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## Appeal Decision

Inquiry held on 10-13 May 2016

Site visit made on 12 May 2016

**by Karen L Baker DipTP MA DipMP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 June 2016**

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**Appeal Ref: APP/J3720/W/15/3138800**

**Land at Banbury Road, Ettington, Warwickshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Spitfire Properties LLP against the decision of Stratford-on-Avon District Council.
  - The application Ref. 15/01342/FUL, dated 22 April 2015, was refused by notice dated 29 October 2015.
  - The development proposed is described on the application form as the erection of 40 dwellings (Use Class C3) with associated access, open space, landscaping and other ancillary and enabling works.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 32 dwellings (Use Class C3) with associated access, open space, landscaping and other ancillary and enabling works on land at Banbury Road, Ettington, Warwickshire in accordance with the terms of the application, Ref. 15/01342/FUL, dated 22 April 2015 and the plans submitted with it, subject to the conditions in Annex 1.

### Procedural Matters

2. Although the application form describes the development proposed as including the erection of 40 dwellings, during the course of the planning application the number of dwellings proposed was reduced to 32. I have therefore considered the appeal on this basis.
3. During the Inquiry, the Council submitted a certified copy of a Deed of Agreement<sup>1</sup> under Section 106 of the Town and Country Planning Act 1990. This includes obligations in respect of the provision of 11 affordable housing units and open space on the appeal site, along with financial contributions towards education (£58,435), off-site open space (allotments and community gardens - £10,141.46 and children's play - £66,820.20) and sustainable travel packs (£75 per dwelling). I have had regard to this, along with the Council's Statements addressing the tests on obligations arising under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations<sup>2</sup> and compliance of planning obligations sought with regard to the 'pooling' of contributions arising

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<sup>1</sup> Document 40

<sup>2</sup> Document 9

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under Regulation 123 of the CIL Regulations<sup>3</sup>, during my consideration of the appeal.

4. Two Statements of Common Ground were submitted prior to the opening of the Inquiry, one dealing with general matters and the other dealing with specific housing land supply matters. These Statements of Common Ground identified the principal areas of agreement and disagreement between the main parties at that time.

### **Application for Costs**

5. At the Inquiry an application for costs was made by Spitfire Properties LLP against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

### **Main Issue**

6. Having considered the evidence submitted by all the parties and from my site visit, I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the area, having regard to local and national policy.

### **Planning Policy**

7. The development plan for the area is the Stratford-on-Avon District Local Plan Review 1996-2011, adopted in July 2006. It was agreed at the Inquiry by the Council and the appellants that Policy PR.1<sup>4</sup> is the only policy within this document which is in dispute. Indeed, the Statement of Common Ground confirms<sup>5</sup> that there is no conflict alleged against any other Local Plan Review policy. Policy PR.1 says that all development proposals should respect and, where possible, enhance the quality and character of the area. It goes on to say, proposals that would damage or destroy features which contribute to the distinctiveness of the local area will not be permitted unless significant public benefit would arise from the scheme. The value attached to such features by local communities will be taken into account. Finally, it states that in assessing all applications for development, thorough consideration will be given to the detailed guidance provided in supplementary planning guidance adopted by the District Council, including the District Design Guide, Countryside Design Summary and Village/Town Design Statements.
8. One of the 12 core planning principles set out in paragraph 17 of the National Planning Policy Framework (The Framework) includes recognising the intrinsic character and beauty of the countryside and thriving rural communities within it. Paragraph 109 of The Framework says that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. It is apparent from Policy PR.1, and its reasoned justification, that its aim is to ensure that the identity and distinctiveness of towns, villages and landscapes are protected and that development proposals should respect and, where possible, enhance the quality and character of the area. Given this, I consider that Policy PR.1 is generally consistent with The Framework and, as such, having regard to

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<sup>3</sup> Document 10

<sup>4</sup> The Local Plan Review policy to which I refer in this Decision has been saved by a Direction, under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, of the Secretary of State for Communities and Local Government, dated 9 July 2009

<sup>5</sup> Paragraph 4.2.4 of the Statement of Common Ground

paragraph 215 of The Framework, it should be afforded significant weight in my consideration of this appeal.

9. Local Plan Review Policies STR.1 and STR.2 set out the settlement hierarchy for the purposes of controlling and regulating development and the number of dwellings required to be constructed in the District, up to 2011, respectively. It was confirmed at the Inquiry that both the Council and the appellants are of the opinion that paragraph 14 of The Framework is engaged in this case, given that Local Plan Review Policy STR.2 is a relevant policy for the supply of housing and is out-of-date. I concur with this approach. The appellants are also of the view that the Council cannot currently demonstrate a 5 year supply of deliverable housing land. However, this is disputed by the Council.
10. The Stratford-on-Avon Core Strategy Proposed Submission Version<sup>6</sup> was published in June 2014 and it was submitted for Examination to the Secretary of State on 30 September 2014. Examination Hearings were held between 6 and 29 January 2015. The Core Strategy Inspector published his Interim Conclusions<sup>7</sup> on 18 March 2015, which identified elements of further work required to make the plan sound. These included the need for the Council to revisit the Objective Assessment of Housing Need (OAN). Further work was then undertaken by the Council, which included the identification of an OAN for 14,480 dwellings for the period 2011 to 2031. The emerging Core Strategy, as submitted September 2014 showing subsequent proposed modifications<sup>8</sup>, was published in June 2015, for public consultation between 13 August and 25 September 2015. The Examination Hearings resumed on 12 January 2016 and ran until 21 January 2016. A note<sup>9</sup> from the Core Strategy Inspector was published on the Council's website on 4 March 2016 in which he stated that he is provisionally minded to find the Core Strategy sound, subject to a number of Main Modifications that are currently being prepared and which will be the subject of formal consultation for a period of 6 weeks and subject to taking account of any duly made representations that are submitted during the consultation exercise prior to finalising his Report. On 31 March 2016, the emerging Core Strategy Main Modifications<sup>10</sup> were published for public consultation by the Council. An interim 5 year housing land supply calculation<sup>11</sup>, prepared by the Core Strategy Inspector, accompanied the Main Modifications. It indicated that the Council could demonstrate a 5.4 year supply of deliverable housing land as of 31 March 2016. The public consultation into the proposed Main Modifications ended on 12 May 2016.
11. Following the close of the Inquiry, the Core Strategy Inspector submitted his Report on the Examination into the Stratford-on-Avon Core Strategy<sup>12</sup> on 20 June 2016. The Report was accompanied by an updated Schedule of Main Modifications (Appendix 2). The Report concludes that the Core Strategy provides an appropriate basis for the planning of the District, providing the Main Modifications are made to the Plan to make it sound. Furthermore, the Core Strategy Inspector's Report considers that the Council can demonstrate a 5 year housing land supply, with a supply of 5.8 years shown in both Tables 2

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<sup>6</sup> Document 29

<sup>7</sup> Appendix 7 to Mr Careford's Proof of Evidence

<sup>8</sup> Core Document 10

<sup>9</sup> Appendix 1 to Mr Careford's Proof of Evidence

<sup>10</sup> Document 29 and Appendix 2 to Mr Careford's Proof of Evidence

<sup>11</sup> Appendix 3 to Mr Careford's Proof of Evidence

<sup>12</sup> Document 50

and 3<sup>13</sup>, calculated using a stepped trajectory and an annualised trajectory respectively. Comments on the Core Strategy Inspector's Report have been submitted by the appellants<sup>14</sup> and the Council<sup>15</sup> and I have had regard to these during my consideration of this appeal.

