



Appeal Decision

Site visit made on 26 November 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/J3720/W/19/3231779

Avon Bridge, Binton Road, Welford-on-Avon CV37 8PP

- 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 S Wreford of Avonbridge Developments Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref: 18/03299/FUL, dated 1 November 2018, was refused by notice dated 8 May 2019.
 - The development proposed is for the demolition of existing single storey dwelling. Construction of two new dwellings in its place. Development to include flooding and surface water management and new landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey dwelling, construction of two dwellings in its place, development to include flood and surface water management and new landscaping at Avon Bridge, Binton Road, Welford-on-Avon CV37 8PP in accordance with the terms of the application Ref: 18/03299/FUL, dated 1 November 2018 and subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The site is located in Flood Zones 2 and 3 and inappropriate development should be directed away from areas at the highest risk of flooding. The two dwellings are in Flood Zone 2 whilst the gardens are in Flood Zone 3. Dwellings are included in the Technical Guidance to the National Planning Policy Framework (The Framework) in the 'more vulnerable' classification. The Sequential Test permits 'more vulnerable' development within Flood Zone 2 and consequently the development would pass the Sequential Test. The appellant has suggested a number of flood risk mitigation measures and the Council considers these would be acceptable and I agree with them on this matter.

Application for costs

4. An application for costs was made by Mr S Wreford of Avonbridge Developments Ltd against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons for the Recommendation

6. The site is located on Binton Road and is situated within the built-up area boundary for Welford-on-Avon which is classified as a Local Service Village (LSV) in the Stratford-on-Avon Core Strategy 2011 – 2031 (CS). The principle of residential development within the built-up area boundary of an LSV is considered acceptable as per policy AS.10 contained within the CS and HLU1 of the Welford-on-Avon Neighbourhood Plan 2011 – 2031 (NDP).
7. There is a single storey dwelling with a vehicular access within the centre of the site with the rest of the site left undeveloped and overgrown. The property is the final dwelling in a run of ribbon development along Binton Road, although there are further dwellings to the north of the site. The dwellings within the street scene vary in size and design but are generally set back from the roadside and each dwelling has boundary treatment that fronts the roadside. The properties typically have areas of hard and soft landscaping fronting the dwelling.
8. The Development Requirements Supplementary Planning Document (2018) (SPD) notes that in suburban, lower density areas, building lines and setbacks can vary as appropriate to the character of the street that exists. When walking down Binton Road it is not readily discernible that there is a defined building line that the dwellings adhere to. They are all set back from the roadside but because of the variation in design and size of the dwellings there is no clear building line that they have all been built in accordance with. The road has likely been developed sporadically overtime which has contributed to this characteristic. The proposed dwellings would be set back from the roadside and as such the proposal would retain this characteristic of the street scene.
9. The proposal would also introduce new low-level planting along the front of the site which would soften the view of the dwellings and maintain an important characteristic of the street scene. The dwellings would be located forward of the adjacent dwelling by a couple of metres but because of the sporadic development along the road, this would not be discernible within the street scene. Because the dwellings would be bungalows and because of the identified characteristics noted above, the proposed dwellings would not appear dominant within the street scene.
10. The area of hardstanding proposed does not appear uncharacteristically large compared to the dwellings within the immediate street scene and because the two dwellings would share a driveway, the total amount of hardstanding needed would be reduced. Moreover, because the two dwellings would share a driveway this would allow for more of the roadside boundary to be planted. There is currently no boundary treatment in front of the existing dwelling and as such the additional planting would enhance the appearance of the street scene.

11. The site is viewed within the context of existing residential development and, whilst the site to the north is undeveloped, there are dwellings located within the same sightline when approaching the site from the south east. When viewing it from the north the dwelling is viewed within the ribbon development along Binton Road. Whilst the proposal would develop across more of the site, the site is residential in nature and the proposal would not change this. As the dwellings proposed would be small scale single storey bungalows, they would appear appropriate for an edge of village location. The proposal would also result in the demolition of a dilapidated dwelling that presently harms the appearance of the street scene.
12. With a large portion of the plot allocated for soft and hard landscaping the proposals would not appear to overdevelop the site with the built form covering a similar area as the neighbouring plot. Because the plot ratio would be similar to the adjacent dwellings within the street scene, combined with the design characteristics of the proposals, the proposed development would not result in the urbanisation of this edge of village location.
13. The proposal would redevelop the site but because the dwelling is located within the built-up area boundary for Welford-on-Avon, the garden land associated with it cannot be deemed previously developed land as per the definition set out in Annex 2: Glossary of the National Planning Policy Framework (The Framework). The area where the existing dwelling is located is previously developed land and consequently, the reuse of this land for redevelopment would be a benefit of the proposal.
14. The proposed development would redevelop a site within the built-up area boundary for Welford-on-Avon which is a settlement where appropriate levels of residential development should be directed as per the CS. The proposal would retain the character of the street scene and would not harm its appearance.
15. I conclude, therefore, that the development would not have a harmful effect on the character and appearance of the area. As such the proposal would be in accordance with Policy CS.5, which requires development to minimise and mitigate its effect upon the landscape; CS.9, which requires development to improve the quality of the public realm and enhance the sense of place; CS.15, which identifies the distribution of development across the District and AS.10, which states that residential development should be located within the built-up area boundaries of LSVs, of the CS. It would also be contrary to Policy HLU5, which identifies what the mix a type of new residential development should be and HLU6, which identified criteria where garden and back land development would be acceptable of the NDP and Part D of the Development Requirements SPD which provides guidance on how applications can achieve a good standard of design in new development.

