



Appeal Decision

Site visit made on 13 June 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/J3720/W/22/3310085

Land off Shipston Road, Alderminster (423293, 248459)

- 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 Rosconn Strategic Land against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01197/OUT, dated 9 April 2021, was refused by notice dated 13 July 2022.
 - The development proposed is 'Outline application for the construction of up to 17 self-build/custom build dwellinghouses, provision of new access and laying out of public open space (with approval sought for access at outline stage), along with the creation of a separate temporary construction access.'
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to 17 self-build/custom build dwellinghouses, provision of new access and laying out of public open space (with approval sought for access at outline stage), along with the creation of a separate temporary construction access at land off Shipston Road, Alderminster (423293, 248459), in accordance with the terms of application Ref 21/01197/OUT, dated 9 April 2021, subject to the conditions set out in a Schedule attached to this Decision.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved save for the details of access. Whilst several plans show, amongst other things, a layout of open spaces, a drainage basin, individual plots and site levels, these detailed matters lie beyond the scope of consideration of the outline application. I have therefore considered them as indicative only.
3. During the Council's consideration of the planning application, a number of additional and/or revised plans were submitted. They did not change the nature of development for which planning permission was sought. These were the plans on which the Council made its decision, and so shall I. For the avoidance of doubt, the relevant plans are: Location Plan 3348-01 Rev C; Construction Site Access (Visibility Splays Only) DWG-03 Rev B; Construction Site Access DWG-06, and Plot Layout Plan 3348-10K and Parameters Plan 3348-11M as they relate to the detail of access only.
4. The site lies close to a number of Listed Buildings. These are: Quince Cottage, The Church of St Mary and the Holy Cross, Tithe Farmhouse and Howards End. There is no dispute between the main parties that the proposed development would not have an adverse effect on the settings of the Listed Buildings. Pursuant to the duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the

site, I concur with that view. This is because of the intervening distances to the site, the presence of adjacent housing or intervening development and, in some instances, the visual containment of the heritage asset through established boundaries and mature vegetation. Accordingly, it is my view that the development proposed would preserve the settings of the designated assets and I shall make no further reference to this matter.

Background and Main Issues

5. There is no dispute between the main parties as to the duty on the Council to maintain a register of interests for self-build or custom-build dwellinghouses (SCB) and to grant planning permission for serviced housing plots for those purposes under the terms of the Housing and Planning Act of 2016. Although an emerging local plan identifies the site as one with potential for housing delivery, that plan and associated policies are at an early stage of preparation and therefore attract negligible weight in the appeal.
6. However, notwithstanding that other planning permissions for SCB sites have been granted within the vicinity, the Council accept the scheme would be located immediately adjacent to a Local Service Village and meet part of an identified shortfall in the delivery of SCB housing need. Accordingly, there is no dispute between the main parties that the location of the site and its development for the delivery of SCB housing is acceptable in principle.
7. The Council refused planning permission on 2 grounds. The first was in relation to access. There is no dispute between the main parties that residents and vehicular servicing of the site, once occupied, would be via an extension of Skylark Road leading to estate roads and shared drives within the site. The disputed matter arises only in relation to a proposed temporary construction access, with specific reference to its compatibility with existing trees lying close to it.
8. The Council's second reason for refusal related to the absence of a completed planning obligation under s106 of The Act as a mechanism to deliver the development as SCB housing with agreed marketing restrictions. Additionally, as an incomplete undertaking, it failed to secure the delivery and future management mechanisms of proposed public open space (POS) on the site, amongst other obligations.
9. However, having regard to the finalisation of a s106 Agreement submitted in support of the appeal, and the consideration of examples to the approach to appropriate marketing periods for the disposal of SCB plots elsewhere, the Council have indicated that they do not intend to defend Reason 2 on the Council's Decision Notice. Nevertheless, I return to the matter of the planning obligations below.
10. Having regard to the above matters, the main issue in the appeal is the effect of the development on nearby trees.

Reasons

11. The scheme proposes to facilitate the construction of the proposed dwellings via the installation of a temporary access. It would avoid a necessity for larger construction traffic to rely on access via Skylark Road, a small residential street.

