



Appeal Decision

Site visit made on 4 June 2024

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/J3720/W/23/3332382

Land off Station Road, Fenny Compton CV47 2XD

- 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 Lagan Homes against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/02138/OUT.
 - The development proposed is 12 self/custom build dwellings with all matters for approval except for the appearance, landscaping, layout and scale of individual self/custom build plots.
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Decision

1. The appeal is allowed and outline planning permission is granted for 12 self/custom build dwellings with all matters for approval except for the appearance, landscaping, layout and scale of individual self/custom build plots. at land off Station Road, Fenny Compton, CV47 2XD in accordance with the terms of the application, Ref 22/02138/OUT, subject to the conditions in the attached schedule.

Main Issue

2. The main issues in this appeal are:
 - whether the proposed development would be in a suitable location, having regard to the local development strategy; and
 - whether other considerations exist which outweigh any conflict with the development plan.

Reasons

Whether in a suitable location

3. The appeal site comprises a grassed paddock which, aside from a dilapidated outbuilding, is vacant and enclosed by hedgerows along its boundaries. The site abuts a recreation ground and modern cul-de-sac housing development known as Thompsons Field. The site also adjoins the public highway of Station Road and an access track, beyond which is open agricultural land. Whilst adjoining the built area of the village, through its open and undeveloped character and vegetated boundaries, the appeal site relates visually to the countryside.
4. Policies CS15 and CS16 of the Stratford-on-Avon District Core Strategy 2016 (CS) identify Fenny Compton as a Category 2 Local Service Village and support housing development on sites identified in a Neighbourhood Plan or on suitable sites within the Built-Up Area Boundary (BUAB). In addition, CS Policy AS10(a)

supports proposals on sites adjacent to a village where it would meet a need identified by the local community in a Parish or Neighbourhood Plan or other form of evidence. The appeal site is not within the BUAB, as demarcated by Policy DE2 of the Fenny Compton Neighbourhood Development Plan 2023 (NP) and the NP does not allocate the site for development. In addition, the NP does not identify a need for a development of this type.

5. The development would not be of a type supported by criteria (a)-(v) of CS Policy AS10. For all other types of development, CS Policy AS10 requires proposals be fully justified, offer significant benefits to the local area and not be contrary to the overall development strategy for the district. I have considered the benefits of the scheme as 'other considerations', below. Nonetheless, the proposed development in this location would be contrary to the overall development strategy.
6. CS Policy CS16 states that Local Service Villages should accommodate approximately 700 new houses over the plan period, of which no more than around 12%, or 84 dwellings, should be provided in any individual settlement. Within Fenny Compton, 129 dwellings have either been built or granted planning permission since the CS's adoption. I note some residents are of the view that further new housing is not needed in the village. However, the Council describe housing provision in the district to be healthy, and I have been provided no evidence to suggest additional housing in this location would undermine the development's spatial strategy or result in other harm. However, the threshold of 'around 12%' has been significantly exceeded, and therefore the proposed development would conflict with the policy requirement.
7. CS Policy AS10 seeks to maintain and enhance the rural character of the district. The NP indicates that most residents value the rural character of the village and consider it important to preserve its boundaries. Whilst outside the BUAB, the site is not within the Cotswold National Landscape or Green Belt. The Landscape Sensitivity Study identifies the site as within an area of medium/low sensitivity to housing development, whilst identifying the area's openness as being sensitive. As discussed above, Station Road and the access track provide physical separation from surrounding agricultural land, therefore the site is relatively enclosed. Nonetheless, development would have an urbanising effect upon the site and thus erode the site's rural character.
8. In a decision for a previous scheme¹, the Inspector acknowledged development on the site would extend the urbanising nature and line of domestic buildings on this side of Station Road but concluded that dwellings could be designed to be sensitive to local character. The submitted Landscape visual Impact Assessment concludes that the site is visually and physically well-contained and concluded that the proposals can be integrated without significant adverse effects upon the localised or wider landscape setting. The appearance, landscaping, and layout would be considered at the reserved matters stage, and a Self-Build Design Code document would set parameters for the design of individual plots. In addition, the proposal seeks to retain the existing boundary hedgerows, with further enhancement to create a landscape buffer.
9. The Planning Officer's report concludes there is sufficient scope for the proposals to be acceptable in relation to CS Policy AS10. I am satisfied that, subject to controls regarding the design, layout and appearance of the scheme,

¹ LPA Ref: 16/00990/OUT

including the design code and proposed landscaping, the proposal would not result in significant harm to the rural character of the area.

