

**Proposed Decision to be taken by the
Portfolio Holder for Transport and Environment on or after
17 November 2017**

**Proposed 30mph Speed Limit extension
Milcote Road, Welford-on-Avon**

Recommendation

That the Portfolio Holder for Transport and Environment agrees that “The Warwickshire County Council (Various Roads, Welford on Avon Parish & Long Marston Parish) (30 mph & 50 mph Speed Limit) (Variation No. 1) Order 2017” be made as advertised.

1.0 Introduction

1.1 An extension to the 30 mph speed limit along Milcote Road Welford-on-Avon is proposed. These proposals were published on 14 September 2017 in the Stratford Herald along with notices displayed on site and this report considers the objections received.

2.0 Background information

2.1 Welford-on-Avon is a village located to the south of Stratford-upon-Avon. Within the village there are a number of residential properties, a primary school, a Church, shops and a public house.

2.2 Planning applications have been submitted to Stratford-on-Avon District Council and planning permission has subsequently been granted for the erection of up to 13 dwellings with associated infrastructure and new access from Milcote Road at Weston House. The permission requires the developer to implement a road safety scheme for Milcote Road prior to first occupation of the development and the safety scheme approved by the District Council comprises an extension of the existing 30 mph speed limit for a distance of approximately 325 metres.

2.3 In 2007, a new Speed Management Strategy was approved by the County Council as a result of the Speed Limit Circular 01/2006 issued by the Department for Transport (DfT). This has subsequently been superseded by Circular 01/2013. This covers three key areas: Education; Engineering; and Enforcement. The setting of speed limits is a key element of this strategy.

2.4 The DfT Circular 01/2013 advises that the following criteria are applied when setting speed limits:

- (i) Analysing the existing speed data to identify the mean speed of drivers;

- (ii) To consider the environment and nature of the road; and
- (iii) To consider any relevant injury accident data.

Milcote Road will have a significant change in environment once the development at Weston House is completed. The road is currently used to access the village from the East with two properties accessing the highway via Milcote Road within the proposed speed limit order. The addition of 13 dwellings will provide increased vehicular movements, along with increased pedestrian movements as these residents access the facilities within Welford-on-Avon. This speed limit order is required to provide a safe and accessible highway to all users of Milcote Road as a result of the changes to the environment that the Weston House development will bring.

- 2.5 The Road Traffic Regulation Act 1984 enables the Council to make orders prohibiting the driving of motor vehicles on a road at a speed exceeding that specified in the order. The matters that the Council must take into consideration when making a decision upon making such an order are set out in Appendix D annexed.

3.0 Consultation

- 3.1 Consultation has been carried out with the Local Member, Local District Member, Parish Council, Warwickshire Police, Fire Service, Ambulance Service, Road Haulage Association and other statutory consultees.
- 3.2 Public notices advertising the proposed 30 mph speed limit extension were published in the Stratford Herald newspaper on 14 September 2017. Notices were also displayed on street outlining the proposals.

4.0 Support / Objections

Support

Warwickshire Police and Warwickshire Fire and Rescue Service are supportive of these proposals.

Objections

10 objections were received, which are appended to this report. The following extracts from objections exemplify the main points made by objectors and are followed by a response.

Objection (1)

The distance of the proposals is not justified. The proposed speed limit extension should be in-line with the development site boundary as opposed to the proposed 325 metres. The dimension of 80 metre was identified from the SDC's Landscape Report produced by their consultant, Mrs Kirkham. The

planning inspectorate also suggested a limit of 80 metres for the urbanisation of Milcote Road.

Response to Objection (1)

The speed limit signage needs to be situated before a bend on the approach to the new access in order to ensure that motorists have sufficient notice of the change in speed limit. For the approaching speed of traffic at this location the visibility distance needs to be 75 metres at 50mph and 115 metres at 60mph (see Traffic Signs Manual Chapter 3). The speed limit at this location is 60mph. The location has been chosen to satisfy these requirements. Suitable signs cannot be erected outside the area of the speed limit and so the speed limit needs to extend around the bend. In addition, placing signs close to the new access would interfere with the visibility splays for existing accesses.

The appeal decision from the Planning Inspector annexed in Appendix E below acknowledges that a road safety scheme would diminish the generally semi-rural character of the locality but does not mention or impose any kind of urbanisation limit of 80-100 metres. The Inspector also notes that any road safety scheme proposed would further improve the environment for pedestrians walking along the proposed footpath to Long Marston Road and highway safety generally.

Objection (2)

There is no evidence that the environment of this road for pedestrian and cyclist users requires improvement.

Response to Objection (2)

Milcote Road will have a change of environment and road composition as a result of the Weston House development. These changes satisfy the criteria for setting speed limits in Circular 01/2013. The development will bring a substantial change in the environment of the road. Milcote Road is currently a local route with no pedestrian facilities with few residential dwellings. Following the completion of the development, Milcote Road will become a residential environment with an additional access and introduction of a pedestrian footway. These highway changes will alter the existing geometry of the carriageway to accommodate the footway installation. The development will result in the environment and geometry of Milcote Road reflecting the existing environment within Welford-on-Avon, which is subject to a 30 mph limit. This change in road characteristics will result in Milcote Road having a greater amount of pedestrian users and the limit is required to improve road safety and protect these users. This was recognised by the Planning Inspector when he imposed the condition requiring a road safety scheme.

Objection (3)

No statement of reasons provided for this TRO

Response to Objection (3)

A statement of reasons was available for public inspection as part of the consultation process as described in the public notice dated 14 September 2017. This is annexed in Appendix B below.

Objection (4)

Environment of the road. Rural roads do not lend themselves very well to lower speed limits and many drivers will instinctively perceive the road speed as higher than in an urban area. As police time is also a limited resource, they have made it very clear that they will not support a change in speed limit if it is outside of the current Government guidelines.

Response to Objection (4)

With the addition of the access and change of environment the development brings this will change Milcote Road. This reduction in speed will improve access to residential dwellings along Milcote Road, improve the environment for pedestrians and improve the safety for all road users. Within circular 01/2013 it states the relationship between speed and likelihood of collision as well of severity of injury is complex, but there is a strong correlation. The addition of the access will increase the users and likelihood of an incident occurring and reduced vehicle speeds will provide more reaction time to the benefit of all road users. Warwickshire Police support this proposal.

5.0 Financial Implications

- 5.1 This scheme will be fully funded by a developer contribution. There are no alternative uses for the contribution and the addition of the scheme will not affect the overall level of available capital resources.

Background Papers

None

Appendices

1. Appendix A- Plan of 30 mph speed limit extension
2. Appendix B- Development Group letter
3. Appendix C- Highways layout 29683002 rev A-10.12.14
4. Appendix D – Statutory Criteria for Making Decisions on Speed Limits
5. Appendix E- Appeal Decision ref: APP/J3720/W/15/3129437
6. Appendix F- Landscape Report Stratford District Council

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The report was circulated to the following members prior to publication:

Councillors: Chattaway, Shilton, Clarke, Fradgley and Horner
Local Councillor: Brain



Key

- Existing 30mph limit
- Existing 50mph limit
- Proposed 30mph limit
- Existing 60mph limit


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NOTES

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 Warwickshire County Council

REV	DATE	BY	CHK	AMENDMENT
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Drawing title

Proposed 30mph speed limit

Project title

Milcote Road Welford-On-Avon

Drawn by **SH** Checked by *ap*
 Date **16/08/2017**
 Scale **NTS @ A3_L**
 Drawing number **TR10281**

Your ref: 14/02662/FUL
My ref: 142662
Your letter received: 30/09/2014



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Robert Weeks
Head of Environment & Planning
STRATFORD-ON-AVON DISTRICT COUNCIL
Elizabeth House, Church Street
Stratford-upon-Avon
CV37 6HX

FAO: Jay Singh

31 October 2014

Dear Mr Weeks

PROPOSAL: Outline planning permission (with all matters reserved except for access) for the erection of up to 14 dwellings with associated infrastructure with new access from Milcote Road.

LOCATION: Weston House, Milcote Road, Welford – on – Avon, Stratford – upon – Avon, CV37 8EH

APPLICANT: Mr & Mrs Glanfield

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment of the planning application. Based on the assessment and appraisal of the development proposals the Highway Authority has **no objection subject to conditions**.