12. Emerging Core Strategy Policy CS.5 says that the landscape character and quality of the District will be maintained by ensuring that development takes place in a manner that minimises and mitigates its impact and, where possible, incorporates measures to enhance the landscape. The cumulative impact of development proposals on the quality of the landscape will also be taken into account. In terms of landscape character and enhancement, it goes on to say that, development will be permitted where: proposals have regard to the local distinctiveness and historic character of the District's diverse landscapes; proposals protect landscape character and avoid detrimental effects on features which make a significant contribution to the character, history and setting of a settlement or area; and, measures are incorporated into development schemes to enhance and restore the landscape character of the locality. With regards to visual impacts, it says that development will be permitted where: proposals include, dependent on their scale, use and location, an assessment of the likely visual impacts on the local landscape or townscape, and the site's immediate and wider setting, and applications for major developments may be accompanied by a full Landscape and Visual Impact Assessment (LVIA); and, new landscaping proposals are incorporated to reduce predicted harmful visual impacts and enhance the existing landscape, with provision made for its long term management and maintenance.
13. Given that the Core Strategy has now reached an advanced stage in its preparation, with the Council anticipating that adoption will take place on 11 July 2016, I have afforded it significant weight in my consideration of this appeal, having regard to the guidance in paragraph 216 of The Framework.

## **Reasons**

### ***Character and Appearance***

14. The appeal site is an agricultural field, currently used for the grazing of sheep, located on the north eastern side of Banbury Road, between the residential properties along Avon Close and Avon Fields to the north west and Summerfield House and Summerfields Farm to the south east. Part of the appeal site is set back from the highway, to the rear of the existing frontage properties at Nos. 91 – 99 Banbury Road. The residential properties in the vicinity of the appeal site are predominantly 2 storey dwellings. No. 91 Banbury Road is The Chequers Inn public house. A public right of way (SD69) runs through the car park of the public house, from Banbury Road, before continuing along the north western boundary of the appeal site and the field boundaries beyond. To the south of the appeal site, on the other side of Banbury Road, is the Ettington Chase Hotel and Conference Centre. To the north west of the hotel and conference centre are playing fields. To the north east of the appeal site, and beyond Summerfield House and Summerfields Farm, to the south east, are agricultural fields.

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<sup>13</sup> Pages 115 and 116 of Document 50

<sup>14</sup> Document 52

<sup>15</sup> Document 51

15. The proposed development would include the construction of 30 two-storey detached, semidetached and terraced houses and 2 apartments, along with areas of public open space, which would include new landscape buffers along both the north eastern and south eastern boundaries of the appeal site. An existing spinney, in the southern corner of the appeal site, adjacent to Summerfield House, would be retained and enhanced with infill planting. Access to the proposed development would be from Banbury Road, which would necessitate the removal of some of the planting along the boundary with this highway.
16. The Council and local residents are concerned that the proposed development would create an extension on the edge of the village of Ettington which would be out of character with the existing settlement and would harm the character and appearance of the landscape. In particular, the Council considers that the development would lead to the loss of a transition zone between the settlement and the wider farmed landscape, including Summerfield House and Summerfields Farm which, it says, occupy a traditional location outside the settlement.
17. The appeal site lies within the Dunsmore and Feldon National Character Area (NCA) 96<sup>16</sup>, defined by Natural England as a predominantly quiet, rural and agricultural landscape, with Feldon typified by a more undulating landform with low hill tops, clay vales, sparse woodland and hedgerows, now largely denuded of the large Elm trees that once grew in abundance. The historic character of this area is considered very important by Natural England, in particular its ancient woodlands, enclosed fields, veteran trees, landscaped parklands and areas of archaeological interest, including deserted villages and numerous sites of remnant ridge and furrow.
18. The Warwickshire Landscape Guidelines (WLG) for Avon Valley, Feldon and the Cotswolds<sup>17</sup>, published in 1993, identifies 7 broad regional character areas in Warwickshire including Avon Valley, Feldon and the Cotswolds, which are then each subdivided into local landscape types, which draw out local character and distinctiveness. The appeal site lies within the Feldon regional character area, with Feldon meaning open, cleared land. The Feldon regional character area is subdivided into 4 different local landscape types, each of which is characterised by a particular aspect of the wider regional character. The Council confirmed that the appeal site falls within the Feldon Parklands local landscape type. Feldon Parklands is described as a well wooded estate landscape, characterised by large country houses set in mature parkland, being by far the most wooded landscape in Feldon. The assessment goes on to say that this overall well wooded appearance unifies an otherwise intensely farmed landscape with a poorly defined pattern of large sized fields. Field pattern is considered to be subsidiary and in places hedges are absent allowing wide views to distant wooded hilltops. The overriding impression throughout this area is that of an estate landscape as the parklands at Alscot, Ettington, Honington and Tidmington, the large country houses and small estate villages, together with the gated roads and scattered mature field trees, strongly influence the character of the landscape. Indeed, throughout Feldon Parklands, the

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<sup>16</sup> National Character Area Profile: 96: Dunsmore and Feldon, prepared by Natural England (Appendix 1 to Mrs Cox's Proof of Evidence)

<sup>17</sup> Appendix 2 to Mrs Cox's Proof of Evidence

settlement pattern is strongly nucleated and typically consists of small estate villages.

19. The Stratford-on-Avon District Design Guide<sup>18</sup>, published in April 2001, provides design guidance to applicants for planning permission. It also includes a chapter on landscape character and identifies 5 main character areas within the District. Within the District Design Guide, the appeal site lies within the Lias Uplands sub-character area of the Feldon character area. The Guide refers to the varied rolling landform, many hedgerows and roadside trees, a well defined geometric pattern of small to medium sized fields and compact villages on hill and ridge tops, hill sides and narrow valley bottoms.
20. In 2012 White Consultants were appointed by the Council to undertake a landscape sensitivity assessment of the main settlements in the District, in order to inform the strategic site allocations in the emerging Core Strategy. The sensitivity assessment divides the land around the settlements into a series of land description units (LDUs), which are then sub-divided into land cover parcels (LCPs). In the White Consultants' report<sup>19</sup> the appeal site is shown as occupying part of LCP ET04, which is a large area of land adjacent to the south eastern edge of Ettington, which extends eastwards to the Fosse Way. This report says that this zone consists of several small to medium fields in arable cultivation and 2 farms, Windy Ridge Farm and Summerfields Farm. Furthermore, it says that it lies on rolling terrain on the north eastern edge of Ettington, which falls away to the north east and is edged to the east and south by the B4455 (Fosse Way) and the A422 (Banbury Road) respectively, with one medium arable field lying on the southern side of the A422 adjacent to the grounds of the Ettington Chase Conference Centre and bound by the same roads. It describes the appeal site as being 2 smaller fields towards the south western edge in pastoral cultivation with a spinney of mixed ornamental trees to the west of Summerfields Farm, which is sited in the south eastern corner of the appeal site. It goes on to say that within the zone several ridges act as a local skyline. One extends from the north eastern edge of the settlement along a fence line to Summerfields Farm to create a small self-contained area south to Banbury Road, which encompasses the appeal site, with the other visible from Fosse Way (B4455) and blocks views of the western part of the zone from this road.
21. The White Consultants' Report assesses the landscape sensitivity to housing of LCP ET04 as high/medium. Furthermore, in referring to the appeal site in isolation it states that the 2 pasture fields nearest to the settlement edge and Summerfields Farm serve as a transition between the settlement and the wider farmed landscape, with Summerfields Farm occupying a traditional location just outside the settlement, and are therefore considered inappropriate for housing development despite their low visibility within the wider landscape and location adjacent to the settlement edge.