10. As set out above, the proposed development would result in the housing requirement for the settlement being further exceeded, but I have identified no significant harm from this breach. In addition, through a suitable design and landscaping, the proposed development would maintain the area's rural character. However, there are no development plan policies which expressly support the proposed development in this location. Therefore, having regard to the local development strategy, the proposed development would not be in a suitable location.
11. The proposed development would not comply with NP Policy DE2, which directs new development principally to land within the BUAB, and CS Policy CS16 which limits the overall volume of housing growth in local service villages. In addition, the proposal would not be of a type supported by CS Policy AS10, thus conflicting with the policy.

Other considerations

12. The appellant has submitted a Unilateral Undertaking (UU) containing planning obligations specifying the marketing, delivery, and disposal of the plots as self-build or custom build housing (SBCH). I am satisfied that the UU would secure the construction of the development only for dwellings that meet the definition of SBCH, as set out by the Self-Build and Custom Housebuilding Act 2015 as amended (SBCH Act).
13. The SBCH Act requires the Council establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for SBCH. Unless exempt, section 2A of the SBCH Act places a duty on the Council to grant suitable development permission in respect of enough serviced plots of land to meet the demand for SBCH in the authority's area.
14. The Housing Needs Survey Report for Fenny Compton Parish Council 2017 did not identify a need for SBCH plots. However, the survey questionnaire did not include SBCH plots within its closed list of options of required housing types, and therefore the lack of data does not demonstrate an absence of demand.
15. No records in the Council's SBCH register identify Fenny Compton as a preferred location. However, some records identify a preference for nearby higher order settlements, whilst others express no preference or do not specify a preferred location. Therefore, the SBCH register does not suggest there would not be demand for SBCH plots in this location. Moreover, the statutory duty relates to demand across the authority's area rather than at the scale of individual parishes or settlements.
16. The Council's Self-build and Custom-build Housing Demand & Supply Position Statement 2022 identifies a shortfall in supply of 81 SBCH plots. The Council's data indicates that in 2022 there were 283 people on its register seeking to acquire serviced plots. Whilst data is not available for the present year, the Council indicate the demand for plots is growing at a faster rate than supply. The available evidence therefore suggests there is a significant shortfall of serviced plots for SBCH.
17. The position statement also identifies supply from schemes for single plots will be insufficient to keep up with demand and recommends an effective and

appropriate way of bolstering supply would be to grant permission for sites comprising multiple plots. In light of the shortfall, the proposal's contribution to meeting the area's demand for SBCH through provision of 12 serviced plots carries significant weight in favour of the development.

18. In addition, the proposal would deliver economic benefits during the construction and occupation phases of the development, and the UU would secure an offsite contribution towards a net gain in biodiversity. Due to their relatively small scale, I afford limited weight to such benefits.

Other Matters

19. I note the area has a healthy five-year housing land supply position. However, the requirement of paragraph 77 of the National Planning Policy Framework (the Framework) to identify and update annually a supply of specific deliverable sites for housing is separate from the statutory duties of the SBCH Act to meet demand for SBCH plots.
20. Concerns were raised regarding the arrangement and width of the vehicular access and the effects of traffic generated by the development. However, subject to the imposition of planning conditions, the local highway authority raised no objection and I have no evidence to suggest the proposal would not provide an adequate standard of highway safety.
21. The County Council's Infrastructure Team were consulted, and the UU includes planning obligations which secure financial contributions toward road safety initiatives, sustainable travel promotion, and on-site public open space maintenance and off-site play facilities, and allotments and community gardens. I am therefore satisfied the impact of the development on local facilities, services, and infrastructure would be mitigated and such obligations are necessary to make the development acceptable in planning terms. The proposed development would provide additional footfall for the village shop.
22. The proposal would be near existing dwellings and the recreation area. The indicative layout demonstrates that suitable separation distances between new and existing dwellings can be achieved and living conditions of neighbouring occupants would be maintained. A vegetated boundary would separate the development from the recreation area and therefore the proposal would not affect the operation or enjoyment of use of the recreation area.
23. The Council has declared a climate emergency. A Climate Change Checklist would be required for consideration at the Reserved Matters stage. The site adjoins the built area of local service village and would be served by a pedestrian footway and therefore access would not be unreasonably reliant on use of a car. Consequently, I do not consider the proposal to be at odds with local and national policies for climate change.