The justification of this decision is provided below.

Analysis:

The proposed development is to erect 14 dwellings with associated infrastructure and a new access onto Milcote Road/ The development proposals have been assessed in line with the following guidance and policy documents;

- National Planning Policy Framework published by Department for Communities and Local Government in March 2012 ;
- National Planning Policy Guidance: Travel plans, transport assessments and statements in decision making published by Department for Communities and Local Government in March 2014; and,
- Guidance on Transport Assessment published jointly by Department for Transport and department for Communities and Local Government in March 2007.

*Working for
Warwickshire*

This section provides commentary on the analysis which has been undertaken by the Highway Authority of the development proposals.

Transport Statement:

The applicants have submitted a Transport Statement which has been prepared on their behalf by Peter Brett Associates (PBA). The Transport Statement conforms to the Guidance on Transport Assessment published jointly by the Department for Transport and Department for Communities and Local Government in March 2007. Based on the highway Authority's assessment of the Transport Statement it is considered that the document provides a robust assessment of the likely impact of the development upon the operation of the highway network within the vicinity of the proposed site.

Based on the review the Highways Authority has no objection to the scale nor intensity of the development as it is considered that it will have nil impact upon the efficient operation of the highway network.

Access Arrangements:

The Highways Authority has identified initial potential safety concerns regarding the access arrangements and visibility. However these have been fully analysed and considered. Based on this robust assessment of the details provided the Highways Authority has no objection to the access arrangement. The justification for this decision is provided below, subject to suitable mitigation being provided and the conditioning of a Stage One Road Safety Audit.

The proposed access for the development is onto Milcote Road. The access will be located approximately 150 metres to the east of the Priority 'T' Junction of Long Marston Road and Milcote Road.

At present Milcote Road is a 60mph road, and PBA utilising the Warwickshire Design Guide, which is based on the standards set out within the Design Manual for Roads and Bridges (DRMB), states that the visibility splay should be 2.4m x 215m. Based on a one step down approach then a minimum visibility splay of 2.4m x 160m could be considered. Based on PBA assessment at maximum 'y' distance which could be achieved in both directions was 70m.

Due to these issues PBA have identified potential mitigation schemes which is identified in paragraphs 3.2.5 and 3.2.6 of the Transport Statement which state;

"At this particular location, PBA propose a speed limit reduction from 60mph to 30mph for the following reasons:

- a. The location of the site (south-east quadrant of the village) would be a natural extension of the village (within the village envelope). Therefore, the extension of the existing 30mph speed limit (at the Milcote Lane/Long Marston Road Junction) approximately 100m east up to the proposed development site would be reasonable.*

This is supported by the proposals to provide a footway link to the village (as shown in the Access Proposals drawing).

- b. Traffic approaching Long Marston Road from the east approach the current speed limit change in close proximity to the existing junction after passing the left hand bend. It is considered that it would be prudent to extend the 30mph boards to be visible along Milcote Road to the east of the bend to forewarn drivers.*

- c. *The preliminary review of the documents issued by Curtins on 30th January 2014 and titled 'Technical Note No.2 – Response to Warwickshire County Council Highway Comments' (in support of the Outline Planning Application Ref: 1302335/OUT) indicates that the mean average speed along Milcote Road on both approaches (eastbound / westbound) are between 35 – 46 mph, which would support the proposed speed limit reduction.*

In order to encourage the observation of the new 30 mph limit, there would be a range of potential options such as: creation of appropriate 'gateway feature' where the 30mph limit begins, 'Slow' carriageway markings, transverse bar markings on the approach to site access, use of Vehicle Activated Sign on the approach to the carriageway markings, and so on. The approach to be used would need to be confirmed with WCC at the technical approval stage.

PBA have undertaken additional work and assessment of the access arrangements which is presented within the Technical Note 001 dated 13th June 2014.

The highway between the proposed site access drops down to the Priority 'T' Junction, and it was considered from the desk based study this could restrict the forward visibility of drivers on the carriageway approaching the Priority 'T' Junction and the visibility to the right of motorists existing the proposed site access. It was therefore decided a site visit was required.

The site visit was undertaken on the 20th October 2014. The weather conditions were dry but overcast, but visibility was good. At the site visit the focus was on ensuring that the visibility of the proposed access arrangements and forward visibility of the carriageway were acceptable. Based on our assessments the driver height forward visibility on the carriageway from the access point equated to 86.7m and the Long Marston Road / Long Marston Road Junction was clearly visible, as was the proposed access in the opposite direction with the named junction behind the driver.

The visibility of the proposed access was also assessed on site reviewing the speed of vehicles on the highway, the topography and visibility. The main concern was the lack of visibility to the right. However based on the assessments at the site the visibility measured was 71.8m. Whilst this is not the 160m as identified, it would be considered adequate if the speed limit was reduced from 60mph to a 30mph limit.

This change in speed limit is further supported as the development would be extending the developed limits of the village. Also the residential development would increase pedestrian movements along Milcote Road, and therefore maintaining the existing speed limit would not be acceptable.

In conclusion the access arrangements are considered acceptable based on agreement that the speed limit is reduced from 60 mph to 30 mph from the village along Milcote Lane. At present no scheme is identified therefore it is recommended that the applicants identify a suitable scheme and provide it to the Highway Authority and Road Safety Team for review and agreement. However this must be done before the application is approved, so that relevant conditions, S.278 requirements are identified and any S106 monies identified and agreed.

Further Actions:

Based on the analysis the following actions are required;

1. The applicant is to identify a suitable road safety scheme which will include the reduction of the speed limit to a 30 mph speed zone from the existing boundary of the village past the proposed site access.

Conditions:

The Highways Authority requests the following conditions to be put in place if the Planning Authority is minded to approve the planning application.

1. No construction will be undertaken until a Construction Management Plan which should contain a Construction Phasing Plan and HGV Routing Plan is submitted and approved by both the Planning and highway Authorities.
2. No construction will be undertaken until the proposed access has been implemented as identified in drawing number 29683/001 rev H.
3. No dwelling will be occupied until the as yet to be identified Road Safety scheme is implemented.

S.106 Requirements:

The Highways Authority requests the following S.106 monies be secured to be put in place if the Planning Authority is minded to approve the planning application.

1. The provision of a Sustainable Travel Pack at the sum of £75.00 per household equating a total sum of £1,050.00.
2. Monies will need to be secured in relation to the proposed road safety scheme to cover the costs of the changes to Traffic Regulation Orders and any structures which would be constructed as part of the scheme.

Notes:

1. The applicant is required to ensure that the estate roads [including footways, cycleways, verges and footpaths] are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads.

The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980.

An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten

days notice will be required. For works lasting longer than 10 days, three months notice will be required.

2. The applicant will require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

Yours sincerely

Ben Simm

Ben Simm
Development Group

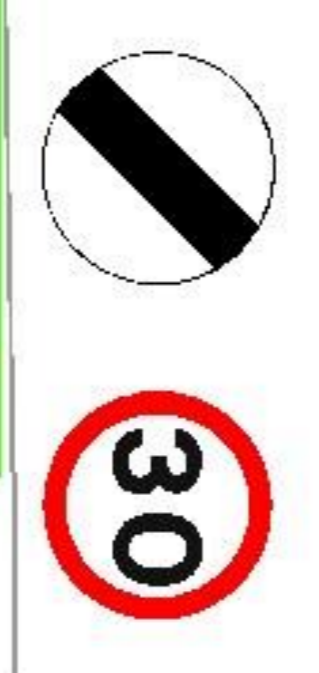
CC – **COUNCILLOR BRAIN – BIDFORD-ON-AVON – FOR INFORMATION ONLY**



EXISTING GATEWAY FEATURE TO BE RELOCATED (SEE PHOTO 1)

RELOCATION OF EXISTING GATEWAY

EXTENT OF 30mph SPEED LIMIT



PROPOSED GATEWAY FEATURE SIMILAR TO THE EXISTING GATEWAY FEATURE LOCATED ON LONG MARSTON ROAD (SEE PHOTO 1)



PHOTO 1

KEY:-

- SITE BOUNDARY
- LAND UNDER CLIENTS CONTROL
- HIGHWAY BOUNDARY

NOTES:-

1. EXTENSION OF EXISTING SPEED LIMIT TO BE PROVIDED TO MILCOTE ROAD FOR 300m EAST OF LONG MARSTON ROAD. SIGNAGE AND ROAD MARKINGS TO BE AGREED THROUGH TECHNICAL APPROVAL.
2. ADDITIONAL SPEED LIMIT REINFORCEMENT MEASURES COULD INCLUDE A GATEWAY FEATURE AND 'SLOW' 30mph CARRIAGEWAY MARKINGS AND WILL BE AGREED WITH WCC AT THE TECHNICAL APPROVAL STAGE.

