



Appeal Decision

Site visits made on 12 & 13 June 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal Ref: APP/J3720/W/22/3311967

King Edward VI School Sports Field and Pavilion, Manor Road, Stratford-upon-Avon, Warwickshire CV37 7EA

- 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 King Edward VI School and Appletree Developments Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/04006/FUL, dated 17 December 2021, was refused by notice dated 3 November 2022.
 - The development proposed is the erection of 6No. detached dwellings; two vehicular access points.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 6No. detached dwellings and two vehicular access points at King Edward VI School Sports Field and Pavilion, Manor Road, Stratford-upon-Avon, Warwickshire CV37 7EA, in accordance with the terms of application Ref 21/04006/FUL, dated 17 December 2021, subject to the conditions set out in a Schedule attached to this Decision and an obligation under s106 of the Act.

Applications for costs

2. An application for costs was made by King Edward VI School and Appletree Developments Ltd against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The site was subject to a previous appeal¹ for a refusal of planning permission for an alternative scheme for 6 dwellings and 2 access points. As in that case, the appeal is accompanied by a planning obligation under s106 of the Act to direct receipts arising from the proposed development to the implementation of extant planning permissions for the upgrade of some of the sporting facilities elsewhere on the site and enhancements to the pavilion.
4. It was accepted in that case that the improvement of the existing facilities and their wider availability for use (including by community clubs), would provide the necessary justification for the development to utilise part of the sports field area for housing development. It would provide the funding to implement those enhancements. Notwithstanding a maintained objection from Sports England, the principle of development on the site is not contested by the main parties. On the balance of evidence, including accounting for the conclusion of the

¹ APP/J3720/W/21/3271155

previous Inspector, I find no reason to depart from that position. I return to the matter of the planning obligation below.

5. The site lies within the setting of the King Edward VI School Sports Pavilion, a Grade II Listed Building. There is no dispute between the main parties that the proposed development would not have an adverse effect on the setting of the Listed Building. Pursuant to the duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the site, I concur with that view. This is because of the retained intervening pitch areas, the distance in between, and the characteristic enclosure of the wider playing field site by largely domestic property boundaries. Accordingly, it is my view that the development proposed would preserve the setting of the designated building and I shall make no further reference to this matter.

Main Issues

6. The main issues are:

- the effect of the development on the character and appearance of the locality
- the effect on highway safety and local living conditions with particular regard for the level of parking provision proposed in conjunction with the houses.

Reasons

Character and appearance

7. The level site consists of a fringe edge of a school playing field containing a number of trees identified for their amenity value under Tree Preservation Order Ref.TPO/201/112. It fronts on to Manor Road, a predominantly residential street of mixed house types. Some are individually designed; other house types are grouped. The houses include bungalows with accommodation within their roof spaces and 2-storey detached and semi-detached houses. The buildings are generally set behind enclosed front gardens with side or frontage parking.
8. The proposal would include a mix of 2 house types each consisting of 2 floors of accommodation. The upper floors in the designs would be partly within the roof space and partly within feature 2-storey projecting gables incorporating a high proportion of glazing. External finishes to the walls and roof would be consistent with the palette of materials found in the locality.
9. The buildings would have common design features and detailing to provide an individual group identity. Despite a more modern appearance than earlier phases of development along the road, they would be within the scope of the various heights, widths and depths of buildings in the locality such that they would integrate with the prevailing scale of nearby development.
10. In contrast to the individually accessed plots elsewhere on the street, the proposal would include shared access points. These would be positioned in gaps within the existing tree line. The arrangement would provide deeper frontages than typical elsewhere in the street and a less formal arrangement of buildings relative to the rigid building line of houses opposite. However, in the treed

setting, it would not be dissimilar to the varied alignment of houses towards the southern end of Manor Road.