Planning Balance

24. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, a determination must be made in accordance with the development unless material considerations indicate otherwise. The proposal would conflict with the development plan for the reasons previously outlined. However, the proposal would deliver SBCH which would meet an identified need, and this is a material consideration to which I have attributed significant weight.

25. The Council refer to a recent appeal decision² with significant similarities to the proposal before me, concerning a proposal for multiple SBCH dwellings (9 units) at a site outside the BUAB of a local service village. In the decision, the Inspector concluded CS policies relating to the distribution of development were broadly consistent with the Framework and, when read as a whole, were not out-of-date and the provisions of paragraph 11d) were not engaged.
26. However, the CS's spatial policies do not refer to SBCH and, having regard to the need for SBCH in the area, the Inspector gave the conflict with those policies only moderate negative weight. I have been provided no evidence of any material change in circumstances to persuade me to reach a different conclusion. Therefore, I attach moderate negative weight to the appeal proposal's conflict with the local development strategy.
27. Taken as a whole, the significant benefits of the scheme through the provision of SBCH, along with the limited weight afforded to other economic and environmental benefits, clearly outweigh the moderate harm arising from conflict with the development plan in this instance. Accordingly, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan.

Conditions

28. The parties have provided an agreed list of suggested conditions, including pre-commencement conditions, which I have considered against the Framework's tests.
29. In the interests of certainty, I have attached conditions to specify the reserved matters and to impose time limits for their submission, and requiring applications adhere to the principles of the design code. In addition, I have specified the approved plans and the total number of dwellings permitted.
30. To ensure the development contributes to the supply of SBCH, I have attached a condition to secure the development of dwellings that meets the definition of self-build and/or custom housebuilding as set out in the SBCH Act.
31. To minimise risks from land contamination to future users of the land, neighbouring land, and the environment, I have attached requiring submission and approval of a remediation strategy and all remediation work be carried out prior to occupation of the development.
32. To provide a suitable standard of highway safety, accessibility and living conditions, I have included a condition requiring submission of details of ground and floor levels. I have also attached a condition specifying the weight capacity of private driveways.
33. To maintain and enhance the character and appearance of the area, I have attached conditions specifying the following: submission and approval of details of site infrastructure, planting plans, hard and soft landscaping, incidental open space and its phasing, future maintenance, and transfer arrangements; submission of a tree protection plan; the overall ridge height of the dwellings; the provision of refuse and recycling bins; internal siting of meter and service boxes; and submission of details of vehicle parking and cycle storage.

² APP/J3720/W/22/3298087

34. To minimise risk of pollution and flooding, I have attached conditions requiring schemes of foul water and surface water drainage and maintenance.
35. To prevent light pollution resulting in harm to protected species and the rural character of the area, I have attached a condition requiring submission and approval of details of any external lighting.
36. I have attached a condition requiring provision of all service connections and superfast broadband to ensure the development provides suitable living conditions for future occupants.
37. I have attached a condition requiring submission of a Community Infrastructure Levy (CIL) phasing plan to enable the identification of chargeable developments and exemptions.
38. In the interests of public safety from fire and the protection of Emergency Fire Fighters, I have attached a condition requiring submission of a scheme for the provision of adequate water supplies and fire hydrants.
39. To prevent harm to highway safety and avoid adverse impacts on the living conditions of neighbouring occupants during the construction phase, I have attached conditions requiring submission of a construction management plan. Also, to promote highway safety, I have attached conditions specifying the access and visibility arrangements.
40. To ensure the development complies with the Biodiversity Impact Assessment, I have included a condition to protect onsite areas of ecological value.
41. To encourage the re-use of water, I have attached a condition requiring the installation of water butts. To ensure sustainability measures are taken into account in the development, I have included a condition requiring submission of the Council's climate change checklist.
42. I have not imposed the suggested conditions which seek to remove permitted development rights. Such conditions would not be necessary to make the appeal proposal acceptable in planning terms and therefore would not comply with the Framework. Furthermore, paragraph 54 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Conclusion

43. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above, the appeal is allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) Application(s) for the approval of the matters reserved by conditions of this permission shall be made to the local planning authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:
 - i. The expiration of three years from the date of this permission; or
 - ii. The expiration of two years from the final approval of the reserved matters; or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) 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 commences and the development shall thereafter be undertaken in accordance with the approved details.
- 3) The development hereby permitted shall be carried out only in accordance with the details of development as shown on the following plans: *Location Plan A_2212EX100; Proposed Build Area Extent Plan A2212-PL110-230616 Rev F; Illustrative Layout Plan A 2212 PL120 Rev F; Topographical Survey 43421_T; Visibility Assessment 608-TA11 F.*
- 4) Each reserved matters application, relating to the appearance, scale and layout shall be in accordance with the principles of the Design Code by AT Architecture on behalf of Lagan Homes (Revised 19.6.2023) 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 responds to the principles of the Design Code.

- 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 build housing in the 2015 Self-Build and Custom Housebuilding Act (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) Development shall not commence until clauses (a), (b) and (c) have been complied with:
- a) A Phase 1 Desk Study and site walkover shall be carried out. 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 Verification 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.
- 7) Prior to occupation of the development clauses (a), (b) and (c) shall be complied with:
- a) All remediation work approved under the Remediation Strategy in Condition 6 above shall be completed as approved and be carried out under the Verification 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 Scheme.
- 8) 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;
- b) the precise finished ground floor levels of the new dwellings relative to the existing development on the boundary of the site (including the adjacent highway and adjacent properties);
- c) levels of all accesses to include pathways, driveway, steps and ramps.

Thereafter, the development of each plot shall be carried out and completed strictly in accordance with the approved details prior to occupation of the dwelling on that plot hereby permitted and thereafter so retained as such.

- 9) With the first Reserved Matters application, a specification for all the Site Infrastructure (which shall include Incidental Open Space, SUDs, bin collection points, and visitor parking spaces), as identified on Illustrative Layout Plan – A 2212 PL120 Rev F, 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 or submitted to and approved under this condition.
- 10) With the first Reserved Matters application, an on-going scheme for the maintenance of the all the Site Infrastructure, as agreed in Condition 9, 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 life-time. 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.
- 11) The Owner shall complete the Site Infrastructure, as agreed in Condition 9 prior to occupation of 40% of the dwellings on the Site:
- a) The owner shall contact LPA 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 LPA 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 9, for a Maintenance Period of not less than 12 months unless agreed in writing by the LPA, 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 LPA 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 LPA 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 LPA). The Site Infrastructure shall thereafter be retained and maintained as such, unless the Local Planning Authority gives prior written approval to any subsequent variations.
- 12) With the first Reserved Matters application, a specification for all the Public Open Space, as identified on Plan Number Illustrative Layout Plan – A 2212 PL120 Rev F, 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, in general accordance with 20378/5015 Rev G.
 - b) a plan showing the exact location and dimensions of the elements of the Public Open Space required in a) above;
 - c) planting plans
 - written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - a schedule of plants noting species, plant sizes and proposed numbers/densities.
 - existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate).
 - existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)
 - 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).
 - the means of accommodating change in level (e.g. steps, retaining walls, ramps where appropriate)
 - hard surfacing materials- details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.
 - the position and design of all site enclosures and boundary treatment specifying the type, height, composition and appearance
 - other vehicular and pedestrian areas
 - minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, signage, lighting etc).
 - 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 Public Open Space unless shown on plan approved elsewhere in the decision or submitted to and approved under this condition.
- 13) With the first Reserved Matters application, an on-going scheme for the maintenance of the all the Public Open Space, as agreed in Condition 12, subject to any transfer arrangements as set out in the S106 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 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.
- 14) Unless otherwise agreed in writing by District Council, all incidental open space shall be completed, as agreed in Condition 12, prior to occupation of 40% of the Dwellings on Site as follows:
- a) The site owner(s) shall contact the Local Planning Authority inviting them to either inspect the incidental open space, and issue a Practical Completion Certificate confirming that the Site Infrastructure 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 incidental 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 the incidental open space, as approved in Condition 10, 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 Maintenance Scheme (Condition 12) 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 incidental 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 incidental 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(s) or Management Company shall be responsible for the maintenance of the incidental 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).

15) With the first reserved matters application, a scheme for foul water disposal shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details prior to the first use or occupation of the building(s) hereby permitted and shall be retained thereafter.

16) With the first reserved matters application, a detailed surface water drainage scheme for the site, based on sustainable drainage principles 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:

1. 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 runoff rate of 1.4l/s for the site in line with the approved surface water drainage strategy (ref: 608-FRA03, revision C, dated 4 May 2023).