Mark	Revision	Drawn	Date	CHKd
A	CHANGE FROM 40 - 30 AT WCC'S REQUEST	CA	17.11.14	MD

SCALING NOTE: Do not scale from this drawing. If in doubt, ask.
UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty is made in this regard. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake his own investigation where the presence of any existing sewers, services, plant or apparatus may affect the operations.
 Drawing Issue Status

INFORMATION

LAND ADJACENT WESTON HOUSE, WELFORD ON AVON
 PROPOSED 30mph SPEED LIMIT AT MILCOTE ROAD

Client:
 BRYONIE GLANFIELD

Date of 1st Issue	12.06.2014	Drawn By	JB
A3 Scale	1:1000	Checked by	RH
Drawing Number	29683/002	Revision	A



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The Road Traffic Regulation Act 1984 enables the Council to make Orders prohibiting the driving of motor vehicles on a road at a speed exceeding that specified in the Order, or directing that a road on which there is provided a system of street lighting furnished by means of lamps placed not more than 183 metres apart shall become a restricted road (subject to a speed limit of 30 mph) or that it shall cease to be a restricted road.

Speed Limit Orders and Restricted Road Roads remain in force until superseded or revoked.

The Department for Transport's Circular 01/2013 'Setting Local Speed Limits' should be the basis for assessments of local speed limits, for developing route management strategies and for developing speed management strategies required as part of the Local Transport Plan process. Circular 01/2013 requires that "speed limits should be evidence-led and self-explaining and seek to reinforce people's assessment of what is a safe speed to travel. They should encourage self-compliance. Speed limits should be seen by drivers as the maximum rather than a target speed. Traffic authorities set local speed limits in situations where local needs and conditions suggest a speed limit which is lower than the national speed limit."

In deciding whether or not to make an Order or give a Direction, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable having regard to the matters specified in section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.

The matters to which the Council must have regard are:-

- the desirability of securing and maintaining reasonable access to premises
- the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run
- the national air quality strategy prepared under section 80 of the Environmental Protection Act 1995
- the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles
- and any other matters appearing to the Council to be relevant

Therefore whilst the overall objective of the Council must be to secure the expeditious convenient and safe movement of vehicular traffic this cannot prevent statutory powers from being used for the specific purposes identified in section

122(1) and that a balance has to be achieved between the overall objective and the matters set out in section 122(2).

Appeal Decision

Site visit made on 19 September 2015

by RM Barrett BSc (Hons) Msc Dip Hist Cons Dip UD MRTPI IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th November 2015

Appeal Ref: APP/J3720/W/15/3129437
Weston House, Milcote Road, Welford on Avon, Stratford on Avon
CV37 8EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Glandfield against the decision of Stratford on Avon District Council.
 - The application Ref 14/02662/OUT, dated 28 September 2014, was refused by notice dated 18 June 2015.
 - The development proposed is outline planning application for a residential development of up to 14 dwellings, together with associated infrastructure including roads, drainage and access from Milcote Road.
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning permission (with all matters reserved except access) for the erection of up to 13 dwellings with associated infrastructure with new access from Milcote Road at Weston House, Milcote Road, Welford on Avon, Stratford on Avon CV37 8EH, in accordance with application Ref 14/02662/OUT, dated 28 September 2014, subject to the planning conditions set out in Annex A to my decision.

Procedural Matters

2. During the course of the appeal application the description of development was changed from that in the heading to this decision, as indicated by the appellant on the appeal form. The appellant's statement of case, the appeal plans and other documentation submitted refer to this revised description. For clarity, I have used the revised description taken from the Council's decision notice in my decision.
3. The appeal application was submitted in outline with all matters reserved for future consideration apart from access. However, a number of other plans were submitted with and during its consideration, including an arboricultural impact assessment, (Ref 5349 FE AIA 01A) proposed 30mph speed limit at Milcote Road (Ref 29683/002/A and 003/A), scaled illustrative masterplans showing different aspects of the proposed development (Refs 5349/LM.IND; Rev F; Rev E; Rev H) Landscape and Visual Assessment (drawing 5349.LVA.011); and, proposed development framework (Ref 53/49/PDF.01 Rev E). The appellant has confirmed that these drawings are for illustrative purposes only. I am determining the appeal accordingly.

Main Issues

4. Whether the appeal proposal would be in a location that would promote a pattern of development that would both reduce the need to travel and facilitate the use of more sustainable modes of transport than the private car and its effect on the character and appearance of the locality.

Reasons

Background

5. The appeal site is located on the southern edge of Welford on Avon outside the settlement, a matter that is agreed between the two main parties. It sits to one side of Weston House and has been used as part of the garden to that dwelling for some thirty years, a matter that is uncontested. It is close to the Welford on Avon Conservation Area, which includes a number of listed buildings, all of which are designated heritage assets.

Planning Policy

6. The development plan remains the starting point for planning decisions. Here it includes the saved policies of the Stratford on Avon District Local Plan Review 1996-2011 (July 2006) (LP). Those most relevant to this appeal are saved Policies PR.1 and DEV.1. These require all development proposals to respect, and where possible to enhance the quality and character of an area and result in a high quality of development. Both main parties agree that they carry significant weight. As they have a high degree of consistency with the National Planning Policy Framework (the Framework), I have no reason to disagree with this position.
7. Saved LP Policies STR.1 and CTY.1 restrict new market housing to the main town of Stratford on Avon and the Main Rural Centres and control development in the open countryside. The appeal site is not within these areas. It is common ground that both saved policies are relevant policies for the supply of housing within the meaning of Paragraph 49 of the Framework. Further, it is common ground that, whether out-of-date for other reasons or not, they are not up-to-date by virtue of the fact that the Council cannot demonstrate a five year supply of deliverable housing sites. This significantly reduces the weight that I accord them in making my decision.
8. The emerging Stratford on Avon District Council Core Strategy *As submitted September 2014 showing subsequent proposed modifications* (June 2015) (e CS) went through examination earlier this year. However, on the basis of the findings of that Inspector, the Council is currently working on further areas of work to include assessment of objectively assessed need for housing and the appropriate requirement. On this basis, it is agreed between the two main parties that those emerging housing policies can be afforded little weight in decision making. I note, however, that eCS Policy CS15 identifies Welford on Avon as a Category 2 Local Service Village wherein eCS Policy CS16 advocates some new housing being located.
9. Notwithstanding the weight to be attached to the eCS housing policies, other emerging policies, including CS.1, which promotes sustainable development, carry some weight in my determination, as the eCS is at an advanced stage of preparation and has been subject to consultation.

10. An emerging Welford on Avon Neighbourhood Development Plan (4 August 2015) (eNDP) was submitted to the Council on 5 August 2015. As this is at an advanced stage of preparation and as it has been through public consultation, I attach some weight to some of its emerging policies. Policy HE5 of the eNDP supports certain categories of development in the open countryside, into which the appeal proposal would not fall, emerging Policy HE1 seeks to protect important views around the Parish including views north west from Milcote Road towards Welford and Weston villages and eNDP Policy HE6 seeks to protect the gap between Welford on Avon and Weston on Avon. Policy HLU1 of the eNDP states that new residential development must have due regard to the Approximate Upper Limit defined for Category 2 Local Service Villages in eCS Policy CS16 which is calculated as approximately 84. On the basis of committed development within the plan period to date, the eNDP sets out a broad approach to housing outside the village boundary, on page 33, to only support housing on brownfield sites or for clearly defined purposes as set out in other policies. In the absence of evidence to the contrary, eNDP Policies HLU1 and HE5 seek to restrict housing and therefore are policies for the supply of housing. On the basis that the Council cannot demonstrate a five year supply of deliverable housing sites, they are also not up-to-date.
11. To conclude, the proposed development would be located outside the settlement of Welford on Avon. On this basis alone, it would be contrary to LP saved Policies STR.1 and CTY.1. It would also conflict with eCS Policies CS15 and CS16 and eNDP Policies HLU1 and HE5. However, the weight that I attach to the development plan conflict and that with the emerging policies identified is significantly reduced by the factors set out above.

