



Appeal Decision

Site visit made on 6 February 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2024

Appeal Ref: APP/J3720/W/23/3328604

Land northeast of The Exchange, Mill Lane, Newbold-on-Stour, Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Stepstones (Warwickshire) against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/00989/OUT.
 - The development proposed is "Outline application with all matters reserved except for access, for a phased residential development comprising 5 self-build/custom build dwellings, formation of vehicle access from Mill Lane, off-site highway works, and all associated works".
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Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved, except for access, for a phased residential development comprising 5 self-build/custom build dwellings, formation of vehicle access from Mill Lane, off-site highway works, and all associated works at Land north east of The Exchange, Mill Lane, Newbold-on-Stour, Warwickshire in accordance with the terms of the application Ref 23/00989/OUT, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and replaces previous versions. There is increased commentary regarding the support for small sites for self-build and custom-build housing. The Council's appeal statement and appellant's Final Comments were produced after the latest Framework revisions and so the parties have had the opportunity to comment on the revisions. I have had regard to the latest version of the Framework in reaching my decision.
3. The application is in outline with all matters, except access, reserved for later consideration. The submitted block plan is therefore illustrative with regards to the proposed division of the site into 5 approximately equal-sized plots, but the proposed location of the access and road does form part of the outline application.
4. During the course of the appeal a duly signed, dated and executed planning obligation, pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (the 'S106') has been submitted to secure the provision of self-build/custom housing (hereafter 'SBCH').

Main Issue

5. The main issue in this appeal is whether the appeal site would be a suitable location for SBCH housing with regard to local and national policies.

Reasons

6. Policy CS.15 of the Stratford-on-Avon Core Strategy (the Core Strategy) sets out the Council's development strategy and settlement hierarchy for the balanced dispersal of housing development across the district in locations served by suitable services and facilities in order to produce sustainable patterns of development. Stratford-upon-Avon is to be the main focus for housing, with development then focussed on Main Rural Centres, Local Service Villages, large rural brownfield sites and then All other settlements. Most development will be on allocated sites in the Area Strategy or sites identified in the Neighbourhood Plan or through the redevelopment and re-use of suitable land within the defined built up area boundary (the BUAB) of a settlement.
7. At a district-wide level, for policy purposes those areas that lie outside a BUAB are considered 'countryside' under Core Strategy Policy AS.10. This restricts residential development to small-scale housing to meet a need identified by the local community; small-scale schemes for housing within the BUAB or confines of a Local Service Village; dwellings for essential rural workers; replacement dwellings; conversions of certain buildings into dwellings, or dwellings of exceptional quality and design.
8. Policy H1 of the Tredington Neighbourhood Plan (the Neighbourhood Plan), which forms part of the development plan, states that areas outside a BUAB are also classed as countryside. It goes on to state that new dwellings will be strictly controlled in the countryside and limited to specified forms of development, which are similar to those listed in Core Strategy Policy AS.10.
9. These policies are broadly in accordance with the Framework's aim of promoting sustainable patterns of development and identifying opportunities for villages and other settlements to grow, supported by infrastructure and facilities, and in rural areas, in particular where it will enhance or maintain the vitality of communities.
10. The BUAB around Newbold-on-Stour is shown drawn tightly around the village. It includes Mill Lane, the former telephone Exchange (a derelict building with overgrown grounds around it) and the new housing along Mill Lane on the opposite side to the appeal site. However the appeal site, which is part of a wider swathe of countryside to the east, lies outside the BUAB. Furthermore, the proposal would be none of the housing exceptions considered appropriate for countryside locations. The proposal would undermine the Council's spatial and settlement strategy for the location of housing and promoting sustainable patterns of development. Accordingly, the proposal would be contrary to Core Strategy Policies CS.15, AS.10 and Neighbourhood Plan Policy H1.

Other Matters

11. Both parties refer me to other appeal decisions, including one I made at Millers Close¹, and the different approaches taken as to whether Framework paragraph 11d) is engaged because of a lack of SBCH policies. Some examples relate to

¹ Appeal ref: APP/J3720/W/22/3297821 dated 27 September 2022

different local authorities, and some decisions turned on other issues such that there were other development policies at play. Whilst other appeal decisions can be material considerations, all decisions turn on their own particular circumstances based on the evidence before those inspectors at the time. Therefore, I must consider the appeal proposal on its own merits and the facts before me.