2. Where the drainage scheme proposes to connect into a 3rd party asset for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).

3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

5. Provide detailed network level calculations demonstrating the performance of the proposed system. This should include:

- a) 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.
- b) 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
- c) Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
- d) Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:

- a) Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
- b) Consider property finished floor levels and thresholds in relation to exceedance flows.

The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

- c) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

17) No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (60S.FRA.OI-Q Rev 0) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required/necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

18) No occupation and subsequent use of the development shall take place until a detailed, site specific surface water maintenance plan is provided to the Local Planning Authority. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number
 2. Include plans showing the locations of features requiring maintenance and how these should be accessed
 3. Provide details on how each relevant feature shall be maintained and managed for the life time of the development
 4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.
- 19) Alongside the submission of each plot-level reserved matters application, surface water drainage information should be submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. 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.
- 20) 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 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.

Furthermore, 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:

- i) 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;
 - ii) 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;
 - iii) 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;
 - iv) Levels shall not be raised or lowered in relation to the existing ground level within the RPA of any retained tree or hedgerow;
 - v) No roots shall be cut, trenches dug or soil removed within the RPA of any retained tree or hedgerow;
 - vi) No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of any retained tree or hedgerow; and
 - vii) No vehicles shall be driven over the area within the RPA of any retained tree or hedgerow.
- 21) 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, prior to occupation of any of the plots hereby approved.
- 22) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), 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, structures 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 (unless the Local Planning Authority gives prior written approval to any subsequent variations), shall thereafter be retained in that form and under no circumstances shall it cause light pollution.
- 23) 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 an 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.
- 24) The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full

prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.

- 25) No development shall take place, including any demolition works, until details of a Construction Management Plan, including general principles to be followed by separate self-builders, has been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be adhered to throughout the construction period. The Plan shall provide for:
- a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials, including the times of such loading and unloading
 - c) storage of plant and materials used in constructing the development or stockpiling during development
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) wheel washing facilities including the location of wheel washing facilities
 - f) measures to control the emission of dust and dirt during construction
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h) the hours of demolition and/or construction (it is recommended that no works (including the deliveries) take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Public Holidays)
 - i) details of any piling together with details of how any associated vibration will be monitored and controlled
 - j) the location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment
 - k) means of access and routing plan for construction traffic
 - l) management of surface water run-off
 - m) contact telephone number(s) and email address(es) of the site manager(s), these should be displayed on the site
 - n) details of external lighting required during construction
 - o) measures to prevent degradation of the public highway by construction vehicles.
- 26) No dwelling within the development hereby approved shall 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 vehicles expected to enter the site to leave and re-enter the public highway in a forward gear in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, said internal access road, vehicle turning areas and pedestrian footways shall be 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) The development shall not be occupied until the proposed access arrangements, white lining and visibility splays have been provided in general

accordance with drawing No. 608-TA11 and have been constructed in accordance with the Highway Authority's specifications.

- 28) The development shall not be occupied until all parts of the existing access within the public highway (Station Road) not included in the permitted means of access have been closed and the verge has been reinstated in accordance with the standard specification of the Highway Authority.
- 29) Prior to commencement of development, the areas identified on drawing 6502/BNGA Rev B/AM, contained within Appendix 5 of the Ecological Appraisal by Aspect Ecology, identified as being retained as grassland and hedgerow shall be secured with protective fencing for the duration of the construction phases of the development (unless the Local Planning Authority gives prior written approval to any subsequent variations).
- 30) The dwellings hereby approved shall not exceed an overall ridge height of 8.5m from the existing ground level.
- 31) 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.
- 32) 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.
- 33) 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.
- 34) No dwelling shall be occupied until it has been provided with a connection to facilitate superfast Broadband connectivity.
- 35) Climate Change Checklist(s) will be required for all subsequent Reserved Matters Applications.
- 36) The construction of the private drives serving the development shall comprise a road base designed to withstand 32 tonne load capacity.
- 37) Each individual dwelling development shall not be occupied until on-site vehicle parking and secure cycle storage meeting SDC SPD standards in respect of capacity, dimensions and design have been submitted to and approved in writing by the Local Planning Authority.
- 38) The development hereby permitted shall be implemented to a maximum of 12 dwellings.

END OF SCHEDULE