Location

12. Welford on Avon is identified in eCS as a category 2 Local Service Village. This is the most up to date information the Council has for identifying sustainable locations for development. It identified the village as sufficiently sustainable to accommodate some additional housing. On the basis of what I have seen and read, I have no reason to disagree with this assessment. Further, I have noted that the Strategic Housing Land Availability Assessment Review 2012 Final Report (2012) identifies the appeal site as one of five broad locations for further growth around the settlement.
13. The proposed development would be on the edge of Welford on Avon. The village has a number of local facilities and services including a primary school, some shops, a petrol station, pubs, two churches and a village hall. It also has a bus service, which links the village to some local settlements and Stratford on Avon, where a wider range of services and facilities are available. A footpath along Milcote Road is proposed, which would connect the appeal development to the existing footpath network and would provide a relatively flat walk to the village facilities and services. This would encourage travel by foot and avoid a development where future residents would be wholly dependent on private transport. Whilst it is acknowledged that future residents would need to travel for higher order services and facilities, unavailable in Welford on Avon, this would be no different to the situation for the existing village community. As there is a regular bus service to Stratford on Avon, the option to take public transport is available. Furthermore, sustainable travel welcome packs provided by Warwickshire County Council would set out further measures to encourage more sustainable forms of

transport, including public transport. The proposed development would be likely, therefore, to facilitate the use of more sustainable modes of travel than the private car.

14. I am aware that the proposed development would be further than 500 metres from many of the facilities and services noted, particularly the primary school which would be approximately 1300 metres from the appeal development. In this respect the walking distances to some facilities and services would not meet the desirable suggested walking distances set out in table 3.2 of The Institution of Highways and Transportation Guidelines for Providing for Journeys on Foot (2000). However, many facilities and services would be within the 'acceptable' distances set out in that table and I have no information before me to suggest that any would be beyond the 'preferred maximum' distance of 2000 metres for commuting, school and sight-seeing journeys.
15. Moreover, as the appeal dwellings would be adjacent to existing development and close to the village facilities and services, they would be physically linked to the village. As the topography is fairly flat, even taking into account the boundary features identified, they would be visually linked to existing development. Due to its physical and visual connectivity to the rest of the village, the proposed open space that would be available for use by other members of the community, the limited size of the proposed development in relation to the village and that future residents could access existing facilities and services on foot, it would integrate into the existing development. Further, for the above reasons, it would not result in an isolated community. It would therefore generally accord with paragraph 61 of the Framework, which states that planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.
16. In making this judgement, I have had regard to the decision of a previous Inspector in determining an appeal for a development of up to 95 dwellings on land to the east of the appeal site (Ref APP/ J3720/A/14/2217495). However, that development was further away from the village, on a site physically unconnected to existing development and was for a considerably larger proposal which would have been proportionately larger in relation to the village. These matters differentiate that appeal from the one before me.
17. I conclude that the appeal development would be in a location that would promote a pattern of development that would both reduce the need to travel and facilitate the use of more sustainable modes of transport than the private car. It would therefore generally accord with the Framework, which states in paragraph 17 bullet point 11, that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Character and Appearance

18. The appeal site is rectangular in shape, with its narrow side fronting Milcote Road. It includes grassland, which is closely mown in places, some trees and a tennis court to the front, in the part nearest to the road. There is a gated access, set back from the road frontage onto Milcote Road. The western and southern boundaries fronting onto Milcote Road include a dense hedgerow and trees; those on the northern and eastern boundaries are less dense. A path

sited to the rear of Weston House provides access for those occupiers to the appeal site. The appeal site, being physically linked to Weston House via the footpath and with some elements of a domestic garden, although large and generally open, has a semi-rural character and appearance.

19. To the west of the appeal site is Orchard Close and Weston House, and beyond that the village development. The northern boundary is adjacent to the rear garden to Weston Fields, a dwelling to its rear and enclosed by trees. To its east is open agricultural land. On the opposite side of Milcote Road, nearby, is Mere Barn Farm, which includes a large contemporary house with outhouses. Opposite is part of a golf course. Generally, due to the existence of development, the locality also has a semi-rural character and appearance.
20. The appeal development would result in built form where little is at present and would result in the loss of open space on the edge of the village. As a consequence there would be some harm. However, as the appeal site has a generally domestic and semi-rural character and appearance, it adjoins development in Orchard Close and the village beyond on one side, the garden to Weston Fields to its rear, and there is development on the other side of Milcote Road in the locality, I consider that it would not impact significantly on the character of the open countryside. As landscaping and tree planting could partially screen the development from the open countryside to the east, although some harm would result in the short term until the landscape matured, the soft landscaped settlement edge would not be materially diminished. Further, even though development would be closer to the open countryside to the east, development at Orchard Close is apparent in views from that land and from the public rights of way identified that cross that land at present. As open space could be incorporated on the eastern side of the appeal site, nearest to the open countryside, and landscaping and tree planting could help to screen it, it would not significantly change those views in the longer term. Landscaping and open space near to the road could help to mitigate the effect of development in the part of the site nearest to the road. Whilst views from some of the rear gardens and properties in Orchard Close would change, the illustrative master plan shows a spacious layout that would not adversely affect the outlook from those properties. Due to the intervening fields, space and trees that would remain between the appeal development and the settlement of Weston on Avon, harmful coalescence of the two settlements would not result. Whilst trees and hedgerows within the appeal site would be lost as a result of the proposed development, as the proposal could include substantial tree planting and other landscaping, which would be assessed at detailed planning stage, in the long term the harm that would arise through their loss could be mitigated.
21. The illustrative master plan submitted demonstrates that the appeal site could accommodate a development of the scale envisaged, restricting development on the eastern side, incorporating large gardens and areas of open space and landscape buffers near the road and open countryside to the east. This gives me assurance on this matter. That the appeal site has been identified in the Welford on Avon Landscape Sensitivity to Housing Development (2012), as a site that could be developed for low density housing and that any adverse effects could be mitigated by landscaping, adds weight to my finding.
22. However, the appeal development would include a footpath along Milcote Road that would link the appeal site to the footpath on Long Marston Road. This

would require the loss of some trees on the site frontage and part of the hedgerow. Although replacement planting could mitigate this harm in the longer term, in the short term this would reduce the planting in front of the fence along the road frontage. Further harm would be a consequence of the proposed access which would require a visibility splay and further loss of planting. If some highway infrastructure associated with a road safety scheme suggested by the appellant were carried out, this would add to the harm identified. Together these matters would diminish the generally semi-rural character and appearance of the locality.

23. In coming to this conclusion I have considered the impact of committed development in the locality brought to my attention. However, as none would adjoin this development and most would be some distance from the appeal site, this matter does not affect my conclusions.
24. I have had regard to my Colleague's deliberations in assessing the acceptability of a housing appeal on the site adjacent (Ref APP/ J3720/A/14/2217495). However, that development would have been of a much larger scale, on a site used for agriculture, which was visually and physically separated from the village. These matters differentiate that appeal from this one.
25. In coming to my conclusions, I have also had regard to the contribution of the appeal site to the Avon Valley Terrace Farmlands as defined in the Warwickshire Landscapes Project and its guidelines and the Stratford on Avon District Design Guide (2000). Together, these seek to soften hard edges through increased tree planting within and around new development and ensure that new development maintains the most common traditional edge character of the area in which it sits.
26. I conclude that the appeal proposal would fail to accord with saved LP Policies PR.1 and DEV.1. It would also fail to accord with eNDP Policy HE1. Furthermore, it would be contrary to paragraph 17, bullet point 5 and 7 of the Framework. These together, state that planning should contribute to conserving and enhancing the natural environment and reducing pollution and recognise the intrinsic character and beauty of the countryside and support thriving communities within it. As the appeal development would not include a valued landscape, within the meaning set out in the Framework, it would not be contrary to paragraph 109 of that same document.
27. However, it would generally accord with eNDP Policy HE6, in as much as it would not result in an apparent reduction of the gap between Welford on Avon and Weston on Avon.