12. A number of third parties raise other issues, in particular additional traffic and sewerage capacity. However, there are no consultee objections and the Council has not raised any technical issues in relation to them. Based on the submitted evidence and my site visit observations, I have no reason to find otherwise.

Planning Obligation

13. The submitted S106 planning obligation would secure SBCH tenure for the housing for the future. The plots would have to be fully serviced. A marketing strategy would be required to be submitted that would involve, in brief, establishing the maximum price of each plot using independent valuations, marketing the plots first to persons with a local connection, thereafter they can be marketed to eligible persons with no local connection. In addition, a Biodiversity Offsetting scheme would be submitted that would include proposals for its management for not less than 30 years.
14. There is no dispute between the main parties that the obligations meet the relevant legal and policy tests. I am satisfied that the planning obligation would suitably and appropriately secure SBCH on the site and would meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended and the guidance in paragraph 57 of the Framework, as it would be necessary to the development and acceptable in planning terms; would be directly related to the development, and would be fairly and reasonably related in scale and kind to the development.

Planning Balance and Conclusion

15. A decision on whether to grant permission must be made in accordance with the relevant policies in the development plan, unless there are material considerations, such as those in the Framework, which indicate otherwise.
16. The appeal site lies outside the BUAB of Newbold-on-Stour, a Local Service Village. I have found that the proposal would conflict with the development plan in that it is contrary to the Council's spatial strategy for the distribution of housing across the district. To allow the proposed development would undermine the delivery of the housing strategy and sustainable patterns of development and be contrary to Core Strategy Policies CS.15 and AS.10 and Neighbourhood Plan Policy H1.
17. The spatial strategy aims to protect the character of the landscape and avoid a harmful increase in traffic in the countryside and villages. Local service villages, such as Newbold-on-Stour, can support small-scale housing schemes such as the appeal proposal if located within the BUAB. The proposal is in outline form with matters principally relating to design reserved for future consideration. The Council found that there would be sufficient scope for the proposal to conform with design policies and from the evidence before me I see no reason to disagree, therefore landscape character would be protected.

18. While the site is outside but adjacent to the BUAB, given the level of facilities and services available in the village and its place in the settlement hierarchy, the harm caused due to conflict with the spatial strategy would be minor in this instance.
19. The development plan is not out-of-date just because it has no specific SBCH policies. The proposal is for housing and the plan has a spatial strategy and policies that guide the location of new housing in a manner broadly consistent with the Framework. The Council can demonstrate it has over a 10 year supply of deliverable housing land. This indicates to me its spatial strategy is working and meeting one of the Framework's aims of boosting the supply of houses. Therefore, read as whole the development plan is not out-of-date and Framework paragraph 11d) is not engaged.
20. That said, the proposal is for SBCH, a specific type of housing. Under the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and Regulations, local planning authorities have a duty to grant a sufficient number of suitable permissions to meet the demand for SBCH within their area. Local planning authorities must also keep a Register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area and publish it.
21. Notwithstanding a healthy housing land supply, the Council's SBCH Supply and Demand position in January 2023² shows there was a shortfall of 76 SBCH plots overall, with a shortfall of 67 SBCH plots for those with a local connection, based on the number of entries on the Register and a three-year rolling supply on 31 October 2022. These figures have come down from a shortfall of 81 and 75 plots respectively, as set out in the Council's Demand & Supply position on 1 April 2022³. Nonetheless, the figures show there remains a shortfall of SBCH plots across the district, which indicates the Council is not fulfilling its statutory duty to provide sufficient SBCH plots to meet demand. The Council also confirms the demand for plots continues to grow faster than supply, resulting in a considerable gap between supply and demand. The shortfall is a material consideration of great weight that weighs in favour of the proposal.
22. The reasoned justification⁴ to Core Strategy Policy CS.16 acknowledges that there are a number of other mechanisms that can contribute to meeting the housing needs of the district and that the Council supports the principle of schemes being delivered as self-build projects, as well as considering the allocation of specific sites for self-build projects. However, as the Core Strategy was at an advanced stage of preparation at the time the SBCH legislation came into force there are no specific SBCH policies in the development plan.
23. The Framework identifies "people wishing to commission or build their own homes" (paragraph 63) as a distinct section of the community for which the size, type and tenure of housing needed should be assessed and reflected in planning policies. The latest Framework revision states that local planning authorities should seek opportunities, through policies and decisions, to support small sites to come forward for SBCH (paragraph 70b). The appeal is

² As reported in the Council's Committee Report

³ Submitted as Appendix 4 of the Council's appeal statement

⁴ At paragraph 5.2.16 of the Core Strategy

accompanied by a planning obligation that would secure the housing as a SBCH tenure into the future.