11. In conjunction with their proposed position behind the frontage trees, which are to be retained, there would be various degrees of filtering of views to the group throughout the year. Even when the trees are dormant, the deeper position and filtering effect would ensure the buildings would have a limited degree of prominence. They would appear recessive against the arrangement of buildings at the northern end of the site and those across the road.
12. The density of development and individual garden sizes would be within the range of the variable plots found along Manor Road. They would provide private amenity spaces with opportunities to support outdoor domestic activities and functions. This would be augmented by an open outlook across the adjacent sports fields. Although the presence of the buildings would reduce the existing open aspect currently enjoyed on the eastern side of the road, this would be largely inevitable pursuant to the acceptance of the principle of housing on the site in conjunction with the attendant benefits to the sports facilities.
13. The Council's first reason for refusal referenced that the proposal would not meet an identified local need. However, for the purposes of the appeal, neither of the main parties has contested this as an issue in their submissions.
14. As a development to enable the improvement of the school's existing sporting facilities, the proposal is not advanced as a Local Need Scheme, as referenced in Policy CS.15. Furthermore, I find no requirement within the other policies referred to me for any further demonstration of housing 'need'.
15. Being mindful that Paragraph 64 of the National Planning Policy Framework (the Framework) confirms that affordable housing delivery is not required on sites that are not major developments, I find there is no further basis to conclude a specific need for residential development within a built-up area boundary is necessary. As a site located with good access to services and facilities, that would complement the variety of housing in the locality and contribute to housing delivery in the district, I find no conflict with those policies on the basis of need.
16. For the above reasons, I find the development would preserve the character and appearance of the locality. It would be consistent with the requirements in Policies AS.1, CS.5, CS.9, CS.15 of the Stratford-on-Avon District Core Strategy 2011-2031 [2016] (the CS) and Policies BE1, BE2, BE5 and BE6 of the Stratford upon Avon Neighbourhood Development Plan 2011-2031 [2013] (the NP) as they seek proposals to integrate with the existing townscape through high quality innovative design and by responding to the character and distinctiveness of their locations whilst retaining important landscape elements.

Parking provision

17. The scheme would provide 2 off-street parking spaces for each dwelling. This would be below the guidelines set out in Part O of the Council's Development Requirements SPD [2019] (the SPD). Given the extent of accommodation proposed, there would be some propensity for out-spill of resident or visitor parking.
18. Manor Road is subject to some parking limitations along its length, including single and double yellow line restrictions. Elsewhere, kerbside parking

supplements driveway parking. The majority of existing houses have space for 2 or more vehicles within their curtilages. At the time of my site visits, albeit only snapshots in time, there was capacity within the lengths of unrestricted kerbside for additional vehicles.

19. I acknowledge the provision of new access points would reduce the availability of on-street parking opportunities. Parking pressure may also vary at different times, including when the St Peters Mission Church is in use. However, having due regard to the previous Inspector's finding, if an adverse effect on highway safety or local amenity would arise if out-spill parking occurred, there is little substantive evidence before me to demonstrate it.
20. As the Council's policies and SPD seek a balanced approach to parking provision with regard to matters such as accessibility and opportunities for public transport, in the absence of any demonstrated harm in the locality, I am not persuaded that any shortfall in parking would necessarily result in highway safety or local amenity concerns.
21. For the above reasons, I find there is no basis to find a conflict with Policy CS.26 of the CS and Policy BE5 of the NP as they seek to promote sustainability and protect highway safety and local amenity.