Other Matters

28. Due to the separation distance and intervening landscape features, the proposed development would preserve the countryside setting of the Welford on Avon Conservation Area. The listed buildings nearest have principally intimate village settings, surrounded by countryside¹. Even though the proposed development may be seen from the upper floors of some of those buildings, due to the intervening space, landscape features and alignment of those buildings along Frog Lane, the appeal development would not affect their principally intimate village settings. In considering these matters, in

¹ Prior's Lee Cottage, The Nest and Tymss Cottage and Weston Close Frog Lane. All Grade II.

accordance with paragraph 132 of the Framework, I attach great weight to those designated asset's conservation. Furthermore, I have exercised my statutory duty, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, with regard to listed buildings. This sets out the requirement to have special regard to the desirability of preserving the building or its setting.

29. Due to the low levels of traffic that would be generated by the appeal proposal and in the absence of substantive evidence to the contrary, I have no reason to disagree with the view of the Highway Authority, that the traffic generation from the appeal development would not result in an adverse effect on highway safety. Taking into account the cumulative effect of development already committed, for the same reasons, my findings are unchanged. That the Inspector in determining the proposed development for 95 dwellings on the adjacent site agreed with the Highway Authority that the cumulative impact of that proposal, together with committed development would not have an unacceptable effect on the free flow of traffic in the locality, adds weight to my finding, as this appeal involves a much smaller residential development (Ref APP/J3720/A/14/2217495).
30. I note that the Highway Authority has not raised an objection to the proposed access based on a technical assessment of the road conditions, traffic speeds and volume, together with available visibility at the appeal site. To this I attach significant weight. Moreover, it is consistent with my on-site observations. This, together with the observed traffic speeds, which it is documented are lower than the speed limit, the topography and physical characteristics of Milcote Road and the lack of reported road traffic accidents with personal injury in the last five years in this part of Milcote Road, lead me to conclude that the visibility splays proposed would provide adequate views of oncoming vehicles and pedestrians using the proposed footway. This includes views of the junction of Milcote Road with Long Marston Road. Further, this would be the case even though it may not meet the requirements of the Design Manual for Road and Bridges or Manual for Streets 2.
31. I note that a speed reduction scheme is proposed by the appellant and supported by the Highway Authority, although it is made clear that the proposed access arrangements are acceptable without it. However, there is local concern that this may not be implemented. This may be the case, however, it would not affect the acceptability of the proposed development. However, any road safety scheme proposed such as gateway features, would further improve the environment for pedestrians walking along the proposed footpath to Long Marston Road and highway safety generally.
32. Other applications (including the site next door appeal Ref APP/J3720/A/14/2217495 and development to the west on Long Marston Road) have been brought to my attention where it is suggested that the Highway Authority took a different view on the extent of appropriate visibility splay. However, I have very limited information on the access proposals for those developments, which limits the weight that I accord them in coming to my conclusions on this matter.
33. I consider that the footpath would be sufficient in width to allow two pedestrians to pass safely in the event of a vehicle passing at the same time, as long as the boundary hedges are suitable in species and maintained. The

occasions when two lorries pass simultaneously, on the basis of the current situation, would be very infrequent. Further it is confirmed that the width of Milcote Road would not be reduced in width as a result of the appeal proposal, rather it would be realigned encroaching into the verge to the south of that road. I therefore have no reason to take an alternative view to the Highway Authority on this matter and conclude that the appeal proposal would accord with paragraph 32 of the Framework, in as much as safe and suitable access to the site can be achieved for all people.

34. The proposed development would be in flood zone 1, which is a location at a low risk of flooding. Based on the findings of the flood risk assessment that accompanied the appeal application (Flood Risk and Drainage Assessment 132139-R1(5)-FRA) (FRA) and as a detailed drainage scheme could be controlled through the use of a suitably worded planning condition, I have no reason to disagree with the Council that the appeal development would not increase the risk of flooding in the locality. Whilst the FRA indicates that infiltration techniques to deal with surface water drainage should be possible at the appeal site, which is the preferred solution, if this is not possible the third preference expressed by Warwickshire County Council is for discharge to be pumped to Milcote Road and into the water courses nearby. However, a solution based on further research such as infiltration rates, will be assessed at detailed planning stage.
35. The appeal development would be unlikely to result in a precedent for this type of development as each application is judged on its individual merits. I have had regard to the concern expressed that Welford on Avon has had a number of housing schemes approved recently resulting in an amount which would be greater than the prospective target set out in eCS Policy CS16. However, the Council has agreed that eCS Policy CS16 is not up-to-date in light of its inability, at this point, to demonstrate a five year housing land supply and for other reasons attaches little weight to it. Further, in light of paragraph 47 of the Framework, which aims to boost significantly the supply of housing, I consider that sustainable development should not be restricted solely because a projected allocation has been met, if otherwise found acceptable.
36. In the same regard I have noted the Council's decision on another planning application (Ref 15/02101/FUL) brought to my attention. This refuses permission on the basis of built and committed dwellings in Welford on Avon to date which would exceed the provisions set out in eCS Policy CS16. However, on the basis of the Council's position that little weight can be accorded to that eCS policy, that decision does not change my conclusions in this regard.
37. Other sites that some objectors feel would be more suited to development, including brownfield sites, and those listed in the Strategic Housing Land Availability Assessment Review 2012 Final Report (SHLAA) have been brought to my attention². However, I am determining this appeal on the basis of the proposal before me.
38. I have noted the level of local objection to this appeal and have similarly had regard to the support expressed, noting that it is much less than the local concern. However, the level of local opposition based on sound planning concerns, whilst a material consideration, is not determinative in this case.

² SHLAA Review 2012 Final Report Review 2012 sites WEL 101 to WEL 105

39. As the appeal development is in outline, details of layout are reserved for future consideration. However, the proposed development framework (plan 5349/PDF.01 Rev E) indicates a development which would include landscaping on the boundary adjacent to the properties in Orchard Close and large rear gardens to the proposed properties. On this basis I am satisfied that a development which would avoid any harmful loss of privacy or outlook for those residents could be accommodated on the appeal site.
40. I have made my decision in light of the Human Rights Act 1998, in assessing the impact on the rights of individuals to peacefully enjoy their property and have weighed this against the wider public benefit.

Planning Obligation

41. A completed planning obligation is before me, made between the appellant, Stratford on Avon District Council and Warwickshire County Council, dated 17 September 2015. The obligation relates to the provision of affordable housing; on-site informal open space provision, its maintenance and future management; off-site open space children's play area contribution and off-site open space youth and adult sports facilities contribution; education contribution towards Welford on Avon Primary School; a footpath contribution to improve footpaths in the locality; sustainable travel packs contribution; and, a transport contribution towards the implementation of a Traffic Regulation Order to secure a reduction in the speed limit on Milcote Road.
42. From the evidence before me, I am satisfied that the measures and contributions proposed are necessary to make the development acceptable in planning terms, directly related to the proposed development and would be fairly and reasonably related in scale and kind to the appeal proposal. I have therefore found that they would satisfy the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations and paragraph 204 of the Framework. They have therefore been taken into account in the determination of this appeal.

Benefits of the Scheme

43. Given that the Council cannot demonstrate a five year supply of deliverable housing sites, a matter that is uncontested, the provision of an additional thirteen dwellings, some of which would be affordable dwellings, in a location that I have found would both reduce the need to travel and facilitate the use of more sustainable modes of transport than the private car, is a material consideration, to which I attach substantial weight in favour of the appeal.
44. The open space proposed would be a benefit to the wider community as well as prospective residents of the appeal development. The appeal proposal would also provide short term jobs in the construction industry and longer term support for the local economy from the additional residents.
45. Turning to its environmental role, it would provide additional landscaping to the more open eastern boundary of the appeal site which would help to screen the existing housing to the west from the open countryside beyond. It would also provide new areas of wildlife/biodiversity through the creation of open space, a natural area, tree planting, SUDs infrastructure and open spaces to the south of the village; matters that could be controlled through suitable planning conditions. It would also provide a footpath along Milcote Road which would

encourage sustainable forms of transport which, together with any road safety proposals, would have wider highway safety benefits for the local community.