24. To address the policy void, the Council is progressing its Site Allocations Plan (the 'SAP') that includes draft policies SAP.6 and SAP.7 for the specific provision and delivery of SBCH. The approach to the location of SBCH is broadly consistent with the principles and locational criteria behind the Council's existing housing strategy and the Framework - that of building dwellings in locations with access to services and facilities to promote sustainable patterns of development. Draft Policy SAP.6 would support in principle the development of suitable unallocated sites for SBCH *adjacent* [my emphasis] to the BUABs of Local Services Villages, such as Newbold-on-Stour. Hence the appeal site and proposal would broadly comply with Draft Policy SAP.6.
25. However, public consultation on the Preferred Options of the SAP took place in June-July 2022. The Council acknowledges that the SAP requires considerable work before outstanding objections are resolved and it can be submitted for Examination. Given that the SAP is at an early stage of preparation, and I cannot be sure that the draft policies would be retained unchanged in the adopted version, it attracts little weight in my consideration of the appeal, which is not disputed by the parties. Nonetheless, the SAP indicates that the location of SBCH will be guided by similar sustainability principles that guide the Council's existing housing strategy, which I have found to be broadly consistent with the Framework.
26. The provision of 5 SBCH units would help reduce the district-wide shortfall in the supply of SBCH which the Council has a duty to supply. This would comply with the Framework's aim of providing housing for the needs of different groups in the community and supporting small sites for SBCH housing, as well as boosting the supply of housing in general. The planning obligation would suitably and reasonably secure the SBCH tenure of housing into the future.
27. There would be some modest associated socio-economic benefits with jobs during construction of the dwellings and additional spend in the area afterwards from future occupants. There would also be some environmental benefits arising from any carbon-neutral credentials, new hedgerow planting and a parcel of land nearby to be dedicated to Biodiversity Net Gain. However, I afford these moderate weight as they could apply to any housing development.
28. In conclusion and drawing all the points together, the proposal would be contrary to the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh this conflict. The appeal should be allowed.

Conditions

29. The Council has submitted the conditions that were listed in the Committee report. I have considered them against the advice and tests in the Framework and the PPG. Where necessary and in the interests of clarity and precision I have amended, combined or deleted conditions. Following the advice in the PPG I have also listed the conditions broadly in the order that they need to be satisfied.

30. I have included the standard conditions limiting the lifespan of the planning permission and specifying the relevant drawings to provide certainty in the interests of proper planning.
31. Planning permission is granted at the outline stage. It is therefore necessary to impose conditions on the outline permission that fall outside the scope of the reserved matters, such as drainage, contamination, tree protection, and to ensure the SBCH plots have the necessary service infrastructure. The appellant has provided his agreement to pre-commencement conditions. As access is not a reserved matter, I have included a number of access-related conditions in the interest of highway safety. In the interests of the living conditions of nearby residents, the submission and approval of a Construction Management Plan prior to any demolition or construction work is necessary. In the interest of the overall design for a collection of SBCH units and energy saving measures, I have imposed conditions to include the location of meter boxes, refuse and recycling bins, external lighting and installation of water butts.
31. Whilst measures for the long-term Biodiversity New Gain management plan are included in the S106, there are conditions to safeguard protected species. Whilst the S106 will secure SBCH and the marketing mechanism, a condition will ensure the principle of the development and secure the housing type that is promoted. Other conditions include a CIL phasing plan.
32. The Framework advises that planning conditions should not be used to restrict national permitted development rights, unless there is clear justification to do so. As the dwelling would likely be set back from Mill Lane behind the service road, removal of permitted development rights with regard to fences, gates and walls is likely to be unnecessary - the landscaping reserved matters can deal with such details. I have therefore not imposed this condition.