Other Matters

16. The Council can identify a 5 year housing land supply and there has been sufficient development in Welford-on-Avon to meet the housing target set within the CS. Nevertheless, this is not a maximum target and the site is located within the built-up area boundary where development should be directed in accordance with policy AS.10 of the CS and policy HLU1 of the NDP.

Conditions

17. In addition to the statutory commencement condition, a condition is necessary to ensure the development complies with the submitted plans to provide certainty. A condition to ensure suitable materials are used is necessary to prevent harm to the character and appearance of the area.
18. A condition ensuring a water butt is provided for each dwelling is necessary for flood risk prevention. A condition is also necessary to ensure suitable drainage is provided on site in the interests of flood risk prevention. A condition stipulating that the ground levels should not be altered within the floodplain compensation area is also necessary to prevent flooding.
19. A condition has been suggested which would require the appellants to submit plans for the means of vehicular access. Considering the proposal would use the existing access and would then widen it, as shown on the submitted plans I do not consider it necessary to include a pre-commencement condition to provide this information again. It was also suggested that the driveway should be surfaced with tarmac. Because the site is within flood zones 2 and 3 in the interests of flood risk prevention, I have not included this part of the condition.
20. A condition is necessary to ensure suitable refuse/waste facilities are provided on site in the interests of public health. A condition relating to the hard and soft landscaping is necessary to protect the character and appearance of the area. A condition requiring electric vehicle charging point is necessary in the interests of environmental sustainability. Finally, a condition to provide a construction method statement is necessary to ensure the site is properly managed during construction.
21. There are a number of conditions where the Council had said that the Environment Agency (EA) would be consulted as part of the discharge of the condition. The authority to discharge conditions falls on the LPA and it is a matter for them to determine what consultation would be necessary before discharging (or otherwise) a condition. Therefore, I have not included the words 'in consultation with the Environment Agency' as part of the formal condition, albeit that it will be likely that the LPA would consult the EA as part of that process.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed.

Chris Preston

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed: 2018.34 01; 2018.34 02 Rev B; 2018.34 03 Rev A; 2018.34 04 Rev A and 2018.34 05 Rev A.
3. No development shall commence until details of the external facing and roofing materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved materials.
4. No dwelling that has a downpipe within the development hereby permitted shall be occupied until it has been provided with a minimum 190 litre capacity water butt filled with a child-proof lid and connected to the downpipe. The water butt shall thereafter be retained for the life of the development.
5. No building hereby permitted shall be occupied until the sustainable drainage system for the site shall has been completed in accordance with the approved Flood Risk Assessment (FRA) v3.0 dated March 2019, Ref: 3936 FRA SWDS and the following mitigation measures detailed within the FRA:
 - i. Provision of compensatory flood plain storage (FPC) for all ground level raising within the 100 year plus 20% (for climate change) flood level, as shown on drawing No. DR04 - Sections 1.9, 1.10,6.5,7.1 (BP3) and 11.11 (BP 2 and 3).
 - ii. Finished floor levels are set no lower than 33.86m above Ordnance Datum (AOD) - Sections 1.10,4.9,5.7,7.1 (BP2) 8.6 and 11.11 (BP4).
 - iii. Flood resistant and resilient construction methods are incorporated into the dwellings - Section 7.1.
 - iv. Identification and provision of safe route into and out of the site to an appropriate safe haven - Sections 7.2, 7.6, 11.11 (BP6) and Figure 11.

The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

6. Upon completion of the ground works phase of the development hereby permitted, including the provision of the floodplain compensation scheme, no building hereby permitted shall be occupied until an 'as built' topographical survey of the area of floodplain compensation has been submitted to and approved in writing by the Local Planning Authority.
7. There shall be no raising of ground levels or erection of any building, structure or any other such obstructions to flood flows within the area of floodplain compensation created as part of the development of this site and hereby approved under condition 5 above. If development is proposed in this area it must be first submitted to and approved in writing by the Local Planning Authority.

8. No dwelling shall be occupied until that part of the road which provides access to it shall have been constructed as indicated on submitted drawing 2018.34 02 Rev B.
9. The dwelling hereby approved shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for the approved dwelling, in accordance with the Council's bin specifications. The bins and bin storage area shall be retained for the life of the development.
10. The hard and soft landscaping shall be carried out in accordance with the details shown on drawing no. 2018.34 03 Rev A before any part of the development is first occupied in accordance with the agreed implementation programme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
11. The dwelling hereby approved shall not be occupied until it has been provided with a vehicle charging connection at a minimum of 7kW. This connection shall thereafter be retained in perpetuity.
12. No development shall take place, including any works of demolition, until a Construction Management Scheme has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials, including the times of such loading and unloading;
 - iii. Storage of plant and materials used in constructing the development or stockpiling during development;
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. Wheel washing facilities;
 - vi. Measures to control the emission of dust and dirt during construction;
 - vii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. The hours of demolition and/or construction (it is recommended that no works (including the deliveries) take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Public Holidays);
 - ix. Details of any piling together with details of how any associated vibration will be monitored and controlled;
 - x. The location and noise levels of site electricity generators;
 - xi. Means of access and routing plan for construction traffic;
 - xii. Management of surface water run-off;
 - xiii. Contact telephone number(s) and email address(es) of the site manager(s);
 - xiv. Details of external lighting required during construction; and
 - xv. Measures to prevent degradation of the public highway by construction vehicles;

The approved Construction Management Scheme shall be adhered to throughout the construction period for the development.