The Planning Balance

46. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan making and decision taking.
47. I have set out the benefits of the appeal proposal against which the harm that I have found needs to be weighed. In this regard, I have identified that harm would result due to the loss of open space on the edge of the settlement. However, any harm to the character and appearance of the locality in this regard would be significantly reduced by a number of factors. These are, that the appeal site has a generally domestic appearance at present, it adjoins existing development on two sides with a golf course on the opposite side of Milcote Road and is well related to the village being on the settlement edge. There would be some harm in the short term to the soft landscaped settlement edge until the tree planting and landscaping matured. The proposed footpath, access and road safety measures would together diminish the semi-rural character and appearance of the locality. To these matters, together, I attach significant weight.
48. I have also identified a development plan conflict with the housing policies of the LP, along with a conflict with the emerging policies of the eCS and eNDP. However, the weight that I attach to this conflict is significantly reduced by the Council's inability to demonstrate a five year supply of deliverable housing sites at this time.
49. In conclusion, the totality of the harm that I have identified would not be sufficient to significantly and demonstrably outweigh its benefits, when assessed against the policies of the Framework as a whole. As a consequence, I find that the appeal proposal would be sustainable development and thus the presumption in favour of sustainable development in paragraph 14 of the Framework applies. Further the appeal would also generally accord with eCS Policy CS.1.

Conditions

50. I have considered the conditions suggested by the Council to ensure consistency with paragraphs 203 and 206 of the Framework and Planning Practice Guidance: Use of Planning Conditions. Subject to minor revisions, I have agreed to most. For clarity and in the interest of proper planning I have imposed the standard commencement, compliance with approved plans and submission of reserved matters conditions. To ensure that the development fits into its surroundings I have included reference to the proposed development framework in the plans condition. Conditions to require that the access is laid out first and that an agreed road safety scheme for Milcote Road and the footway along it are implemented are required to ensure highway safety. Conditions to protect retained trees and hedgerows, along with the measures to manage and maintain the proposed landscape and the ecology of the site are required to ensure that the proposed development blends into the locality and protects flora and fauna.

51. To avoid light pollution, a condition to control street lighting is necessary. Details of surface and foul water drainage are required to avoid flooding and to protect public health, although I have simplified each to improve clarity and avoid repetition. A condition to require fire hydrants and a water supply to them is not necessary as it is covered by other legislation. A condition to ensure the provision of a natural area of play within the development's open space is required to provide for the needs of children's play. Conditions to require bins and water butts for each property are required to ensure it is sustainable with a high quality appearance. Public health and safety can be secured through a condition to ensure any contamination is dealt with in a suitable manner and the living conditions of nearby residents secured through a construction method statement. Details of levels can ensure that the development blends into the locality along with a condition to control the height of the proposed dwellings. A condition to ensure that archaeological evaluative work takes place along with any mitigation measures found necessary is required to protect any archaeology that may be present.

Conclusion

52. For the above reasons and taking into account all other matters raised, including those of third parties, I conclude that the appeal should be allowed.

R Barrett

INSPECTOR

Annex A

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans PF9100 01; 29683/001 Rev J. The site layout and landscaping of the development shall accord with the principles indicated in the proposed development framework plan 5349/PDF.01 Rev E
- 5) No development other than works associated with the construction of the access hereby permitted shall be undertaken until the proposed access with associated visibility splays has been implemented in accordance with approved drawing 29683/001 Rev J. Thereafter it shall be retained as built.
- 6) Prior to the commencement of development, a road safety scheme for Milcote Road shall be submitted to and improved in writing by the local planning authority, and implemented in accordance with the approved details prior to the first occupation of the development hereby permitted. It shall be retained as built thereafter.
- 7) Prior to the commencement of development, details of the specification and construction method for the footway along the northern side of Milcote Road shall be submitted to and improved in writing by the local planning authority, and implemented in accordance with approved details prior to the first occupation of the development hereby permitted. It shall be retained as built thereafter.
- 8) No part of the development shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site and trees/hedgerows adjacent to the proposed footway along Milcote Road have been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in full prior to the commencement of development including equipment, machinery or materials brought onto the site.
 - The scheme must include details of the erection of stout protective fencing in accordance with British Standard 5837:2012, Trees in relation to design, demolition and construction – recommendations;
 - Fencing shall be shown on a plan and installed to the extent of the tree protection area as calculated using the above British Standard;

- Nothing shall be stored or placed in those fenced areas or the ground levels;
 - The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.
- 9) Prior to the commencement of development a long term landscape management and maintenance plan for all landscape areas excluding the private amenity space and domestic gardens associated with the dwellings hereby permitted, including the boundary hedgerows and trees, shall be submitted to and approved by the local planning authority. The plan shall include:
- aims and objectives;
 - a description of landscape components;
 - management prescriptions;
 - details of maintenance operations and their timing;
 - arrangements for review of the agreed landscape management and maintenance plan; and,
 - details of the parties/organisations who will be maintain and manage the site, to include a plan delineating the areas that they will be responsible for.

The areas of planting shall thereafter be retained and maintained in perpetuity in accordance with the approved landscape management and maintenance plan.

- 10) No development shall commence until a habitat creation/enhancement and management plan has been submitted to and approved in writing by the local planning authority. The plan shall include (but not be limited to) measures for ecological enhancement and habitat creation proposals within the proposed open space and retained hedgerows. The approved management plan shall be implemented in full in accordance with the approved programme.
- 11) Before the first occupation of the development details of all external street light lighting shall be submitted to and approved in writing by the local planning authority. The approved street lighting shall not be carried out otherwise than in full accordance with such approved details prior to the first occupation of the development and retained as installed thereafter.
- 12) No dwelling hereby approved, that has a downpipe, shall be first occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe. The water butt shall thereafter be retained as installed.
- 13) No development shall commence until a surface water drainage strategy, has been submitted to the local planning authority and approved in writing. The surface water drainage strategy shall be prepared in accordance with the Flood Risk Assessment prepared by RSK reference 132139-R1(5)-FRA dated September 2014. No part of the development shall be occupied until the works have been carried out in full and shall be retained as such thereafter.

- 14) No development shall commence until a scheme for the disposal of sewage has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the approved works have been carried out in full and shall be retained as such thereafter.
- 15) A detailed scheme for the provision and maintenance of a natural area of play within the development's public open space shall be submitted to and approved in writing by the local planning authority. It shall be installed in accordance with the details approved prior to the occupation of the first 50% of the dwellings and shall be retained as approved thereafter.
- 16) Prior to the first occupation of each dwelling hereby permitted, the developer shall provide 3 bins, in accordance with the Council's bin specification, for the purposes of refuse, recycling and green waste for the use of the residents of that dwelling. The bins shall thereafter be retained for that purpose.
- 17)
- i. No development shall take place until an investigation of the nature and extent of any contamination affecting the site has been carried out by a suitably qualified and experienced person, in accordance with a methodology based on a Phase I assessment and conceptual site model for the application site, in accordance with BS10175. The site investigation methodology, its results and the recommended remediation plan shall be submitted to and agreed in writing by the local planning authority.
 - ii. If, during the site investigation (described in paragraph i) above), any unacceptable contamination is found a further report specifying the measures to be taken to remediate the site shall be deposited with the local planning authority. The site shall be remediated in accordance with the approved measures before the development hereby permitted commences.
 - iii. If, during the course of development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be detailed in writing to the local planning authority and shall be implemented.
 - iv. The development hereby permitted shall not be brought into use unless until any remediation works identified under i) ii) and iii) above have been carried out and a validation or post-remediation report produced by a suitably qualified and experienced person has been submitted to and approved in writing by the local planning authority.
- 18) No development shall take place, including any demolition works, until a construction method statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors together with details of the surfacing of the proposed access to the site to be used by construction vehicles;
- ii. details of loading and unloading of plant and materials – including vehicles to be used;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of a 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 mud/dirt and during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. details of any compounds, structures or enclosures which are required temporarily in connection with the development and where they are to be located;
- ix. construction phasing plan, HGV routing plans and times of HGV movements during construction phase;
- x. demolition/ground works/construction work shall not take place outside 08:00-18:00 hrs Monday to Friday and 08:00 – 13:00 hrs on a Saturday and not at all on Sundays and Bank Holidays.