K Stephens
INSPECTOR

Schedule of Conditions

- 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 takes place and the development shall thereafter be undertaken in accordance with the approved details.
- 2) Application(s) for the approval of the matters reserved shall be made to the Local Planning Authority no later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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 following approved plans: Location Plan 0000-P1 Rev J; Block Plan 0000-P2 Rev J; Proposed Site Access drawing 24483-01 Rev C, and Proposed Mill Lane Pedestrian Improvements drawing 24483-01-2 Rev C.
- 5) Each residential unit ('dwelling') in the development hereby permitted shall be constructed as a self-build and/or custom housebuilding dwelling within the definition of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended). 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 the unit being occupied. 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.
- 6) Each reserved matters application relating to the appearance, scale and layout shall be in accordance with the principles of the Design Code by Sam Russell Architectural Design and Planning as submitted as part of this application. All reserved matters applications shall include a statement providing an explanation as to how the design of the development responds to the details submitted as part of the outline application and how the reserved matters respond to the principles of the Design Code.
- 7) With the first Reserved Matters application, a specification for all the Site Infrastructure (which shall include bin collection points and visitor parking spaces), as identified on 0000-P1 Rev J, 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 on the development hereby approved.
 - 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) 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 the 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. The Maintenance period shall be not less than 12 months unless agreed otherwise in writing by the LPA 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.
 - e) Measures to manage and maintain the individual plots prior to their disposal. Details for the long-term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving, land drains) shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby permitted. The submitted details shall specify the responsibilities of each party for the implementation of the SuDS scheme, a timetable for implementation, provide a management plan and maintenance plan for the lifetime of the development which should include arrangements for adoption by any public authority or statutory undertaker and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.
 - f) Measures to manage and maintain the individual plots prior to their disposal.
- 9) With the first reserved matters application, a scheme for foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such

approved details prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter.

- 10) Alongside the submission of each plot-level reserved matters application, surface water drainage information shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details before each dwelling is first occupied. The information to be submitted shall:
- a) Detail how each individual plots shall be drained and integrated into the drainage network.
 - b) Demonstrate the contributing area from each plot.
 - c) Finished floor level of the plot in relation to the site-wide external levels and surface water exceedance.

- 11) 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/or hedges has been submitted to and approved in writing by the Local Planning Authority. The tree/hedge protection measures within the scheme shall include and make reference to:
- a) The submission of a Tree Protection Plan and appropriate working methods – the Arboricultural Method Statement in accordance British Standard BS5837:2012 “Trees in relation to Design, Demolition and Construction–Recommendations”;
 - b) Details of the erection of stout protective fencing in accordance with British Standard BS5837:2012, Clause 6.2; and
 - c) 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 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.

- 12) The following work shall not be carried out within the Root Protection Area (RPA) of any retained tree or hedgerow:
- 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.
- 13) No construction shall be undertaken until a Construction Management Plan has been submitted to and approved by both the Local Planning Authority and Highway Authority and which should 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 parking for 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) Suitable areas for the unloading and storage of materials off the public highway.
- 14) No development shall take place until clauses (a), (b) and (c) below have been complied with:
- a) A Phase 1 Desk Study and site walkover shall be carried out. The Desk Study shall provide results of the site walkover, detail a full history of the site uses, and identify any unacceptable risks to human health and the environment. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority.
 - b) Where unacceptable risk is identified by the Desk Study, a detailed Site Investigation shall be carried out and a Site Investigation Report submitted to and approved in writing by the Local Planning Authority. The Report shall detail all investigative works and sampling on site, together with results of analysis and risk assessment to any receptors.
 - c) Where unacceptable risk is identified by the Site Investigation Report, a proposed Remediation Strategy (including a Quality Assurance Scheme) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- 15) No development shall take place until a CIL Phasing Plan, which sets out each phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with an approved CIL Phasing Plan.
- 16) No development shall take place 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 the first occupation of the development.