### *Landscape Effects*

22. As part of the planning application the appellants submitted a Landscape and Visual Appraisal (LVA)<sup>20</sup>, dated April 2015. This assesses the landscape and visual effects of the proposed development. It states that the appeal site is not

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<sup>18</sup> Appendix 10 to Mrs Cox's Proof of Evidence

<sup>19</sup> Appendix 3 to Mrs Cox's Proof of Evidence

<sup>20</sup> Core Document 1.1.8

subject to any statutory or non-statutory designations for landscape character and quality and is assessed as being of *medium* landscape quality and *medium* sensitivity. As such, it is regarded as having a reasonable ability to accommodate change in the form of new housing development, as a natural extension of the village, being influenced by the adjoining housing areas to the north west, on the edge of the village, and Banbury Road to the south west. Furthermore, it states that the retention of existing landscape features, the strengthening of boundary hedgerows and the inclusion of new landscape buffers and areas of informal open space, would serve to better integrate the proposed development into the surrounding context, mitigating to an extent the potential landscape impact of the development on the surrounding character of the countryside and providing a degree of landscape enhancement. Due to the careful design and siting of the proposals, the level of new planting and the retention of the majority of existing landscape features, the overall landscape effect of the development is assessed as being *slight adverse* initially, but that this would diminish over time as the proposed planting matures.

23. In their evidence to the Inquiry, the appellants noted that the proposed development on the appeal site would inevitably result in its character changing from that of agricultural land to residential development and associated open space. Such a change is an inevitable consequence of developing greenfield land, but the appellants say that the impact on the character of the surrounding landscape would be extremely limited for a number of reasons. These include that the appeal site is largely contained in views from the wider rural landscape; the proposed landscaping on the boundaries of the appeal site would provide an appropriate and robust edge to the proposed development and over time would screen the proposed housing from the countryside beyond; there are existing urban influences adjacent to the appeal site; and the significant vegetation within the appeal site would be retained and supplemented with new planting.
24. The Council considers that the appeal site lies in a visually prominent location adjacent to the edge of the village and that LCP Et04 and its surviving field pattern contribute positively to the rural character and setting of the village and provide wider links with the surrounding countryside. It states that the removal of agricultural land would mean that the retained scattered trees and the spinney would not be read or recognised as part of the Feldon Parklands landscape and the existing pattern of land use, and its function as a visual corridor, would be lost. Furthermore, the Council is of the view that the loss of the fields within the appeal site to development would detract from the rural setting of the southern approach to the village. The fields themselves are considered to be vulnerable to change and would be unable to accommodate the proposed development without significant character change. The appeal site is not currently urbanised and to a degree the existing settlement edge is softened by trees and hedgerows. The Council considers that the proposal would effectively extend the southern edge of the village to merge with the Ettington Chase Hotel and Conference Centre.
25. The appeal site is located between the built up area of the settlement to the north west, Summerfield House and Summerfields Farm to the south east and the A422 Banbury Road to the south west. The proposed development would extend the built form of the settlement to the south east, along Banbury Road. Although there was dispute between the parties at the Inquiry relating to the

form of the village, it is apparent from the submitted plans and from my site visit that, although Ettington may once have been linear in form, it has developed into a nucleated settlement, with development in depth, including immediately to the north east of the appeal site, along Avon Close and Avon Fields.

26. During the Inquiry the Council expressed the view that Summerfield House and Summerfields Farm should be considered as a farm that would typically be present just outside the settlement itself, with the appeal site forming a visual corridor and an indicator of the transition from settlement to the wider landscape, as referred to in the Stratford Landscape Sensitivity Study. However, it was apparent from my site visit that Summerfield House and its plot have the appearance of an urban dwelling, set within a domestic garden, which is not dissimilar to other houses within Ettington. Furthermore, in my opinion, this property is not read in conjunction with Summerfields Farm to the rear. Summerfields Farm was a modest single storey agricultural building which has been demolished and is currently being rebuilt as a single storey residential property of similar design and appearance<sup>21</sup>. I consider that these dwellings, when viewed either together or separately, do not have the appearance of a traditional farmstead. Indeed, in my opinion, there is nothing distinctive or special about them, or their separation from the village.
27. In any event, given the layout of the proposed development, including the new landscape buffers, I consider that the property known as Summerfields Farm, which is set back from Banbury Road, beyond Summerfield House, would be visually separate from the new edge of the settlement. Summerfield House, which has a modern domestic appearance, would be viewed in conjunction with the neighbouring new properties and the existing frontage properties along Banbury Road. Given the nature of this property, I am satisfied that this would not detract from the character and appearance of the area.
28. The proposed development would include a substantial area of planting along the north eastern and south eastern boundaries of the appeal site to provide new landscape buffers. In addition, an area of public open space would be sited between these landscape buffers and the proposed dwellings, which would be set down from the ridge line that runs along the north eastern boundary of the appeal site. This would provide a sinuous edge to the built development which would curve around from the existing housing along Avon Fields to Summerfield House. This tapering of the proposed development would, in my opinion, respect the existing edge of the settlement. Furthermore, the development proposed would be of an appropriate scale and layout which would not appear as a discordant extension to the village. As such, it would be in keeping with the existing settlement pattern of Ettington.
29. Although the proposed development would include the loss of some open countryside, given the contained nature of the appeal site and its location immediately adjacent to the built up area of Ettington, along with the retention of many of the existing landscape features, including boundary hedgerows and trees, and the addition of further planting within the proposed development, I am satisfied that the proposal would not be visually prominent in the landscape. Furthermore, although 2 small agricultural fields would be lost, in my opinion, they do not contribute significantly to the distinctiveness of the

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<sup>21</sup> Document 19



local area. In addition, I do not consider that the proposed development would introduce features that would be completely uncharacteristic of the immediate area or would represent a substantial intrusion into the landscape of the wider area.