19) No development shall commence until precise details of the finished floor levels for the development are submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

20) Notwithstanding condition 19, no dwelling hereby approved shall have a ridge height exceeding 8m above existing pre-development ground levels.

21) Prior to the submission of any Reserved Matters application for any phase of the development:

- a written scheme of investigation (WSI) for a programme of archaeological evaluative work across the site shall be submitted to and approved in writing by the local planning authority;
- the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the local planning authority;
- an archaeological mitigation strategy document, if appropriate, shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the survey, this may include further archaeological fieldwork and / or the preservation in situ of any archaeological deposits worthy of conservation;
- unless otherwise agreed with the local planning authority, no development shall take place until any fieldwork detailed in the approved archaeological mitigation strategy document has been completed to the

satisfaction of the local planning authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the mitigation strategy document.

STRATFORD DISTRICT COUNCIL

LAND EAST OF WESTON HOUSE, WELFORD-ON-AVON PLANNING APPLICATION 14/02662/OUT

Revised Submissions January and February 2015

Framptons	Design and Access Statement September 2014
First Environmental	Indicative Masterplan 5349/LM.IND Rev H
	Revised Landscape Visual Assessment January 2015 (LVA)
	Arb Impact Assessment dwg 5349 FE A/A 01a
	Scaled Illustrative Masterplan dwg 5349/LM.IND 1 to 1000
	Proposed Development Framework 5349/PDF.01/E
Peter Brett Associates	Access Proposals dwg. no. 29683/001/H; 002/A and Footway 29683/003

Introduction

1. This report is prepared by Kirkham Landscape Planning Ltd for Stratford District Council following the submission of revised drawings and documents on 15 January 2015 and the Proposed Development Framework 5349/PDF.01/E on 19 February 2015. A meeting was held with three representatives of the local community, the planning officer Jay Singh and Graeme Law, Assistant Planning Manager at Stratford District Council's offices to discuss the proposals on 26 January 2015. The application is in outline with all matters, except access, to be determined under reserved matters. The LVA included an email from me to Jay Singh dated 7th January 2015 following informal discussions with the applicant and prior to submission of the latest plans on 15 January 2015. This report supersedes the conclusions in that email.
2. This report follows a full examination of the revised plans and takes into account issues raised by the local community on 26th January 2015. The Proposed Development Framework 5349/PDF.01/E shows the development parameters for the site including the proposed developable area, proposed areas of open space in the eastern and southern parts of the site and a 4m wide landscape buffer to the northern and eastern boundaries. The comments below follow on from my previous comments for this site between July 2014 and January 2015.

Site description

3. The site is a rectangular plot of land some 1.02 ha. used as amenity space by Weston House. Although not laid out as a formal garden, it includes a tennis court and grassed area with three groups of trees: one along the Milcote Road, one east of the tennis court and one north of the court. The trees along Milcote Road contribute to the leafy character of this approach to the village, although the Lawson Cyprus trees are of little value and better trees could be planted.
4. To the west of the site lie the gardens of Weston House and properties in Orchard Close. The boundary between the site and these gardens is marked by a continuous hedgeline. Tree planting in the gardens soften the settlement edge although there are views to some of the built form of the houses. To the north lies open land and tree and woodland cover to the south-east of the Conservation Area. These form a prominent local landmark and key feature of the settlement edge. To the east the site is bounded in part by a laurel hedge. This garden feature is at odds with the adjacent landscape character. The southern boundary with Milcote Lane is a dense hedgerow with a close boarded fence and the tree cover immediately behind.

5. Milcote Road is a well used minor road linking into Long Marston Road on the southern edge of the village. The village lies on land either side of the 45m AOD contour above the river Avon valley floor (around 35m AOD). To the east of the site the landscape opens up into the open arable landscape of the Avon valley. To the south the land rises to a local hill (Welford Hill) with a golf course on the north facing slopes.
6. Milcote Road is minor road of typical rural width. The verge on the north side is narrow (around 0.75m) with a shallow hedge along the southern boundary of the properties along Milcote Road, including the site. At the back of the hedge there is a close boarded fence, visible in winter due to narrowness of the hawthorn hedge.

Landscape context and character

Warwickshire Landscapes Project

7. The site lies within the Avon Valley Terrace Farmlands and is shown as an Enhancement Zone where the structure and unity of the landscape should be enhanced by strengthening the primary linear features. The site is not typical of the flat open intensively farmed landscape of this area. It is however part of the flat river terrace above the Avon valley floor. The lack of hedgerows and open character of the landscape to the east enables open views to the site from the east. Mature trees are prominent landscape features. Woodland is uncommon but trees lines link into the riverine tree cover along the river Avon. Settlements are typically on these terraces just above the floodplain and small nucleated villages (such as Welford-on-Avon) are a key characteristic.
8. The guidelines recommend:
 - Enhance regional character by reinforcing the identity and unity of the historic settlement pattern
 - Conserve and enhance the local vernacular character of villages in the Avon Valley
 - Conserve rural character by limiting standardised treatments during highway improvement schemes
 - Conserve and enhance tree cover within and around rural settlements
 - Enhance the structure and unity of the landscape by strengthening primary linear features
 - Strengthen primary hedgelines by encouraging natural regeneration of hedgerow oaks, especially along roadsides and parish boundaries
 - Soften hard built edges through increased tree planting within and around new development.

Welford-on-Avon Landscape Sensitivity to Housing Development 2012

9. The site lies within WE09 and has medium landscape sensitivity to housing development. The Study notes that the site could be developed, provided houses were at a low density and of a vernacular character with adequate landscape mitigation. This recommendation is in the context of the existing visual prominence, such as it is, of the modern housing west of the site and the more garden like character of the site (tennis court, grass area and trimmed laurel hedge and close boarded boundary treatment). The Study also takes into account the garden setting to the north and west; the screening in part from the laurel hedge; loss of tranquillity due to the proximity of housing and the minor road; exposed views from the open landscape to the east; presence of mature tree planting along the existing settlement edge; and the potential to mitigate the landscape and visual impact through replacement hedgerow planting and trees along the eastern boundary.

Welford-on-Avon Conservation Area

10. The site is outside of the Conservation Area and separated from it by open land and tree cover to the north and by modern housing south of Frog Lane to the north-west.

Stratford-on-Avon District Design Guide 2001

11. Section 4 provides guidance on settlement design in relation to the landscape and views. In addition to the general guidance on landscape treatment in Section 4 4.5.1 onwards, the following are applicable to Welford-on-Avon:
- Hillside or terrace settlements should, on the whole, remain within upper and lower limits.
 - Valley bottom settlements should, on the whole, remain below a given level
 - New development should extend along or gain access from the main routes serving the settlement
 - Development should occur on flatter rather than steeper ground outside of flood plains
 - Valley bottom settlements adjacent to a river tend to sit on a terrace above the river level and extend along the line of the river or at right angles to it, depending on the direction of the main route. New development should follow these tendencies in the respective types of settlement
 - New development should not block or obstruct views of important landmarks as seen from highways, footpaths, bridleways, public open spaces or other public areas either outside or within the settlement
 - New development should not block or obstruct views out as seen from highways, footpaths, bridleways, public open spaces or other public areas within the settlement
 - New development should maintain the most common traditional edge character of the area in which it sits
 - The boundaries, size and sequence of open spaces, including highways and footpaths etc., created by new development should extend and enhance the character of the landscape and open space network of an existing settlement

Views of the site

12. The site is visible from:
- Milcote Road, Long Marston Road and the golf course to the south;
 - The footpath 28 to the east which cross the open field immediately adjacent to the site and 27a and 27c also run between Weston-on-Avon and Welford-on-Avon
 - The lane to Weston-on-Avon to the east and north-east;
 - The houses in Orchard Close to the west.
 - Views from the north are screened by the trees and woodland on the south-east edge of the village.

Assessment of the Scheme

13. The revised scheme is indicated in the Proposed Development Framework 5349/PDF.01/E and Indicative Masterplan 5349/LM.IND Rev H and shows an illustrative proposal for 13 houses at a density of 12.7 dph. The illustrative scheme shows houses to the west and east of a central spine with three detached properties to the east, six detached properties to the west and a terrace of four properties on the northern boundary. Garaging is shown for eight detached properties and parking is shown for 7 cars south of the terrace. A pumping station with two parking spaces is located in the north-east corner of the site.