12. The proposal would include works to provide a suitable run surface and passing places for vehicles during the construction phase of the development. On completion of the housing, the land would be reinstated and retained as a means of access to agricultural land to the northeast of the site.
13. The temporary provision would utilise an existing gated field access emerging between a residential property on Kingfisher Drive and a dwelling fronting Shipston Road. It would roughly follow the line of an informal field access track with no laid surface. The overgrown corridor passes alongside several residential properties and an area of open space. It would lead to the southern tip of the appeal site.
14. On the southern side of the track the residential plots are generally set below the level of the proposed construction access and include a number of trees and bushes of variable size, age and quality close to the site boundary. In certain views these soften the appearance of those houses; elsewhere they provide a verdant backdrop to them. Along with the green corridor between the existing groups of houses, the trees contribute positively to the character and appearance of the locality and the quality of the wider landscape area.
15. The appellant's arboricultural assessment shows that, for the majority of the trees, a construction exclusion zone demarked by protective fencing would protect the extent of their root protection areas (RPAs). This could be installed to be sufficiently robust to prevent damage to those trees.
16. However, the proposed access would encroach into some of the RPAs of trees lying close to the site boundary. Notably, the report identifies that this would include 3 of the more mature and better-quality trees (T27, T29 and T34).
17. In the case of identified Oaks T29 and T34, and Ash T27, there would be sufficient space between the identified RPAs and fencing on the opposite side of the proposed track to allow most vehicles to pass the trees without encroaching into their RPAs. However, due to their positions close to bends in the track, or where it would open out onto the main part of the site, the path of longer vehicles may require tracking across limited parts of the RPAs.
18. The requirement to provide a stable surface along the track to enable access to the site would involve several engineering operations, including light stripping of the surface and deposit of materials to ensure a stable, usable route. As identified by both of the main parties, there are numerous proprietary products to facilitate spreading loads across the RPA to avoid compaction and maintain suitable root conditions. Their use is a typical approach where risks to tree health are identified.
19. There would be a requirement to achieve an effective balance between the protection of the root zones and the stability of the run surface. However, given the range of products aimed at providing protection and ground stability, and the likely limited extent of vehicle encroachment into the RPAs of tree species moderately tolerant of development impacts, I find it would not be beyond the scope of achievability that the use of one or more proprietary systems could provide for suitable access without materially affecting tree health or longevity.
20. Even in the instance where a bespoke arrangement was deemed necessary, I have little doubt that there would be an engineering solution to address it having regard to the corridor's width and limited topography challenges. Those

requirements could be achieved through pre-commencement planning condition/s.

21. Some limited pruning of the Oaks would be required to avoid vehicle conflict with lower-hanging branches. However, this would be to a limited extent and not dissimilar to works that could be undertaken in default. There is subsequently no dispute between the main parties that this could be carried out without serious threat to the trees or their contribution to the quality of the landscape character.
22. Due to the width of the corridor, there would be opportunities for vehicles entering and leaving to pass at various points along the temporary access without encroachment into RPAs. There would be sufficient intervisibility across both bends and to the access points at either end to ensure passing in close proximity to trees could be avoided without the necessity for a banks person.
23. For the above reasons, I find the proposed temporary use of the existing field access could provide a suitable construction route without undue risk to the health and long-term viability of nearby trees. Subject to the imposition of suitably worded conditions to achieve tree protection, and in the event of any failure, their replacement, I find the proposal could be made acceptable and to comply with the requirements in Policies CS.5 and CS.6 of the Stafford-on-Avon District Core Strategy 2011-2031 (the CS) as they seek to ensure development proposals incorporate measures to protect trees and their contribution to landscape character, public amenity and biodiversity.

Planning obligation

24. The s106 Agreement provides a mechanism to secure the terms of eligibility for purchase of the SCB plots and the attendant marketing requirements at a value reflective of those constraints. It would limit initial marketing to people with a defined local connection but allow this to broaden beyond that after a period of 12 weeks of marketing. In addition, it would provide for the full servicing of those plots in order to meet definitions in the Self-build and Custom Housebuilding Act 2015 (as amended) and the Self-build and Custom Housebuilding Regulations 2016. It would also define the terms of plot disposals.
25. In addition to the Council accepting that the need for SCB housing plots is a determinative factor in the development of a currently non-designated housing site beyond the settlement boundary, I consider the use of a planning obligation to secure the various definitions and terms of operation of the above aspects of SCB housing is the appropriate mechanism to provide certainty.
26. Additionally, the obligation provides a mechanism for the potential transfer and management of Public Open Space to be provided on the site. This includes provision for the agreement and payment of a commuted sum to the managing body for that purpose. It would also secure a binding agreement on the management of the communal areas/shared infrastructure beyond the individual plot boundaries. This would secure the site's suitable long-term maintenance in accordance with the requirements in Policy CS.27 of the CS.
27. The document also includes a financial obligation for the purposes of providing Sustainable Welcome Packs, promoting sustainable living and to deliver road safety education in the area. This is based on a rate of £75/dwelling.