Planning Obligation

22. A unilateral undertaking as a planning obligation under s106 of the Act has been submitted in support of the proposals. This makes provision for the improvement of the sporting facilities on the wider playing fields area. It includes the implementation of previously approved development consisting of a new access and parking areas, enhancement to the existing playing facilities and the pavilion. It also provides for the reasonable agreement of terms (including reasonable fee charges) for wider community use of those facilities.
23. Having regard to the development plan, those benefits are necessary to make the development acceptable in planning terms. They are directly related to the development and are fairly and reasonably related in scale and kind to it. They therefore meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 57 of the Framework.
24. The undertaking in Schedule 1.5, described in relation to 'The Frontage Land', does not form part of any enhancement works necessary to make the development acceptable in planning terms. Its inclusion does not therefore meet the statutory tests. However, pursuant to clause 19 of the obligation, it does not otherwise prejudice the obligation's validity, its remaining requirements, or the enforcement of them. Accordingly, subject to the omission of the requirement in Schedule 1.5, I find the obligation sound having regard to the case circumstances.

Other Matters

25. An ecological appraisal of the site has been undertaken highlighting that enhancements through appropriate landscaping and the provision of bird nesting and bat roosting opportunities would preserve or enhance the ecological value of the site without direct harm to protected species or their habitats. These are matters which can be secured by planning condition/s.

26. Any effects from the construction period would be short-term and could be mitigated by careful construction management, which could be conditioned. The loss of a view across third-party land is rarely a matter of material weight in planning decisions.

Conditions

27. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
28. In the interests of protecting the character of the area, conditions in relation to the external materials for use in the construction of the buildings, landscaping, external lighting and the protection of the existing trees (including from the installation of services) are necessary and reasonable. Details of services and tree protection are of necessity pre-commencement conditions to avoid adverse effects on tree health for the entire duration of the construction period of the development.
29. The requirements for controlled external lighting, tree protection and a precautionary approach to the build-out of the development with regard to potential wildlife use of the site are also necessary in the interests of preserving biodiversity.
30. A pre-commencement condition in relation to site drainage is necessary as it forms an integral part of the initial phase of development. This is to protect trees and ensure the site is suitably drained.
31. To protect the amenity of the locality during the construction phase of development, a condition for a construction management plan is reasonable in the particular circumstances of the case. This is necessary before works commence to ensure the effective management of site traffic, deliveries and potential adverse impacts of construction in a predominantly residential environment. The installation of obscure glazing in first-floor side windows is necessary to protect the living conditions of prospective and existing neighbouring residents.
32. Requirements to provide the site access points with suitable visibility are in the interests of highway safety. To secure fire safety and site waste servicing, requirements for emergency water supply and waste bin provision are reasonable.
33. Surface water collection facilities for on-site use and other sustainability measures are necessary to reduce natural resource consumption in the interests of reducing the effects of climate change.

Conclusion

34. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock INSPECTOR

Schedule of Conditions to Planning Permission Ref. 21/04006/FUL

- 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:
 - 1765-50 Rev A (Location Plan)
 - 1811-001 OS (Location Plan)
 - 1811-102 (Proposed First Floor Plan - House Type A)
 - 1811-103 (Proposed Roof Plan - House Type A)
 - 1811-105 (Proposed First Floor Plan - House Type B)
 - 1811-106 (Proposed Roof Plan - House Type B)
 - 1811-200 (Proposed North Elevation - House Type A)
 - 1811-201 (Proposed East Elevation - House Type A)
 - 1811-203 (Proposed West Elevation - House Type A)
 - 1811-204 (Proposed North Elevation - House Type B)
 - 1811-205 (Proposed East Elevation - House Type B)
 - 1811-207 (Proposed West Elevation - House Type B)
 - 34996-1 Topographical Survey(1)
 - 1811-300 Proposed Bin/Bike Store
 - 1811-100 F (Proposed Site Plan)
 - 1811-104 B (Proposed Ground Floor – House Type B)
 - 1811-202 B (Proposed South East Elevations – House Type A)
 - 1811-206 B (Proposed South East Elevations - House Type B)
 - 10382 TPP 01 Rev E Access.
 - 1811-101 B (Proposed Ground Floor Plan – House Type A)
 - 10382 TPP 01 Rev E (Tree Protection Plan – North)
 - 10382 TPP 01 Rev E (Tree Protection Plan – Overall)
 - 10382 TPP 01 Rev E (Tree Protection Plan – South)
- 3) No works shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority which shall contain details of:
 - a) The routeing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies.
 - b) Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to

accommodate forecast demand and thereby avoid vehicles having to park off site on the highway network.

c) Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).

d) The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles can enter and leave the site in a forward gear and if not, what safety precautions will be implemented.

e) Suitable areas for the unloading and storage of materials off the public highway.