### *Visual Effects*

30. The appellants' LVA made an assessment of the visual effects of the proposed development by examining a number of viewpoints in the vicinity of the appeal site. These have been considered by the Council in its evidence<sup>22</sup>. The Council considers that there is no discernible view of the appeal site from Viewpoints 8<sup>23</sup>, 11<sup>24</sup>, 12<sup>25</sup>, 13<sup>26</sup> and 15<sup>27</sup>. I have therefore, not considered these viewpoints further.
31. Viewpoint 1<sup>28</sup> is located on Banbury Road, looking north west. The view is obtained from the footway along the northern eastern side of Banbury Road, close to the entrances to Summerfield House and Summerfields Farm. The appellants' LVA assesses the sensitivity of the receptor as *low*, the magnitude of change as *low* and the visual effect as *insignificant*. The Council is concerned that, although the appeal site is currently screened in this view, the loss of roadside hedge species, including native trees, would be visible as drivers/pedestrians approach Ettington.
32. At present the appeal site is generally screened from view by the south eastern boundary hedge and existing planting to the front of Summerfield House. Although the proposed development would include the loss of some of the planting along the Banbury Road frontage, to allow access to the appeal site, I am not satisfied that this would be discernible in this view, given the curve in the road and the existing and proposed planting. Glimpsed views of the proposed dwellings may be possible through the existing vegetation. However, this would be seen against a backdrop of existing housing in the village. I am satisfied, therefore, that the proposed development would not appear visually obtrusive to users of Banbury Road from this viewpoint.
33. Viewpoint 2<sup>29</sup> is located on Banbury Road looking north east close to the entrance to the proposed development. This view is obtained from the footway along the north eastern side of Banbury Road, immediately next to the appeal site. The appellants' LVA did not assess this receptor in its Table of Visual Effects<sup>30</sup>, however, the Council considers that this is where the greatest impact from Banbury Road would be experienced. The Council considers that the cutting back/removal of roadside hedge species, including native trees would open up the appeal site which would permit views of the new housing and associated infrastructure and the existing edge of the village. It states that this viewpoint would have *medium* sensitivity, given the footway along Banbury Road. The Council considers that the adverse visual effects from this viewpoint would be *substantial*, with the development seen as a dominant element. Although the Council acknowledges that the reinstated hedgerow and proposed

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<sup>22</sup> Paragraphs 5.5 – 5.20 of Mrs Cox's Proof of Evidence

<sup>23</sup> Photograph 08 in the LVA and Photograph 10 in Appendix C to Mr Self's Proof of Evidence

<sup>24</sup> Photograph 11 in the LVA and Photograph 13 in Appendix C to Mr Self's Proof of Evidence

<sup>25</sup> Photograph 12 in the LVA and Photograph 14 in Appendix C to Mr Self's Proof of Evidence

<sup>26</sup> Photograph 13 in the LVA and Photograph 15 in Appendix C to Mr Self's Proof of Evidence

<sup>27</sup> Photograph 15 in the LVA and Photograph 18 in Appendix C to Mr Self's Proof of Evidence

<sup>28</sup> Photograph 01 in the LVA and Photograph 01 in Appendix C to Mr Self's Proof of Evidence

<sup>29</sup> Photograph 02 in the LVA and Photograph 02 in Appendix C to Mr Self's Proof of Evidence

<sup>30</sup> Appendix J to Core Document 1.1.8

planting would be established by year 15, it considers that the appeal site would appear as a more manicured landscape with housing set within, rather than the rural approach to the village that is currently experienced.

34. The appeal site is currently screened in part by the existing planting along Banbury Road. However, it was apparent from my site visit that clear views across the site are available from this part of Banbury Road through breaks in the existing planting. I acknowledge that the opening up of this part of the frontage to create the access to the proposed development would increase views of the appeal site at this point. In addition, the proposed planting of a new hedge and fencing to create a gateway entrance feature, with a replacement hedgerow sited behind the visibility splays, would ensure that the new housing would be visible at this point, as well as having a more manicured appearance. Nevertheless, this would not be dissimilar to the entrances to Ettington Chase Hotel and Conference Centre and Summerfield House. As such, in my opinion, although it would be visible, the proposal would not appear out of keeping or visually obtrusive in views from this part of Banbury Road.
35. Viewpoint 3<sup>31</sup> is located on Banbury Road looking south east. The view is obtained from the south western side of Banbury Road, adjacent to No. 66. The appellants' LVA assesses the sensitivity of the receptor as *low*, the magnitude of change as *low* and the visual effect as *slight adverse*. However, in the evidence presented to the Inquiry<sup>32</sup> the appellants amended this to the sensitivity of the receptor as *low/medium*, the magnitude of change as *medium* and the visual effect as *slight adverse* due to loss of openness. The Council states that this view is towards the remnant roadside hedge line and mature trees on the south western boundary of the appeal site and Summerfields Farm. It states that there is currently visual separation between the existing settlement edge on Banbury Road and Summerfields Farm. The Council considers that the cutting back/removal of this hedge line and trees would open up the appeal site, permitting views of the new housing, which would create an urbanising effect on what is currently a rural stretch of road. As such, the Council considers that this viewpoint would have a *medium* sensitivity.
36. The appeal site is partly visible in this view, behind the planting along the Banbury Road frontage. Summerfield House is also visible, beyond the appeal site. The proposed development would include the removal of some boundary planting to facilitate the access. However, some existing planting would be retained and new planting is proposed beyond the visibility splays. An attenuation pond would be sited adjacent to No. 99 Banbury Road, with the dwellings on Plots 1 and 32 set back a similar distance from the Banbury Road frontage as the neighbouring dwellings to the north west. Although the construction of dwellings and the site access along this road frontage would reduce the gap between No. 99 Banbury Road and Summerfield House, the existing and proposed planting would, once established, soften the impact of the proposed development in this view. I therefore consider that the proposed development would not appear visually intrusive or prominent in views from this part of Banbury Road.

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<sup>31</sup> Photograph 03 in the LVA and Photograph 03 in Appendix C to Mr Self's Proof of Evidence

<sup>32</sup> Appendix G to Mr Self's Proof of Evidence

37. Viewpoints 4 and 5<sup>33</sup> are located on the public right of way (SD69) along the north western boundary of the appeal site. The appellants' LVA assesses the sensitivity of the receptor as *medium*, the magnitude of change as *high* and the visual effect as *moderate adverse*. Again, in the evidence to the Inquiry<sup>34</sup>, the appellants amended this assessment to the sensitivity of the receptor as *medium/high*, the magnitude of change as *high* and the visual effect as *moderate adverse*. The Council says that from the start of the public right of way by the public house, users are able to appreciate open countryside, with the appeal site serving as a transition zone between the settlement edge and the countryside. The Council refers to the continuous open views from this public right of way across the small scale pastoral fields towards Mollsgrave Copse and a wind pump sited on the local ridge line to the north east of the appeal site, Brick Kiln Gorse and Summerfields Farm to the south east and the edge of the settlement to the north west. As such, the Council considers that these receptors would have a *high* sensitivity.
38. The views to the south east from this public right of way are currently open across the appeal site to Summerfield House and Summerfields Farm. However, the views to the north west are of the settlement edge, with the footpath running immediately to the rear of dwellings fronting onto Avon Close and Avon Fields. The proposed development would retain the route of this public right of way. However, the route would be enhanced through new surfacing and would be contained within a linear band of landscaped open space, which would connect into areas of public open space on the appeal site. Furthermore, rather than backing onto it, the proposed dwellings adjacent to this public right of way would be orientated to face onto it in part.
39. At the time of my site visit, that part of the public right of way located between the public house and the northern most point of the appeal site, was overgrown and unattractive to potential users. It is currently bounded by rear fences/hedges associated with the dwellings on Avon Close and Avon Fields to the north west and a post and rail fence along its south eastern side. The proposal would open this footpath up, making it more attractive to potential users through improvements to the surface and landscaping, as well as providing permeable links to it from the proposed development. The proposal would also include significant areas of public open space and new landscape buffers along the north eastern part of the appeal site. Given this, although views from this footpath would change, as a result of the proposed landscaping, the built form would be softened once this has become established. Views across open fields would no longer exist across the appeal site, however, the views to the south east which would be experienced by users of this public right of way would not be substantially different to those currently obtained to the north west. Furthermore, given the extent of the north western boundary of the appeal site, these changed views would only be experienced for a short distance, before the views would open up again to the north of the appeal site.
40. I am satisfied, therefore, that although the views would change from this public right of way, given the proposed landscaping, enhancements to the public footpath and extent of the route affected, the proposal would not appear dominant or out of keeping.