28. However, there is little before me to demonstrate that the requirement is necessary to make the development acceptable in planning terms. Neither the Council or its highway advisors have directed me to any relevant local plan policy requirement or other justification for imposing that charge. Furthermore, there is little to demonstrate how the requested amount was calculated in direct relation to the proposal. Although I have little doubt that it would assist in promoting sustainable forms of development, there is little to qualify or quantify any planning harm that would arise in its absence. On that basis, I find the requirements in Schedule 3 of the obligation should not be imposed.
29. Pursuant to the provision in 5.3 of the Agreement, the document otherwise remains sound and enforceable in all other respects. Therefore, from the evidence before me, aside from the requirements in Schedule 3, I find the remainder of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms. They are directly related to the development and are fairly and reasonably related in scale and kind to it. They therefore meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 57 of the Framework.

Other Matters

30. Some third parties have expressed concerns over the limited services available in the village. However, as a settlement identified for managed growth due to greater levels of servicing than other rural settlements, support for the viability of existing services, including public transport opportunities, and potentially new ones, would be enhanced. Furthermore, there is little before me to indicate that existing infrastructure in the locality would not be able to service the development.
31. I note the considerable concerns in relation to drainage and evidence of previous incidents of flooding in the locality. As the proposal is currently at the outline stage, and the specific detail of foul and surface water drainage requirements would not be fixed until the matters of layout are determined, it is not for detailed consideration at this time. It is, however, necessary to ensure that the scheme would be adequately and sustainably drained to avoid the potential of increasing flood risks in the locality. Detailed requirements are therefore imposed in regard to separate drainage systems, and the final site surface water discharge fixed to that agreed with the relevant drainage authority.
32. I acknowledge that due to the position and elevation of the temporary access, vehicles utilising it would have some effect on neighbours' living conditions. However, pursuant to the Council's revised position on the marketing period – whereby greater assurance of quicker disposal and likely sooner build-out of the individual plots would occur, any effects from the construction period would be short-term and could be mitigated by careful construction management, which could be conditioned.
33. Concerns have been raised by third parties in respect of the use of the site by various forms of wildlife, however, there is little substantive evidence to support those claims. I am therefore unable to attribute significant weight to those arguments.
34. I acknowledge concerns with regard to the status of public open space on an adjacent site. However, whilst the scheme layout could be designed to

integrate with that site, the matters of the condition and management of land on the adjacent site lie outside the scope of this appeal.

Conditions

35. I have considered the suggested conditions from the main parties and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. Some have been edited for precision and clarity. Where, ordinarily, conditions would be ordered to reflect their stage of implementation, some have been re-ordered for ease of interpretation.
36. In addition to the conditions relating to the outstanding reserved matters of appearance, layout, scale and landscaping, and their timing and timescale for implementation, I have imposed a condition specifying the relevant site and access drawings as this provides certainty.
37. Conditions requiring the detail, implementation, and management of the site infrastructure and servicing - including public open space, site drainage and plot utilities and servicing, are necessary to facilitate and deliver housing restricted to self-build or custom-build dwellinghouses. It would provide for fire emergency (water supply) and counter any risk of flooding associated with the development. The details of the proposed site and plot levels, and the individual plot drainage systems are necessary in the interests of an integrated approach to development on the site.
38. To limit the effects of the construction phase of the development on neighbours' living conditions, highway safety and the local environment, a Construction Management Plan is reasonable in the particular circumstances of the case. Requirements for visibility and appropriate geometry at the temporary construction access, and the timely connection and surfacing of the estate road, footways, turning areas and driveways are necessary in the interests of highway safety and accessibility.
39. To protect and enhance biodiversity interests (including protected species) on and about the site, conditions in relation to ecological management, habitat creation and protection of existing interests (including trees), are necessary and reasonable. The detail of service run proposals are required to protect existing trees. A requirement to replace any trees damaged or lost accords with the duty under s197 of the Act. A requirement to reinstate the ground conditions in the location of the temporary construction access is reasonable in the interests of preserving highway safety and the landscape character.
40. Conditions in relation to bin provision and storage, and the location of utility meters are included in the interests of site character and appearance. Surface water collection facilities for on-site use are reasonable to limit water resource consumption. The facilitation of high-quality broadband is reasonable in the interests of securing social, economic and environmental benefits in conjunction with the housing development.
41. As the design of development is not a detailed consideration in the appeal, a condition requiring compliance with a design code lies outside of its scope. Further site contamination investigation is not required subsequent to the findings in Mewies Engineering Consultants Ltd. Report 26647-04-GI-01 Rev A.

Conclusion

42. For the reasons given I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Outline Planning Permission Ref. 21/01197/OUT

1. Within two years of the date of this planning permission an application for approval of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") insofar as they relate to the initial phase of the development which involves all elements of Site Infrastructure in the scheme not comprised within the individual dwelling plots, shall be submitted. This shall include the following details:
 - a. the layout of the internal access road, footway and any shared surfaces;
 - b. all visitor car parking facilities and manoeuvring areas to be provided within the site;
 - c. any external lighting in these areas;
 - d. site perimeter boundary treatments and structures;
 - e. hard and soft landscaping details of incidental open space not incorporated within a residential plot curtilage including any shared open space and landscape buffers;
 - f. refuse and recycling strategy and bin collection points (as necessary); and,
 - g. the identification of plot boundaries.