The development shall be carried out in accordance with the approved Construction Management Plan.

- 4) Notwithstanding the details indicated on the submitted drawings, prior to the development of the dwellings above slab level, a material schedule to include samples and trade descriptions of all of the external facing and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved materials.
- 5) No works shall commence until a scheme for foul and surface water disposal has first been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details prior to the first use or occupation of the buildings hereby permitted and shall be retained thereafter.
- 6) Notwithstanding the submitted Arboricultural Impact Assessment Ref:10382_AIA.002 dated March 2022, no demolition, site clearance or building operations of any type shall commence or equipment, machinery or materials brought onto site until an Arboricultural Method Statement in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details. In all other respects the development shall be carried out in accordance with the submitted Arboricultural Impact Assessment 10382_AIA.002 dated March 2022.
- 7) Before preparation of any groundworks and foundations on site for the development hereby permitted, full details of all service runs shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of all existing services above and below ground and the location of all proposed services (e.g. drainage, power, communications cables, pipelines etc.) including routes, supports etc. Such details shall be included on a plan which also illustrates the accurate location of trees to be retained on the development site. The development shall be carried out in accordance with the approved details.
- 8) Prior to occupation of the development hereby permitted, a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:

- (a) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- (b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
- (c) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- (d) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
- (e) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
- (f) the means of accommodating change in levels (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
- (h) location, type and materials to be used for hard surfacing where applicable including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
- (i) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks));
- (j) a timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved details and timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Except for trees, hedges or shrubs identified for removal on the approved plans and schedule, approved pursuant to this condition, no retained tree, hedge and shrub planting shall, within a period of five years from the date of completion of the approved landscaping scheme, be felled, uprooted, removed or destroyed. Any such vegetation that suffers those consequences, or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, then another tree, hedge, shrub shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees, hedge or shrub.

- 9) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any building), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light

intensity, direction and cowling of all external lights across the site and hours at which such lighting is to be operated.

The work shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations) and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

- 10) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4m and 'y' distances to the near edge of the public highway carriageway of 43m to the left and 45m to the right of the proposed new accesses. No structure, tree or shrub shall be erected, planted, or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6m above the level of the public highway carriageway.
- 11) The development hereby permitted shall be carried out in strict accordance with the recommendations for protected species in Section 5 of the Griffin Ecology Preliminary Ecological Appraisal LMR0001 REV B dated 18th May 2022.
- 12) The development shall not be occupied until the two accesses for vehicles have been provided to the site not less than 5m in width for a minimum distance of 7.5m as measured from the near edge of the public highway carriageway and surfaced with a suitable bound material for a minimum distance of 7.5m as measured from the near edge of the public highway carriageway, in general accordance with Drawing No. 1811-100 Rev F.
- 13) The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.
- 14) The dwellings hereby permitted shall not be occupied until bins and caddies have been provided for each dwelling, in accordance with the Council's bin specifications and current waste collection service, including a bin for garden waste collection.
- 15) No dwelling that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 16) Prior to the first occupation of the dwellings hereby permitted, the first floor side facing window(s) on House Type A and B shall be fitted with obscure glazing (minimum of Level 3 obscure glass) and shall be permanently retained in that condition thereafter.
- 17) Prior to first occupation of the dwellings hereby permitted, the sustainability measures proposed in the supporting Climate Change Checklist shall be incorporated into the design of the development and/or site layout as relevant. Thereafter, the approved sustainability measures shall be retained and maintained.

END.