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<sup>33</sup> Photographs 04 and 05 in the LVA and Photographs 05, 06 and 07 in Appendix C to Mr Self's Proof of Evidence

<sup>34</sup> Appendix G to Mr Self's Proof of Evidence

41. Viewpoint 6<sup>35</sup> is located on the public right of way to the north of the appeal site, beyond the ridgeline. The appellants' LVA assesses the sensitivity of the receptor as *medium*, the magnitude of change as *high* and the visual effect as *moderate adverse*, diminishing to *slight adverse* over time as the planting matures. The appellants revised their assessment of this viewpoint in their evidence to the Inquiry<sup>36</sup> to the sensitivity of the receptor as *high*, the magnitude of change as *high* and the visual effect as *moderate adverse*, diminishing to *slight adverse/insignificant* as the planting matures. The Council considers that this is currently a predominantly rural view, with views of Summerfields Farm and properties along Banbury Road in the distance.
42. From this viewpoint it was apparent on my site visit that the view was predominantly rural in nature, with glimpsed views of the upper parts of Summerfield House and other properties along Banbury Road in the distance, along with the tops of trees and planting along the Banbury Road frontage of the appeal site. The proposed dwellings would be set back from the north eastern and south eastern boundaries of the appeal site, below the ridge line, beyond substantial new landscape buffers and public open space. Although initially the middle and upper parts of some dwellings on the appeal site would be visible in this view, this would be softened by the landscape buffers as they mature. As such, I am satisfied that the proposed development would not appear visually obtrusive or dominant from this viewpoint.
43. Viewpoint 7<sup>37</sup> is located further to the north east of the appeal site at the point where the public right of way changes direction and continues to the east towards the Fosse Way. The appellants' LVA assessed the sensitivity of the receptor as *medium*, the magnitude of change as *low* and the visual effect as *slight adverse*, reducing to *insignificant* over time as the planting matures. The Council states that at this viewpoint it is not possible to see the main body of the appeal site, but that the canopies of the roadside trees are visible on the horizon. The appellants' LVA agrees that the main body of the site is screened from view by the localised ridgeline, with the tops of trees visible over intervening landform.
44. I am satisfied that the majority of the proposed dwellings would be screened from view by the localised ridgeline, with only the upper parts of the dwellings and their rooflines visible in this view. However, over time, as the landscaping matures, the proposed dwellings would be further screened by the proposed landscape buffers, which would serve to filter and screen views, breaking up rooflines that may remain visible. As such, I consider that the proposal would not appear prominent or visually intrusive from this viewpoint.
45. Viewpoints 9 and 10<sup>38</sup> are sited further to the north east of the appeal site on public right of way SS1c. The appellants' LVA assessed the sensitivity of the receptors as *medium to high*, the magnitude of change as *low* and the visual effect as *insignificant*. The Council states that it is possible to discern rooflines of the existing development on the horizon. However, it says that although the majority of the development would be screened by local ridgelines, it would be possible to see rooflines of the new houses in some views. Given the distance from these viewpoints to the appeal site, along with the intervening ridgelines,

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<sup>35</sup> Photograph 06 in the LVA and Photograph 08 in Appendix C to Mr Self's Proof of Evidence

<sup>36</sup> Appendix G to Mr Self's Proof of Evidence

<sup>37</sup> Photograph 07 in the LVA and Photograph 09 in Appendix C to Mr Self's Proof of Evidence

<sup>38</sup> Photographs 09 and 10 in the LVA and Photographs 11 and 12 in Appendix C to Mr Self's Proof of Evidence

I am satisfied that the proposed development would not appear dominant or visually intrusive in these views.

46. Viewpoint 14<sup>39</sup> is located at the junction of public rights of way SD67 and SD67a, to the south of Banbury Road, close to the existing playing fields. The appellants assessed the view from the playing fields in their evidence to the Inquiry<sup>40</sup>, which classed the sensitivity of the receptor as *low*, the magnitude of change as *negligible* and the visual effect as *insignificant*. The Council is concerned about the loss of a gap between the last group of properties on Banbury Road and the Ettington Chase Hotel and Conference Centre. It was apparent from my site visit that, although the roofs of some of the proposed dwellings may be visible in this view, substantial screening exists by way of the intervening landscaping and trees. I am satisfied, therefore, that the proposal would not appear visually obtrusive in views from these public rights of way.
47. View A<sup>41</sup> is located along the Banbury Road frontage of the appeal site close to the access to the proposed development. The appellants assessed this viewpoint in their evidence<sup>42</sup> to the Inquiry, which classed the sensitivity of the receptor as *low*, the magnitude of change as *moderate* and the visual effect as *slight beneficial*. The Council is concerned that the widening of the highway at this point to accommodate the visibility splays and the proposed turning lane would impact on the existing footway and, more importantly, the existing hedge line and the mature hedgerow trees. In particular the Council points to the loss of up to 250m of hedgerow that would be cut back/removed and although this would be replanted, the loss of mature trees would open up views of the new housing and associated infrastructure within the appeal site, thus urbanising an otherwise rural stretch of road beyond the existing settlement edge which provides a transition zone between it and the countryside.
48. I acknowledge that the proposed development would include the removal of some of the existing planting along the Banbury Road frontage of the appeal site to facilitate the provision of the access. There is an existing break in the vegetation on the appeal site frontage, with only low planting where the new access would be. Although the views into the appeal site would change, the new planting, along with the retention of existing trees beyond the visibility splays and the set back nature of the proposed frontage dwellings, would ensure that views of the development from Banbury Road would be softened. Furthermore, the design of the proposed dwellings and, in particular, the inclusion of a focal building of thatched roof construction, close to the site entrance, would reflect the more traditional properties in the village, and would provide an attractive entrance to Ettington from the south east.
49. Although the proposed development would lead to the loss of an area of open countryside to the south east of the village, this area of Banbury Road already has an urbanised feel, given the proliferation of road traffic signs and the traffic calming measures, as well as the presence of the Ettington Chase Hotel and Conference Centre and Summerfield House. Indeed, when approaching Ettington from the south east, the open areas to the north east and south west of Banbury Road, between the Fosse Way and Summerfield House and the

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<sup>39</sup> Photograph 14 in the LVA and Photograph 17 in Mr Self's Proof of Evidence

<sup>40</sup> Appendix G to Mr Self's Proof of Evidence

<sup>41</sup> As referred to in the Proof of Evidence of Mrs Cox and Photographs 04 and 32 in Appendix C to Mr Self's Proof of Evidence

<sup>42</sup> Appendix G to Mr Self's Proof of Evidence

Ettington Chase Hotel and Conference Centre respectively, provide a transition zone between the settlement and the open countryside, the latter of which includes traditional farmsteads. I am satisfied, therefore, that the loss of the appeal site would not be detrimental to the character and appearance of this part of Banbury Road.

