



Appeal Decision

Site visit made on 10 August 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2020

Appeal Ref: APP/J3720/W/20/3252919

Doric Works, Church Street, Studley B80 7LG

- 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 B Smith against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/02762/FUL, dated 2 August 2019, was refused by notice dated 24 February 2020.
 - The development proposed is demolition of engineering workshops and construction of six new houses.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of engineering workshops and construction of six new houses at Doric Works, Church Street, Studley B80 7LG in accordance with the terms of the application, 19/02762/FUL, dated 2 August 2019, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect on highway safety by reason of associated parking.

Reasons

3. The proposal would include no off-road parking and so it would not comply with the parking standards set out in Part O of the Stratford-on-Avon District Design Guide 2001 (DG). However, the DG states that these standards are only a starting point and that parking need will be assessed on a case by case basis for redevelopment schemes.
4. An adjacent lay-by on the side of Church Street would provide an opportunity for several residents of the proposal to park directly in front of the appeal site. Other parking opportunities would exist for occupiers on the opposite side of Church Street and along parts of New Road and Alcester Road where there are no parking restrictions. Existing Church Street properties have no off-street parking and visitors to the nearby school and Roman Catholic Church of St Mary's (the Church) also generate a demand for roadside parking in the area. However, the appellant's parking survey found a significant level of peak-time roadside capacity within a short walk of the site and the Warwickshire County Council highway officer's observations support these findings. There is no substantive evidence before me that indicates there is an excessive demand for roadside parking on local streets.

5. The site as it stands includes no parking spaces. Compared to the existing workshops, it is unlikely the proposal would generate a significant increase in demand for road parking. Given the appellant's survey evidence on road parking capacity, I am satisfied local streets could safely accommodate any additional parking associated with the proposal.
6. For these reasons, I conclude the proposal would not have a harmful effect on highway safety due to associated parking. Consequently, and in this regard, it would be in accordance with policy CS.26 of the Stratford-on-Avon District Core Strategy 2016, the DG and the National Planning Policy Framework (the Framework). These all aim, amongst other things, to ensure development and associated parking do not prejudice road safety.

Other Matters

7. Various other concerns have been raised with the proposal. The semi-detached houses opposite are positioned close to each other and so, while slightly different in form, the proposed short terraces would not appear unduly cramped. The development would generally follow the height and style of nearby dwellings and so would not appear unduly obtrusive in the street scene. The separation distance would ensure no unacceptable overlooking of the properties on the opposite side of the road. The Council considers the proposal would provide acceptable living conditions for future occupiers and there is no substantive evidence before me that demonstrates the proposal would fail to meet minimum space standards.
8. The Church is a Grade II Listed Building which is significant due to its age, architectural interest and history as an important local community facility. The proposal will partially block views of the top of the Church when looking towards Alcester Road from parts of Church Street. However, these views are already partially obscured by a large tree in front of the Church and the clearest views from Alcester Road would remain unaltered. As such the proposal would cause no harm to the setting or significance of the Church. The development would have no effect on the significance of any other heritage asset including the presbytery next to the Church or Mountbatten House.
9. There is no justification to dismiss the appeal on any of the above grounds. As such, these considerations do not override my conclusions on the main issue.

Conditions

10. I have considered the planning conditions forwarded by the Council having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A pre-commencement condition is necessary to ensure land contamination pollution risks are identified and minimised and the appellant has agreed to the wording of the condition in the schedule at the end of this decision. As suggested by the Council, a separate condition is imposed to ensure any remediation works are carried out prior to the occupation of the development.
11. To ensure the satisfactory appearance of the proposal, a condition is imposed relating to the use of external materials, although it is unnecessary as suggested for the development to be retained in the approved form unless agreed by the Council. For the same reason and to provide ecological benefits,

a condition requiring the approval and provision of soft landscaping is imposed but this has been re-worded to avoid unnecessary pre-commencement requirements. The condition has also been amended as details of hard landscaping are provided and further information is unnecessary.

12. Bin storage areas are shown on the approved plans and it is unclear why a separate planning condition requiring the provision of bins is needed. Details of water butts are provided on the approved plans and the requirement to provide these can be included as part of the landscaping condition. As such, I have not included the Council's suggested conditions numbered 7 and 8.

Conclusion

13. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and block plan ref. 3400 310 revision B, Site plan proposed ref. 3400 311 revision B, Existing and proposed elevations ref. 3400 312 revision B, First and second floor plans ref. 3400 313 revision C, Second floor and roof floor plans ref. 3400 314 revision C, Proposed elevations ref. 3400 315 revision B.
- 3) Development shall not commence until clauses (a), (b) and (c) have been complied with:
 - (a) A Phase 1 Desk Study and site walkover shall be carried out that assesses any risks posed by ground contamination. The Desk Study shall provide results of the site walkover; detail a full history of the site uses; and identify any unacceptable risks to human health and the environment. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority.
 - (b) Where unacceptable risk is identified by the Desk Study, a detailed Site Investigation shall be carried out and a Site Investigation Report submitted to and approved in writing by the Local Planning Authority. The Report shall detail all investigative works and sampling on site, together with results of analysis and risk assessment to any receptors.
 - (c) Where unacceptable risk is identified by the Site Investigation Report, a proposed Remediation Strategy (including a Quality Assurance Scheme) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- 4) Prior to the first occupation of the development, clauses (a), (b) and (c) shall be complied with:
 - (a) All remediation work approved under the Remediation Strategy in Condition 3 above shall be completed as approved and be carried out under the Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation scheme and timescales shall be submitted to and approved in writing by the Local Planning Authority.
 - (b) A Completion Report shall be submitted to and approved in writing by the Local Planning Authority. The Completion Report shall include details of the remediation works and Quality Assurance certificates to verify that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included together with the necessary waste transfer documentation detailing the waste materials that have been removed from the site.
 - (c) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the Completion Report.
- 5) Prior to progression of construction works above slab level of any building which forms part of the development hereby permitted, a schedule of materials and finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 6) Prior to progression of construction works above slab level of any building which forms part of the development hereby permitted, a scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. This soft landscaping scheme shall include planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting and a maintenance/management plan. The soft landscape scheme shall also include a timetable for the implementation of the soft landscaping as well as the provision of the hard landscape features (including 190 litre rainwater butts) as shown on the approved plans. The approved soft and hard landscaping shall be carried out in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.