 7th of January 2021 which states "*the existing bridge is to be removed. The plan area of the bridge is to be paved to create a contextually meaningful seating area within the children's play area.*"
9. As part of those principles the master plan also included details of contours showing embankments around the outside of the proposed play area which is consistent with the details now submitted as part of the plans the subject to this appeal. The statement of common ground between the main parties agrees that the details of the play equipment are appropriate and is not an area of dispute.
10. In granting the reserved matters the Council was very clear in setting out what it expected to be submitted. These details were set out under condition 5 and subdivided into eight sub-categories all of which the applicant has provided. It is these details and these alone which can be considered as part of the appeal.
11. The Council do not provide evidence that there is any concern with regard to the details the Appellant has provided in respect of the proposed planting plan, boundary treatment details, car parking layout, hard surface materials, cycle and footpath construction and lighting details.
12. The site for the play area is now located within a residential development which is substantially complete, by levelling the ground in line with the contours as set out on the submitted plan a play area would be created which would be sympathetic with and positively contribute towards the character and appearance of the new residential development.

13. The limited natural features that remain on the site are not ones which can be regarded as making a positive contribution to the character and appearance of the area, I find that the submitted landscape details meet the requirements of the condition imposed and would achieve a satisfactory appearance for the area. There would therefore be no conflict with policy DE1 of the South Kesteven Local Plan which seeks to promote good quality design.
14. The Council in rejecting the details submitted for the play area have conflated the issue with condition 2 which they have approved. There is nothing before me which provides evidence as to why the details in respect of the naming, play equipment, interpretation boards, would be unacceptable and I therefore conclude that the details submitted should be approved.

Other Matters

15. Condition No 2 of the approved reserved matters application stated *"Prior to any demolition of bridge 234, a level 4 historic building record shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The results of the survey shall then be submitted to the Local Planning Authority and the Historic Environment Record prior to the first occupation of the dwellings hereby approved."*

Reason: In order to ensure the historic elements of the building are adequately recorded prior to demolition."

16. The details to discharge condition No 2 for the of demolition of bridge 234 have already been agreed by the Council. The concerns from many Interested Parties who have expressed strong objection to the loss of Bridge 234 and to the heritage interest this represents, is not before me in considering this appeal, and these concerns do not influence the conclusions I have reached on the limited matter of the landscape details which are the subject of the details in respect of Condition No 5.

Conclusions

17. The appeal is allowed and the landscape details submitted pursuant to condition No 5 attached to planning permission Ref S21/0113 granted on 1 April 2021 in accordance with the application Ref S21/1201 dated 4 June 2021 and the plans nos GL 1440 01 – 06, BW230EC_PL_02_G, PR205-02 Rev E submitted with it are approved.

Edwin Maund

INSPECTOR