50. In terms of views<sup>43</sup> from the surrounding residential properties, the appellants have updated<sup>44</sup> the assessment<sup>45</sup> in the LVA for the Inquiry. This assesses the sensitivity of the receptor as *high/medium* (for views from properties on Banbury Road and Avon Close) and *medium* (for views from Summerfields Farm and Summerfield House), the magnitude of change as *medium* and the visual effect as *slight adverse* (for views from properties on Banbury Road) and *moderate adverse*, reducing to *slight adverse* as the landscaping matures (for views from Summerfields Farm and Summerfield House and from properties on Avon Close).
51. The occupiers of Nos. 93-99 Banbury Road would have some views of the proposed development. However, the proposal would include some planting, along the boundary with these properties within the appeal site, and open space and an attenuation pond would be sited to the south east of No. 99, between it and the proposed focal building. Given this, along with the separation distances between the existing and proposed dwellings, I do not consider that the proposal would appear overbearing and dominant when viewed from these neighbouring dwellings.
52. The occupiers of Summerfields Farm and Summerfield House would have only glimpsed views of the proposed development given the existing spinney and the proposed new landscape buffer. Given this, along with the distances between the existing and proposed dwellings and the orientation of the existing properties, I do not consider that the proposal would appear overbearing and dominant when viewed from these neighbouring dwellings.
53. Some of the dwellings along Avon Close and Avon Fields would have rear elevations facing the proposed development. The proposed dwellings would be set back from the north west boundary of the appeal site, beyond the existing hedgerow and proposed landscaping around the existing public right of way. Given this, along with the separation distances between the existing and proposed dwellings, I am satisfied that the proposal would not appear obtrusive or prominent when viewed from these neighbouring properties.

#### *Conclusion on Character and Appearance*

54. Local Plan Review Policy PR.1 says that all development proposals should respect and, where possible, enhance the quality and character of the area. It goes on to say that proposals that would damage or destroy features which contribute to the distinctiveness of the local area will not be permitted unless significant public benefit would arise from the scheme. I do not consider that the proposed development would introduce features that would be completely uncharacteristic of the immediate area or would represent a substantial intrusion into the landscape of the wider area. In addition, I have found that there would only be limited visual effects from local viewpoints. As such, the

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<sup>43</sup> Photographs 03, 04 and 07 in Appendix C to Mr Self's Proof of Evidence

<sup>44</sup> Appendix G to Mr Self's Proof of Evidence

<sup>45</sup> Appendix J to the LVA

proposal would respect the quality and character of the area. Furthermore, I am satisfied that the proposal would not damage or destroy features which contribute to the distinctiveness of the local area.

55. I conclude, therefore, that the proposed development would not harm the character and appearance of the area. As such, it would not be contrary to Policy PR.1 of the Local Plan Review and would accord with The Framework and Policy CS.5 of the emerging Core Strategy.

### **Other Matters**

56. There is a dispute between the main parties in respect of the housing land supply in the District. At the Inquiry, the Council stated that it believes that the Core Strategy Inspector's Interim 5 year housing land supply calculation, April 2016 to March 2021, is the most up-to-date assessment of the housing land supply position in the District. This indicates that the Council can demonstrate a 5.4 year supply of deliverable housing land. The Core Strategy Inspector's Report confirms that the Council can now demonstrate a 5.8 year supply. Although the appellants are of the view that the proposed development would be policy compliant and, therefore, is not a case which requires the demonstration of the Council's failure to maintain a 5 year housing land supply, they did dispute it at the Inquiry and stated that a figure of around 4.25 years would be more accurate. Nevertheless, given that I have found that the proposal would accord with the development plan, the existence or otherwise of a 5 year supply of deliverable housing land is not, in my opinion, determinative in this case and I have not considered this matter further.
57. In addition to the main issue, interested parties have expressed concern about a number of matters including the loss of agricultural land; the impact of the proposed development on local services and infrastructure, flooding and drainage, highway and pedestrian safety, and the living conditions of neighbouring occupiers; and the sustainability of the appeal site.
58. Paragraph 112 of The Framework says that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. It goes on to say that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The agricultural land classification for the appeal site is Grades 3b and 4<sup>46</sup>. As such, no best and most versatile agricultural land would be lost. Furthermore, it is apparent from the evidence presented to the Inquiry that in order to provide sufficient sites for housing, some greenfield land would have to be used. As such, the use of lower grade agricultural land, such as that at the appeal site, should be preferred.
59. The proposed development is accompanied by a Section 106 Agreement which includes a number of obligations which would address the impacts of it on local services and facilities. These obligations are considered in detail below, but I am satisfied that they would mitigate against the effects of the proposed development on local services and facilities.
60. The appellants submitted a Flood Risk Assessment<sup>47</sup> (FRA) as part of the planning application. The appeal site is located in Flood Zone 1 and the FRA

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<sup>46</sup> Paragraph 5.5.9 of the Statement of Common Ground

<sup>47</sup> Core Document 1.1.7

demonstrates that the proposed development would not be at significant flood risk, subject to the recommended flood mitigation strategies being implemented. Moreover, it concludes that the development would not increase flood risk to the wider catchment area as a result of suitable management of surface water run off discharging from the appeal site. I acknowledge that Warwickshire County Council, as the Lead Local Water Authority, and Severn Trent Water have no objection to the proposed development, subject to the imposition of appropriate planning conditions relating to the carrying out of the development in accordance with the FRA and the submission and approval of details of the surface water drainage scheme for the site. Given this, I am satisfied that the use of appropriate conditions would ensure the provision of a satisfactory means of drainage and reduce the risk of flooding.