Approval of the details of the reserved matters in relation to the initial phase of development shall be obtained from the Local Planning Authority in writing before any development on the site commences. Development shall be carried out in accordance with the approved details.

All subsequent reserved matters applications for each individual plot or plots must be submitted not later than three years from the date of this planning permission and development must be begun not later than two years from the date of the approval of the last reserved matter.

2. Approval of the details of the reserved matters within any particular plot shall be obtained from the Local Planning Authority in writing before the development of the dwelling on that plot is commenced. The development of each plot shall be carried out as approved.

3. The development hereby approved shall be carried out in accordance with the following plans: Location Plan 3348 – 01C, Construction Site Access DWG-03 Rev B; Construction Site Access DWG-06; Plot Layout Plan 3348-10K and Parameters Plan 3348-11M as they relate to access only.
4. The first reserved matter submission for Site Infrastructure shall be accompanied by a detailed surface water drainage scheme for the site, based on sustainable drainage principles. It shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - a. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield run off rate of 4.2l/s for the site in line with the approved Flood Risk Assessment (ref: 19-377 revision M, dated 13/04/2022).
 - b. Provide drawings / plans to illustrate the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS shall be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
 - c. Provide detail drawings including cross sections of proposed features such as attenuation features, cut-off drains/filter drains and outfall structures. These shall be feature-specific demonstrating that such the surface water drainage system/s are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - d. Provide suitable drawings of the site-wide drainage scheme against which individual plots can be compared to as part of the plot level reserved matters / discharge of conditions. Such plans may include:
 - i. the maximum contributing area allowed per plot (greater impermeable areas may be allowed but will require on-plot attenuation to safeguard the performance of the site-wide infrastructure).
 - ii. Manhole schedules / details / coordinates of the allowed connection points for each plot.
 - iii. Minimum finished floor levels (FFLs) required to mitigate surface water exceedance.
 - e. Provide detailed, network level calculations demonstrating the performance of the proposed system. This shall include:
 - i. Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant.
 - ii. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - iii. Results shall demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates,

potential flood volumes and network status. Results shall be provided as a summary for each return period.

- iv. Evidence shall be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
 - f. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing shall:
 - i. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - ii. Consider property finished floor levels and thresholds in relation to exceedance flows. The Lead Local Flood Authority (LLFA) recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - iii. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management shall not rely on calculations demonstrating no flooding.
 - g. Provide plans and cross sections of the proposed drainage channels around the perimeter of the site to manage overland flows from the adjacent land. This shall include details on levels and how these features will connect to the existing man-made land drain and watercourse along the eastern perimeter of the site.
 - h. Provide plans and cross section details on the proposed route for discharging surface water run off from the attenuation basin to the existing outfall on the southern side of Shipston Road. This will include proposals to realign or replace any existing sections as required to accommodate the modelled flows.
5. No development shall take place until a detailed foul drainage scheme has been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and no dwelling shall be occupied until foul drainage works have been implemented in accordance with the approved details.
6. No occupation of a dwelling hereby permitted shall take place until a detailed, site-specific drainage maintenance plan has been submitted to and approved in writing by the local planning authority. Such maintenance plan shall:
- a. provide the name of the party responsible, including contact name, address, email address and phone number,
 - b. include plans showing the locations of features requiring maintenance and how these should be accessed,
 - c. provide details on how surface water for each relevant feature shall be maintained and managed for the life time of the development,
 - d. be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The site drainage shall be maintained in accordance with the approved details for the lifetime of the development.

7. With the first reserved matters application, a specification for all the Site Infrastructure (which shall include Incidental Open Space, SuDs pond, bin collection points, landscape buffer and visitor parking spaces), and any other areas managed communally or applicable for the Site Infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:
- a. the design specification for the hard and soft landscaping elements of the Site Infrastructure.
 - b. A plan showing the exact location and dimensions of the elements of the Site Infrastructure required in a) above;
 - c.
 - i. planting plans
 - ii. written specifications including cultivation and other operations associated with tree, plant and grass establishment
 - iii. a schedule of plants noting species, plant sizes and proposed numbers/densities
 - iv. existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate)
 - v. existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)
 - vi. existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate)
 - vii. the means of accommodating change in level (e.g. steps, retaining walls, ramps where appropriate)
 - viii. hard surfacing materials - details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved
 - ix. the position and design of all site enclosures and boundary treatment specifying the type, height, composition and appearance
 - x. car parking layout
 - xi. other vehicular and pedestrian areas
 - xii. fencing required for the temporary delineation of plots
 - xiii. minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, signage, lighting etc)
 - xiv. historic landscape features to be retained, removed or restored (where appropriate).
 - d. The design specification for the hard and soft landscaping elements of the SuDs on the development hereby approved shall include the following:
 - i. Maximum side slopes of 1:3 (although 1:4 is preferable) continuing for a minimum horizontal distance of 2m into the water.