14. Proposed Development Framework 5349/PDF.01/E shows the areas of open space and landscape buffer. An attenuation pond and area of open space with tree planting is shown to the south of the pumping station, with a further area of open space with tree planting between plots 2 and 5. A small area of open space surrounds the parking in the north of the site. The Development Framework shows Plot 1 set back from Milcote Road, forward of Weston House but behind the building line of Milcote at the junction with Long Marston Road, with an area of open space with tree planting fronting the road as shown in dwg 5349/Sketch 02 Rev B in the LVA 2015. A 4m wide landscape buffer is shown along the northern and eastern boundaries comprising a new native hedge and tree planting which is illustrated in dwg 5349/BT.02C in the LVA 2015. Gardens are shown up to the curtilages of Orchard Close and Weston House.
15. Indicative Masterplan 5349/LM.IND Rev H shows the existing and proposed trees. The trees adjacent to the boundary are also shown in the Tree Constraints Plan in the Arboricultural Impact Assessment 24 February 2014. All of these trees are shown to be in the neighbouring gardens except T23, a hawthorn and all of these trees are to be retained. All on-site trees would have to be removed. Tree planting proposals on this plan are only illustrative and a detailed landscape scheme would be required under reserved matters. I am satisfied that the scheme will provide scope for tree planting to soften the built form and integrate the development into the settlement edge.
16. The residents raised concerns about the accuracy of the OS baseline plans. I understand that dwg. LM.IND Rev E shows the location of the site and of the adjacent houses accurately and that LM.IND 1 to 1000 shows the site red line boundary accurately in relation to the adjacent plot boundaries.
17. The scheme shows a road access off Milcote Road, through the existing hedgeline and trees along the road, with footways both sides of the spine road and both sides of the access. The highway requirements show the provision of a footpath 1.5m wide along the north edge of Milcote Road from the junction to the site entrance and consequent realignment to Milcote Road into the grass verge south of Milcote and Weston House. PBA drawing 29683/001/H shows a distance of 1.5m between the centre line of the hedge and the back edge of the proposed footway in front of Milcote, angling north to meet the centre line at the western end of the site. (This seems to differ from PBA 29683/003 which seems to show the footway closer to Milcote.) It would appear that as far as Weston House from the junction with Long Marston Road, the proposed footway could be constructed without impacting on the hedge if PBA drawing 29683/001/H is correct. However east of the entrance to Weston House the footway will first abut and then encroach into the hedge on the southern boundary of Weston House. This has led to off site proposals on land in the applicant's control to realign the fence slightly and provide for a new hedge between the fence and footpath as shown in 5349 FE A/A 01a, to link with the retained hedge on Milcote Road and along the western boundary of the site. These off site works are important to the acceptability of the scheme. Subject to this proviso, I am satisfied that the changes to the road carriage and introduction of a 1.5m footway in the location shown on PBA drawing 29683/001/H will not result in substantial harm to the character of Milcote Road west of the site. Similar changes east of the site would however not be acceptable.
18. The LVA photomontage 5349/VIS.001 Rev D is from viewpoint 8. The residents raised concerns that the photomontage was not verifiable and that the development would be more visible and prominent on the edge of Welford-on-Avon than shown in the photomontage. Concerns were also raised that the appearance of the development would be more akin to the Cala Homes scheme currently under construction on the southern edge of the village off Long Marston Road (18dph). This could be avoided on

this site through the imposition of conditions on the outline application as recommended in my Conclusion.

19. The development would result in the loss of a semi-rural area of open grassland/private amenity space to housing. The proposals would also result in the loss of all the trees and hedgerow along the Milcote Road frontage and within the site. The access and highway works require the removal of part of the hedge along the Milcote Road frontage at Weston House.
20. The proposed development is of a higher density than at Orchard Close (possibly 8dph) but lower than the Cala Homes scheme currently under construction on the southern edge of the village off Long Marston Road (18dph). In landscape and visual terms, it is not the density per se, but the effect of the proposed mass and scale of the development on the character and appearance of the area which must be considered.
21. The site is on the eastern edge of the village with housing to the west, open fields to the east, a golf course to the south and an open field to the north which adjoins an important and prominent area of tree cover in private grounds south of the Conservation Area and the Neighbourhood Plan proposed settlement boundary. It therefore has a largely open setting but the site itself appears part of the village edge rather than the open countryside.
22. Given the characteristics of the site, and those outlined above for the settlement and the wider landscape, I agree with the conclusions in the *Welford-on-Avon Landscape Sensitivity to Housing Development 2012* that some housing development on the site may be acceptable in principle. The original scheme for 14 dwellings has been withdrawn and replaced by a scheme for 13 houses. The proposed areas of open space and reduction in development down from 7 to 3 dwellings east of the spine, two being sited on a line with Weston House, are welcomed. The terrace of four houses is also set back from the eastern boundary. The number of houses along the western side of the spine now rises from four to six, increasing the mass and scale of housing on this side, as pointed out by the residents. However I understand that the size of the proposed dwellings could be conditioned to ensure that the proportion of open land (gardens and open space) to built form is as shown in Indicative Masterplan 5349/LM.IND Rev H.
23. Concerns were also raised by the residents about the impact of the proposed new access road and changes along Milcote Road. It is particularly important that any development on this site does not lead to suburbanisation of Milcote Road. I am happy that as long as the new footway is no wider than 1.5m and does not impact on the hedge to Milcote, and that the hedge is replaced along the frontage of Weston House as shown in 5349 FE A/A 01a, the highway proposals will not be out of keeping with this western section of Milcote Road. The impact of the new access and house on plot 1 can be satisfactorily reduced though the provision of open space and hedgerow and tree planting as shown in Proposed Development Framework 5349/PDF.01/E. However the provision of two footways along the spine road, as well as a vehicular access, will urbanise the scheme. This could be avoided, preferably through a simple shared surface or at least removal of one footway under reserved matters.
24. Comments from the Warwickshire Police refer to the need for close boarded fencing topped by 0.2m of trellis to all four boundaries of the site to meet 'Secured by Design' requirements. This may be required for security reasons, but I would not wish to see this treatment to the boundaries. Such fencing if necessary to the rear gardens should be screened by hedge planting in the open space, along the western boundary and the landscape buffers as shown in the plans.

25. Development for housing on the site would not have a direct or indirect impact on the landscape setting of the Conservation Area or on views to the Conservation Area. Housing on this site would not set a precedent for further housing to the east of the site as the village edge would be clearly demarcated and link into the trees to the north, without harm to the open character of the land to the east.

Conclusion

26. The landscape and visual issues and policy position remains as set out in my original report dated July 2014.
27. In the light of the above, I conclude that the outline application for up to 13 dwellings on land east of Weston House would comply with the guidance within *Welford-on-Avon Landscape Sensitivity to Housing Development 2012* and would not result in significant harm to the character and appearance of the eastern edge of Welford-on-Avon north of Milcote Road or the wider countryside between Welford-on-Avon and Weston-on-Avon, provided that the development is carried out subject to the following:
- Containment of the developable area and provision of open space and landscape buffers in accordance with Proposed Development Framework 5349/PDF.01/E;
 - Development of a new access and footway in accordance with Access Proposals dwg. no. 29683/001/H;
 - Retention and protection of trees and hedgerows along the western boundary;
 - Density of no greater than 12.7dph;
 - Up to two storey development of a maximum height of 8m to ridge;
 - Single storey garaging;
 - Replacement fencing and hedgerow planting along Milcote Road within the grounds of Weston House (within the blue line) in accordance with Arb Impact Assessment dwg 5349 FE A/A 01a;
 - The design of the spine road through the site should be modified to be more in keeping with this edge of settlement location through the provision of a shared surface and removal of footways east of the spine road and through the development;
 - House sizes should not exceed that illustrated in Indicative Masterplan 5349/LM.IND Rev H in order to retain open views through the development in views from Orchard Close and to retain area of open garden to break up the built form;
 - Permitted development rights be removed to avoid the build-up of built form on the site;
 - Extensive tree planting to be included in the proposed landscape scheme for this site (to reflect the existing treed eastern boundary of the settlement) including hedgerow trees to the western, northern and eastern boundaries; tree planting within the proposed open space area; and within the developable area.