61. The proposed development would include the provision of a ghost island right turn lane which would allow vehicles entering the site by turning right from Banbury Road to wait in a safe area, out of the main carriageway. A Transport Statement<sup>48</sup> dated April 2015, was submitted by the appellants with the planning application. Additional highway submissions were made during the consideration of the planning application, including a Transport Assessment<sup>49</sup>, dated July 2015, a Highways Technical Rebuttal Note<sup>50</sup>, dated 3 September 2015, and final highways drawings<sup>51</sup>. The Transport Assessment indicates, from the analysis carried out, that there is no evidence of any existing road safety problems in this part of Ettington and that this situation would not change as a result of the proposed development. Warwickshire County Council, as Highway Authority, has no objection to the proposed development, subject to the imposition of appropriate planning conditions, requiring the submission and approval of a Construction Management Plan and the construction of the proposed access prior to the commencement of any ground works, remediation or built construction on the appeal site, and the provision of a financial obligation relating to the provision of a Sustainable Travel Pack.
62. As part of the appeal process, a local residents' group (Residents Against Extending Ettington) commissioned Tesh Consultants Limited to prepare an objection on traffic and highway grounds. A Response to Mr Taylor's Proof of Evidence<sup>52</sup> was also prepared by the highway consultant on behalf of the local residents' group and was submitted at the Inquiry. The appellants submitted a Proof of Evidence<sup>53</sup> dealing with highway matters to the Inquiry as well as a Rebuttal<sup>54</sup> to the document prepared by Tesh Consultants Limited at the Inquiry.
63. Banbury Road (A422) benefits from a system of streetlighting and a 30mph speed restriction in the vicinity of the appeal site. A footway exists on the north eastern side of Banbury Road, with a grass verge on the opposite side of the road. Existing 2 way traffic flows have been recorded on Banbury Road in the vicinity of the appeal site, with an average daily 2 way flow being 4,776 vehicles, of which only 7% were vehicles in excess of 3.5 tonnes. To the north west of the appeal site is a traffic calming feature, which gives a right of way to traffic leaving the village. The carriageway fronting the appeal site has a

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<sup>48</sup> Core Document 1.1.10

<sup>49</sup> Core Document 1.3.1

<sup>50</sup> Core Document 1.3.2

<sup>51</sup> Plans A1/29-A1/31

<sup>52</sup> Document 7

<sup>53</sup> Appendix 1 to Mr Fenwick's Proof of Evidence

<sup>54</sup> Document 32



system of double white lines. The speed limit along Banbury Road changes to 50mph around 80m to the south east of its junction with the Ettington Chase Hotel and Conference Centre, with the junction of Banbury Road with the Fosse Way (B4455), located around a further 170m away.

64. A new junction is proposed as part of the development, which would give access to the appeal site from Banbury Road. I acknowledge that the design of this junction involved detailed discussions between the appellants and the Highway Authority, with agreement reached in relation to a 5.5m carriageway leading into the site, 9m junction radii, two 2m wide footways, provision of a ghost island right turn lane and visibility splays of 120m at a set back of 2.4m. At the request of the Highway Authority, the appellants also carried out vehicle tracking for a Mercedes Benz Iconic refuse lorry. The tracking for which was also approved by the Highway Authority. Furthermore, it is intended that a widened 2m footway would be provided from the proposed site access in a north westerly direction to tie into the existing footway outside No. 99 Banbury Road.
65. I acknowledge the concerns expressed by third parties in relation to the design of the proposed access junction. However, from the evidence before me, I am satisfied that its design would be appropriate for this location and the development proposed, and that the necessary visibility splays could be achieved. As such, I consider that the proposed access junction would allow drivers entering and leaving the appeal site to do so safely.
66. In terms of the wider road network, I acknowledge the concerns of local residents about the safety of the junction of Fosse Way with Banbury Road, along with the photographs submitted and the video played at the Inquiry, showing how some drivers behave along Banbury Road. I also note that the up-to-date collision information for Banbury Road from its junction with Rogers Lane up to and including the junction with Fosse Way shows that in the last 5 years there have been 4 recorded personal injury collisions at the junction of Banbury Road with Fosse Way. The evidence from Tesh Consultants Limited, on behalf of third parties, points out that there were 7 personal injury accidents at this junction between 5 February 2010 and 14 March 2014. However, the appellants consider that, although historically this junction had a poor collision record, there have been fewer recorded collisions in recent times, mainly due to signing improvements undertaken at this junction.
67. The appellants' Transport Assessment, dated July 2015, was undertaken on the basis of a development of 38 dwellings. However, it includes agreed 2 way trip rates per dwelling of 0.72 in the AM peak and 0.75 in the PM peak. For a development of 32 dwellings, this would equate to a 2 way traffic generation of 23 in the AM peak and 24 in the PM peak. Given the likely traffic that would be generated by the proposed development, I am satisfied there would be a very limited impact from it on this junction. I consider, therefore, that the proposal would not be detrimental to highway safety at this junction.
68. The local residents are also concerned about existing congestion on Banbury Road, within the village, where the Post Office/convenience store is sited. They state that given the narrow width of the A422 at this point, along with the on street parking generated by customers and local residents, there is often congestion, with drivers having to give way to each other. This, they say is exacerbated by parents dropping off and picking up children at the village

primary school. The appellants say that there would be an additional 14 vehicles on Banbury Road to the north west of the proposed access in the peak hour. This flow would be 2 way and on average would equate to one additional vehicle every 4 minutes. Given this, I am satisfied that the additional traffic flow generated by the proposed development would not be material. I consider, therefore, that the proposal would not be detrimental to highway safety along this part of Banbury Road.

69. Government policy in paragraph 32 of The Framework says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. From the evidence before me, I am satisfied that this would not be the case in this appeal.
70. Neighbouring residents are concerned about the effect of the proposed development on their living conditions, with particular reference to privacy, noise and disturbance, outlook and sunlight/daylight. Although views from neighbouring properties would change, given the layout of the proposed development, along with the separation distances between the existing and proposed dwellings and the intervening landscaping, I am satisfied that the proposal would not be detrimental to the living conditions of neighbouring occupiers.
71. Paragraph 7 of The Framework sets out the 3 dimensions to sustainable development: economic, social and environmental and paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.
72. The main parties agree that in terms of the economic role, the proposal would create short term construction jobs, provide longer term support for the local economy from new residents of the proposed dwellings and generate a New Homes Bonus. Furthermore, the appellants refer to returns in the form of Council Tax revenues to the District Council from the occupiers of the new dwellings and the good location of the appeal site in respect of local employment opportunities.
73. In terms of the social role, the main parties concur that the proposal would provide 32 new homes in a sustainable location, of which 11 would be affordable, financial contributions towards a children's play area, primary education facilities and allotments/community gardens, as well as new footpath links across the site, making it easier to access the surrounding countryside.
74. Finally, in terms of the environmental role, the main parties say that the proposal would provide a suitable layout and design, as well as creating public open space of around 10,468sqm. The appellants also refer to the retention of much of the existing planting in and around the appeal site, as well as the provision of an enhanced biodiversity habitat, with a net biodiversity gain. Furthermore, the appellants refer to the site being accessible by a range of transport modes, which the proposal would seek to improve through the delivery of new pedestrian connections, and the availability of local services and facilities in the village, including a primary school, community centre,

hotel/conference centre, church, 2 public houses, sports pitches, and a shop/post office.

75. The appellants and the Council agree that Ettington is a sustainable settlement. Indeed, within the Local Plan Review, Ettington is identified as a Local Centre Village, a third tier settlement in the hierarchy of Policy STR.1, which recognises that Ettington has a basic range of facilities. Furthermore, Ettington is identified as a Category 3 Local Service Village within the emerging Core Strategy, with the potential to accommodate housing growth (Policy CS.16).
76. The proposal would involve the loss of an area of open countryside, currently used for agriculture. However, I have found that this would not be detrimental to the character and appearance of the area and, as such, would not be contrary to Policy PR.1 of the Local Plan Review and would accord with The Framework and Policy CS.5 of the emerging Core Strategy. The proposed development would include substantial elements of open space, including new landscape buffers, along with the retention and creation of significant areas of landscaping, which would represent an environmental gain. In addition, the design and layout of the proposed residential development would respect the character and appearance of the existing settlement. Given this, in addition to the social and economic gains detailed above, I consider that the proposed development would, on balance, represent a sustainable form of development.