- ii. Shallow water maximum depth of 0.6m within 2m, measured horizontally, of the water's edge.
- iii. Maximum water depth of 1.36m within 3.75m, measured horizontally, of the water's edge.
- iv. Minimum 2.5m wide clear walkway (grass or hard surface as agreed with the local planning authority) around the perimeter at top of bank, inside any perimeter fence and defensive planting.
- v. Level access strips may be required at mid-slope of the banks, minimum 1.5m wide, where the length of the slope and/or depth of the feature requires it for practical maintenance purposes.
- vi. Perimeter fencing in the form of tanalised timber post & 4 rail (with rails mortised into posts) with 3m wide tanalised timber or galvanised steel (to be agreed with the local planning authority) gate in a position to be agreed, accompanied by defensive planting to discourage climbing. The requirement for a fence may be dispensed with or else an alternative fence design may be sought by the local planning authority depending upon the particular design and location of the SuDS feature.
- vii. Vehicular access and hardstanding up to the gate from the highway. This must be of a permeable nature
- viii. Lifebelt(s) and holder(s), the number of which is dependent upon the size and design of the SuDS features.
- ix. Appropriate warning signage, accompanied by interpretation signage to explain to the public the purpose of the SuDS feature and how it functions (the wording for both types of sign to be approved in writing by the local planning authority prior to manufacture and installation).
- x. In the case of visible SuDS surface features that are fenced, sufficient security and locking arrangements must be agreed and the associated locks and keys supplied by the developer. The developer will be responsible for co-ordinating the joint access and locking arrangements between the District Council and relevant drainage body, both of whom will have access rights.
- xi. Where interceptors are installed, subject to the sewerage/drainage operator's requirements, to ensure that any traps include the provision for ensuring no Heavy Metals can be discharged into any water-course. Any interceptors must be easily accessible and easy to clean/clear.

The scheme shall be in compliance with the District Council's adopted Stratford-on-Avon Core Strategy and particularly 'Policy 25: Healthy Communities' or supplementary planning guidance/policy that may be adopted to replace or complement the same or as otherwise updated with the written agreement of the District Council.

No utilities, foul/surface water drainage or Sub-Stations shall be located in, on or under the Site Infrastructure unless shown on plan approved elsewhere in the decision.

8. With the first reserved matters application, an on-going scheme for the maintenance of all the Site Infrastructure, as agreed in Condition 7, shall be

- submitted to and approved in writing by the Local Planning Authority. The submitted information shall set out:
- a. long term design objectives and BS standard of maintenance and repair to be achieved;
 - b. management responsibilities, maintenance schedules, details of the nature and frequency of maintenance for all Site Infrastructure;
 - c. measures to repair or replace any equipment, seating, facilities, paths or hardstandings that become damaged, and to replace any trees, shrubs, flowers or turf which may die or become diseased;
 - d. a timetable for the delivery of the Site Infrastructure with timings for commencement through to completion of the relevant Site Infrastructure and subsequent maintenance;
 - e. measures to manage and maintain the individual plots prior to their disposal.
9. The Site Infrastructure, as agreed in Condition 7, shall be completed prior to occupation of 40% of the dwellings on the site as follows:
- a. The site owner/s shall contact local planning authority inviting them to either inspect the Site Infrastructure and issue a Practical Completion Certificate confirming that Site Infrastructure has been completed for the whole site (or phase of the site as previously agreed), or confirm that the owner shall proceed to appoint a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the Owner and the District Council to do the same. If the local planning authority or the suitably qualified professional inspect the Site Infrastructure and identify necessary remedial works, these remedial works shall be completed within a timescale agreed in writing with the local planning authority and the site re-inspected.
 - b. The site owner/s shall undertake the maintenance of Site Infrastructure, as approved in Condition 8, for a Maintenance Period of not less than 12 months unless agreed in writing by the local planning authority, in accordance with the timetable set out in the Site Infrastructure maintenance scheme until the transfer of maintenance responsibilities in accordance with the transfer arrangements as set out in the S106 associated with this application.
 - c. On expiration of the Maintenance period the owner shall contact the local planning authority inviting them to either inspect the Site Infrastructure and issue a Final Completion Certificate confirming that works have been maintained in accordance with the agreed detail or confirm that the owner shall proceed to appoint a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the Owner and the District Council to do the same. If the local planning authority or the suitably qualified professional inspect the Site Infrastructure and identify necessary remedial works, these remedial works shall be completed within a timescale agreed in writing with the local planning authority and the site re-inspected.
 - d. The site owner/s or Management Company shall be responsible for the maintenance of the Site Infrastructure until such time as the Final

Completion Certificate has been issued for the whole site (or phase of the site as previously agreed with local planning authority). The Site Infrastructure shall thereafter be retained and maintained as such, unless the Local Planning Authority gives prior written approval to any subsequent variations.