- 17) Prior to preparation of levels on each individual plot for the development hereby permitted, a detailed plan indicating existing site levels and proposed finished ground floor levels of the development of that plot 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 site, together with indication of a recognised fixed datum point from which levels can be verified during the course of development and at completion; and
 - b) The precise finished ground floor levels of each new dwellings relative to the existing development on the boundary of the site (including the adjacent highway and adjacent properties) and levels of all accesses to include pathways, driveway, steps and ramps.

Thereafter, the development of each plot shall be carried out and completed [or completed to a stage previously approved in writing by the Local Planning Authority] strictly in accordance with the approved details prior to occupation of the dwelling on that plot hereby permitted and thereafter so retained as such.

- 18) No development shall take place until a Biodiversity Net Gain management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained and maintained as such.
- 19) Prior to the first occupation of the development hereby approved, clauses (a), (b) and (c) below shall be complied with:
- a) All remediation work approved under the Remediation Strategy in Condition 15 above shall be completed as approved and be carried out under the Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed, and an appropriate remediation scheme and timescales shall be submitted to and approved in writing by the Local Planning Authority.
 - b) A Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include details of the remediation works and Quality Assurance certificates to verify that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included together with the necessary waste transfer documentation detailing the waste materials that have been removed from the site.
 - c) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the Verification Report.

- 20) Prior to the first occupation of the development hereby approved, each plot shall have all service connections (i.e. electricity, water, drainage, internet, EVCP) at the boundary of each plot, arranged, laid, installed and ready for all future plots.
- 21) Prior to the first occupation of the development hereby approved the visibility splays shall be provided to the vehicular accesses to the site with an 'x' distance of 2.4m and 'y' distances to the near edge of the public highway carriageway of no less than 25m, in general accordance with Drawing Number 24483-01 Rev C. 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.
- 22) Prior to the first occupation of the development hereby approved the access to the site for vehicles shall be provided, not less than 5m in width for a minimum distance of 7.5m as measured from the near edge of the public highway carriageway, in general accordance with Drawing Number 24483-01 Rev C, subject to Highway Authority technical approval of the detailed design and a Stage 2 Road Safety Audit.
- 23) Prior to the first occupation of the development hereby approved the public highway (Mill Lane, E6995) shall be improved so as to provide for carriageway widening to a minimum of 5m in the vicinity of the vehicular access to the site together with a continuous and bound macadam material surfaced pedestrian footway linking the site with the A3400 (Stratford Road) together with associated pedestrian crossing points, dropped kerbs and tactile paving, in general accordance with Drawing Numbers 24483-01 Rev C and 24483-01.2 Rev C, both dated April 2023, subject to Highway Authority technical approval of the detailed design and a Stage 2 Road Safety Audit.
- 24) 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 entire length as measured from the near edge of the public highway carriageway.
- 25) The access 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.
- 26) Prior to the first occupation of the development hereby approved the internal access road, vehicle turning areas and pedestrian footways within the site shall be constructed so as to enable the largest vehicles expected to enter the site to leave and re-enter the public highway in a forward gear in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the internal access road, vehicle turning areas and pedestrian footways shall be implemented in accordance with the approved details and maintained and retained for such purposes and shall not be used for any other purpose other than for the manoeuvring of vehicles and pedestrians.
- 27) Prior to the first occupation of each dwelling, a connection to facilitate superfast Broadband connectivity shall be provided.

- 28) Prior to the first occupation of any dwelling that has a downpipe, a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe shall be installed.
- 29) The Owner shall complete the Site Infrastructure, as agreed in Condition 7 prior to occupation of 40% of the dwellings on the site as follows:
- a) The owner 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), to their reasonable satisfaction or confirm that the owner should 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, and the site re-inspected.
 - b) The Owner 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 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 to their reasonable satisfaction or confirm that the owner should 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, and the site re-inspected.
 - d) The Owner 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.
 - e) The dwellings hereby permitted shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for each of the approved plots, in accordance with the Council's bin specifications.
 - f) 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.

30) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the dwellings), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and other parts of the application site and the hours at which such lighting is to be operated.

The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

31) Notwithstanding the details of any elevations hereby approved, 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.

32) The development hereby approved shall be carried out in accordance with the recommendations for protected species as set out in Section 4 of Preliminary Ecological Appraisal.

33) The dwellings hereby approved shall not exceed an overall ridge height of 9m from the existing ground level.

***** End of Conditions *****