10. With the first reserved matters application, a specification for all the Public Open Space, and any other areas managed communally or applicable for the Public Open Space shall be submitted, to and approved in writing by the Local Planning Authority. The information submitted shall include:
- a. the design specification for the hard and soft landscaping elements of the development hereby approved to include Public Open Space, and any other areas managed communally or applicable for the Public Open Space;
 - b. a plan showing the exact location and dimensions of the elements of the Public Open Space required in a) above;
 - c.
 - i. planting plans,
 - ii. written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - iii. a schedule of plants noting species, plant sizes and proposed numbers/densities.
 - iv. existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate).
 - v. existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)
 - vi. existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate).
 - vii. the means of accommodating change in level (e.g. steps, retaining walls, ramps where appropriate)
 - viii. hard surfacing materials- details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.
 - ix. the position and design of all site enclosures and boundary treatment specifying the type, height, composition and appearance
 - x. car parking layout
 - xi. other vehicular and pedestrian areas
 - xii. minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, signage, lighting etc)
 - xiii. historic landscape features to be retained, removed or restored (where appropriate);

The scheme shall be in compliance with the District Council's adopted Stratford-on-Avon Core Strategy and particularly 'Policy 25: Healthy Communities' or supplementary planning guidance/policy that may be adopted to replace or complement the same or as otherwise updated with the written agreement of the District Council.

No utilities, foul/surface water drainage or Sub-Stations shall be located in, on or under the Public Open Space unless shown on plan approved elsewhere in the decision.

11. With the first reserved matters application, an on-going scheme for the maintenance of all the Public Open Space, as agreed in Condition 10, subject to any transfer arrangements as set out in the Section 106 Agreement associated with this application, shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall set out:
 - a. long term design objectives and BS standard of maintenance and repair to be achieved;
 - b. management responsibilities, maintenance schedules, details of the nature and frequency of maintenance for all Public Open Space;
 - c. evidence that a written offer has been made to and received by the Parish Council or Stratford-on-Avon District Council (if applicable) to maintain the whole or part of the Public Open Space as described in the Public Open Space Specification;
 - d. measures to repair or replace any equipment (including play equipment), facilities, paths or hardstandings that become damaged, and to replace any trees, shrubs, flowers or turf which may die or become diseased;
 - e. a timetable for the delivery of the Public Open Space, with timings for commencement through to completion of the relevant Public Open Space and subsequent maintenance. The Maintenance period shall be not less than 12 months unless agreed otherwise in writing by the local planning authority and in any case until the responsibility for maintenance of the land is transferred in accordance with the transfer arrangements as set out in the S106 associated with this application.
12. The Public Open Space, as agreed in Condition 10, shall be completed prior to occupation of 40% of the Dwellings on the Site as follows:
 - a. The site owner/s shall contact the local planning authority inviting them to either inspect the Public Open Space, and issue a Practical Completion Certificate confirming that the Public Open Space works have been completed for the whole site in accordance with the agreed detail or confirm that the owner shall proceed to appoint a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the Owner and the District Council to do the same. If the local planning authority or the suitably qualified professional inspect the Public Open Space, and identify necessary remedial works, these remedial works shall be completed within a timescale agreed in writing with the local planning authority and the site re-inspected.
 - b. The site owner/s shall undertake the maintenance of Public Open Space, as approved in Condition 11, for a Maintenance Period of not less than 12

months unless agreed in writing by the local planning authority, in accordance with the timetable set out in the Public Open Space Maintenance Scheme until the transfer of maintenance responsibilities in accordance with the transfer arrangements as set out in the S106 associated with this application.

- c. On expiration of the Maintenance period the owner shall contact the local planning authority inviting them to either inspect the Public Open Space, and issue a Final Completion Certificate confirming that works have been maintained in accordance with the agreed detail or confirm that the owner shall proceed to appoint a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the owner/s and the District Council to do the same. If the local planning authority or the suitably qualified professional inspect the Public Open Space, and identify necessary remedial works, these remedial works shall be completed within a timescale agreed in writing with the local planning authority and the site re-inspected.
- d. The owner or Management Company shall be responsible for the maintenance of the Public Open Space, until such time as the Final Completion Certificate has been issued for the whole site (or phase of the site as previously agreed with the local planning authority).
- e. For the avoidance of doubt:
 - i. A Practical Completion certificate means a certificate to be issued by the local planning authority or a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the owner and the District Council which shall be conclusive evidence of the proper laying out planting or construction as the case may be of the Public Open Space, in accordance with the approved Specification.
 - ii. Maintenance Period means the period of maintenance from the issue of a Practical Completion Certificate in accordance with the approved Specification to the issue of the Final Completion Certificate on the Site
 - iii. Final Completion Certificate means a certificate to be issued by the local planning authority or a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the Owner and the District Council, which shall be conclusive evidence that the Public Open Space, on the Site (as a whole) has been properly maintained during the Maintenance Period;
- f. The Public Open Space, as agreed in Condition 10, shall thereafter be retained in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations);
- g. The owner shall allow free unrestricted use and access from completion of the Public Open Space, for the whole site (or phase of the site as previously agreed with local planning authority), to the general public at all times of the day and night provided that use and access may be restricted in the event of emergency such that access and use by the general public should be prevented for reasons of health and safety.

13. Each residential unit in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act:

- a. The Council shall be notified of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation.
- b. All subsequent reserved matters applications for each individual plot or plots, shall contain detailed evidence of how and when the purchaser has had primary input into the design and layout of the unit.

14. Each plot-level reserved matters application shall be accompanied by a detailed plan indicating existing site levels and proposed finished ground floor levels of the development. The details shall be submitted to and approved in writing by the Local Planning Authority. The detailed plan to be submitted shall include the following details:

- a. levels of the existing plot, together with indication of a recognised fixed datum point from which levels can be verified during the course of development and at completion;
- b. a GPS survey of the site to include a plan accompanied by cross sections, at intervals of 10 metres, through the dwellings, terrace and slopes where earth is to be deposited detailing existing and proposed levels. The plan shall also indicate at least one recognized fixed datum point from which levels can be verified during the course of development and at completion;
- c. the precise finished ground floor levels of the new dwelling(s) relative to the existing development on the boundary of the site (including the adjacent highway and adjacent properties);
- d. levels of all accesses to include pathways, driveway, steps and ramps.

Thereafter, the development shall be carried out and completed strictly in accordance with the approved details prior to any occupation of the dwellings hereby permitted and thereafter retained as such.

15. Alongside the submission of each plot-level reserved matters application, surface water drainage information shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the dwelling is completed. The information to be submitted shall:

- a. Detail how each individual plot shall be drained and integrated into the drainage network.
- b. Demonstrate the contributing area from each plot and that this is in line with the approved site-wide contributing area plans to ensure there is sufficient capacity within the drainage system to perform according to the approved drainage strategy (19-377 Flood Risk Assessment and Indicative Drainage Strategy Revision M).
- c. Finished floor level of the plot in relation to the site-wide external levels and surface water exceedance.

16. No construction shall be undertaken until a Construction Management Plan has been submitted to and approved by both the Local Planning Authority and which shall contain details of:
 - a. The routing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies.
 - b. Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby avoid vehicles having to park off site on the highway network.
 - c. Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).
 - d. The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles can enter and leave the site (from and to the public highway) safely, in a forward gear and without obstructing the public highway, and if not, what safety precautions will be implemented.
 - e. The management of the routing and timing of construction traffic to and from the site such that large vehicles can turn off the A3400 into the temporary access road without delay and will not have to wait in the public highway carriageway to gain access to the site.
 - f. Suitable areas for the unloading and storage of materials off the public highway.
17. The development shall not be commenced until visibility splays have been provided to the proposed temporary access road to the site in accordance with Drawing Number DWG-03 Rev B. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
18. The development shall not be commenced until the proposed temporary access road has been constructed in general accordance with Drawing Ref. DWG-06 (Construction Site Access), but subject to the detailed design of the temporary access road and a Stage 2 Road Safety Audit being submitted to and approved in writing by the Local Planning Authority. The design is to include the provision of radiused turnouts on each side sufficient to accommodate the turning manoeuvres of the largest expected construction and delivery vehicles.
19. The proposed temporary access road to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
20. Following completion of the construction of the 17 dwellings, the temporary access road must be returned to its previous condition as an agricultural access and the kerb/verge reinstated in accordance with the standard specification of the Highway Authority. All connections with the proposed development's

internal road network are to be removed such that vehicles cannot use the agricultural track to access the development.

21. The development shall not be occupied until the internal access road, vehicle turning areas and pedestrian footways within the site have been constructed so as to enable the largest vehicle likely to enter the site to leave and re-enter the public highway in a forward gear.
22. Each individual dwelling shall not be occupied until on-site vehicle parking and secure cycle storage meeting Stratford-on-Avon District Council's Development Requirements Supplementary Planning Document standards in respect of capacity and design have been submitted to and approved in writing by the Local Planning Authority.
23. The developer shall conclude a written agreement with the Highway Authority's Area Team prior to commencing any hedgerow or tree pruning work which requires working within or adjacent to the public highway.
24. Prior to the commencement of the development hereby approved, including any works of site clearance, an Ecology Management Plan (EMP), which shall include details of habitat features to be retained/created/provided and their long-term management, shall be submitted to and approved in writing by the local planning authority. The EMP shall have regard to the recommendations for protected species and biodiversity contained in Section 4 of the 2021 Updated Preliminary Ecological Appraisal (Ref. 1746-CWS-03 2021) by Cotswold Wildlife Surveys. Thereafter, the EMP shall be implemented in full accordance with the approved details.
25. No demolition, site clearance or building operations of any type shall commence or equipment, machinery or materials brought onto site until a scheme for the protection of all existing trees and hedges has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted no later than the first reserved matters submission for any part of the site. The tree/hedge protection measures within the scheme shall include and make reference to:
 - a. a Tree Protection Plan, and appropriate working methods in the Arboricultural Method Statement in accordance BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations";
 - b. details of protection of the root protection areas of existing trees with regard to ground stability and any potential incursion into those areas;
 - c. details of the erection of stout protective fencing in accordance with British Standard BS5837:2012, Clause 6.2; and,
 - d. fencing shall be shown on the Tree Protection Plan and installed to the extent of the tree Root Protection Area (RPA) as defined in BS5837:2012 and as agreed in writing by the Local Planning Authority.

The protection measures shall be present in accordance with the approved details for the entire duration of the construction phase of development (including site preparation). 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 from the site.

26. The following work shall not be carried out within the Root Protection Area (RPA) of any retained tree or hedgerow, except with the prior written approval of the Local Planning Authority:
- a. No materials, equipment, machinery or structure shall be attached to or supported by a retained tree or hedgerow, nor stored or stacked within said RPA;
 - b. No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a RPA that seepage or displacement could cause them to enter a RPA;
 - c. No fires shall be lit within any RPA or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of any retained tree or hedgerow within or adjacent to the site as per the requirements of BS5837:2012;
 - d. Levels shall not be raised or lowered in relation to the existing ground level within the RPA of any retained tree or hedgerow;
 - e. No roots shall be cut, trenches dug, or soil removed within the RPA of any retained tree or hedgerow;
 - f. No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of any retained tree or hedgerow; and
 - g. No vehicles shall be driven over the area within the RPA of any retained tree or hedgerow.
27. The existing trees and hedges shown to be retained on the Tree Retention and Protection Plan Dwg.no. SHPRTRP-FEB22 (in Arboricultural method statement for temporary construction access road, by B.J. Unwin Forestry Consultancy Ltd, dated 8 April 2022) shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development hereby permitted and thereafter within 5 years from the date of occupation or use of the buildings for their intended purposes without the prior written approval of the Local Planning Authority.

Any trees removed without such prior written approval or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees.

28. Prior to the commencement of development hereby permitted, full details of all service runs shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted no later than the first reserved matters submission for any part of the site. The details shall include the location of all existing services above and below ground and the location of all proposed services (e.g. drainage, power, communications cables, pipelines etc.) including routes, supports etc. Such details shall be included on a plan which also illustrates the accurate location of trees to be retained on the development site. The development shall be carried out in accordance with the approved details.

29. Prior to the commencement of development, a CIL Phasing Plan which sets out each phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the approved CIL Phasing Plan. The CIL Phasing Plan shall not be amended without the written consent of the Local Planning Authority, from whom consent may be sought from time to time as required.
30. Prior to the first occupation of the development hereby approved, each plot shall have all service connections (i.e. electricity, water, drainage, internet) at the boundary of each plot, arranged, laid, installed and ready for connection and use.
31. Any plot served by a shared access drive from the proposed internal access road shall not be occupied until the relevant shared access drive has been constructed to a minimum width of 5.0 metres for a distance of at least 7.5 metres from the nearside edge of the access road carriageway.
32. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway.
33. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling.
34. No dwelling hereby permitted shall be occupied until it has been provided with 3 bins for the purposes of refuse, recycling and green waste, in accordance with the Council's bin specifications.

Any siting of domestic refuse bins shall be at the rear of the building or within any suitably screened area for bin storage. Details of any proposed bin store to be erected or constructed shall be submitted to and approved in writing by the Local Planning Authority prior to erection or construction.
35. Any meter/service box shall be fitted to an internal wall where practical and feasible but, if proven to the Local Planning Authority that internal siting of a meter/service box is not practical and feasible then any external wall mounted meter/service box shall be located away from the primary elevations facing a highway and prominent side walls facing publicly accessible areas.
36. No dwelling that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
37. No dwelling shall be occupied until it has been provided with a connection to facilitate superfast Broadband connectivity.
38. The construction of the private drives serving the development shall comprise a road base designed to withstand a 32-tonne load capacity.

END.