### **Overall Conclusion**

77. Paragraph 14 of The Framework states that at its heart there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For the latter this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework as a whole; or specific policies in The Framework indicate development should be restricted.
78. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
79. I have found that the proposed development would accord with the development plan. As such, the proposal should be approved without delay.
80. I have considered all the other matters raised by third parties, including the impact on the emerging Neighbourhood Plan, which is at a very early stage in its preparation and, as such, I have afforded it little weight; the cumulative impact of new residential development on the village; the need for additional housing; and air quality, but none changes my overall conclusion that the appeal should be allowed.

## Conditions

81. At the Inquiry an agreed list<sup>55</sup> of suggested conditions was provided by the appellants. A further updated agreed list<sup>56</sup> was submitted following the close of the Inquiry, as a result of the discussions which took place at the Inquiry. In addition to the standard time limit condition, a further 14 conditions were suggested. I have had regard to the advice in the Planning Practice Guidance<sup>57</sup> (The Practice Guidance) when considering these conditions. It would be necessary to require that the development be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
82. A condition requiring the submission and approval of plans and sections, showing existing and proposed site ground levels and finished floor and ridge levels, would be reasonable to safeguard the character and appearance of the area. A requirement that the development be carried out in accordance with the FRA and that a detailed surface water drainage scheme for the site be submitted and approved, would be necessary to prevent the increased risk of flooding, improve and protect water quality, improve habitat and amenity, and ensure the future maintenance of the sustainable drainage structures. The submission and approval of drainage plans for the disposal of foul sewage would be necessary, to provide a satisfactory means of drainage, reduce the risk of flooding and to minimise the risk of pollution.
83. A requirement that the access to the site from Banbury Road be constructed, located and laid out in accordance with the approved plan, would be necessary for the avoidance of doubt and to ensure an appropriate access to the site is in place prior to the commencement of ground works, remediation or built construction. The submission and approval of a Construction Method Statement would be reasonable to safeguard the living conditions of neighbouring residents. The preparation and implementation of a Landscape and Ecology Habitat Management Plan would be reasonable to enhance the biodiversity of the site. A programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition would be reasonable to identify/protect features of potential archaeological significance. A timetable for implementation of the Archaeological Mitigation Strategy should be included within the condition, to ensure that the works are undertaken at the appropriate time.
84. A scheme for the protection of all existing trees and hedges to be retained during construction and the submission and approval of samples and trade descriptions of the external facing and roofing materials, as well as shown areas of hardstanding, to be used in the construction of the development, would be necessary to safeguard the character and appearance of the area. A scheme of landscaping would be reasonable to improve and enhance the environment of the proposed development. A requirement that no hedgerows, trees or shrubs be removed between 1 March and 31 August in any year would be reasonable to safeguard protected species.

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<sup>55</sup> Document 37

<sup>56</sup> Document 47

<sup>57</sup> Circular 11/95: The Use of Conditions in Planning Permissions has been largely superseded by the Planning Practice Guidance, with the exception of Appendix A (Model Conditions)

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85. A requirement that any dwelling with a downpipe be provided with a water butt, prior to first occupation, would be reasonable in the interests of sustainable development. Finally, the provision of 3 bins for the purposes of refuse, recycling and green waste, prior to the first occupation of any dwelling, would be reasonable in the interests of domestic waste management.

### **Section 106 Agreement**

86. I have considered the planning obligations included within the Section 106 Agreement<sup>58</sup> in the light of the statutory tests contained in Regulation 122 of the CIL Regulations. I have also had regard to the Council's Statements<sup>59</sup> addressing the tests on obligations arising under Regulation 122 and on compliance of planning obligations sought regarding the 'pooling' of contributions arising under Regulation 123, of the CIL Regulations. The latter confirms that, where Regulation 123 applies, there would be less than 5 Section 106 obligations in total contributing towards each infrastructure project and therefore the obligations within the submitted Section 106 Agreement would be compliant.
87. Policy IMP.4 of the Local Plan Review seeks to negotiate planning obligations with developers where these would secure provision, either on or off-site, of the necessary physical and/or social infrastructure. The obligations within the Section 106 Agreement relate to the following matters.
88. *Affordable Housing*: Policy COM.13 of the Local Plan Review seeks to maximise the supply of affordable housing as a proportion of the overall housing supply by expecting all proposals involving residential development on allocated and windfall sites, above a specific threshold, to provide a proportion of affordable housing on-site. Key Principle MHN2 of the Council's Supplementary Planning Document (SPD) 'Meeting Housing Needs', adopted in July 2008, says that a minimum of 35% on-site affordable housing provision will be sought from every site to which Policy COM.13 applies. Key Principle MHN13 of the SPD requires that the tenure split for the on-site affordable units will be a minimum of 75% social rented housing and a maximum of 25% for intermediate tenure housing.
89. The Section 106 Agreement includes the provision of 11 affordable homes, with 8 to be for social rent and 3 to comprise intermediate housing. Given the level of unmet need for affordable housing in the District, and Ettington in particular, and having regard to the policy requirements, I am satisfied that this obligation would pass the statutory tests.
90. *Sustainable Travel Packs*: Policy LUT3 of the Warwickshire Local Transport Plan 2011-2026 (LTP3) promotes sustainable development and seeks developer contributions, where appropriate, to provide for public transport, community transport, pedestrian and cycling facilities, traffic management measures and travel packs to serve new developments. Policies CTB6 and CTB7 of the LTP3 seek to raise awareness of the benefits of sustainable modes of transport and encourage more people to walk, cycle or use public transport for local journeys and to promote public transport as an attractive and sustainable travel choice, while ensuring that high quality information on public transport services is widely available. Warwickshire County Council is seeking a financial

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<sup>58</sup> Document 40

<sup>59</sup> Documents 9 and 10

contribution of £75 per dwelling for sustainable travel packs and to help promote safe and sustainable travel in the local area, in accordance with the aforementioned policies, along with Policies RS3, RS4, RS5, RS8, RS11, RS12, RS21 and RS25 of the LTP3, which seek to promote road safety through education, training and publicity.

91. The Section 106 Agreement includes a financial contribution of £75 per dwelling for the provision of information packs for owners and occupiers of the residential properties on the appeal site which would include information on sustainable modes of transport and to help promote sustainable travel in the local area and for the purpose of delivering road safety education in the area. The proposed development would include the construction of 32 dwellings on the edge of the settlement of Ettington. Given the nature and location of the proposed development, I consider that this obligation would pass the statutory tests.
92. *Education:* The County Council, as Education Authority, has calculated that there are currently no surplus places at Ettington Church of England Primary School to accommodate the estimated 5 additional pupils that would arise from the proposed development. The County Council is therefore seeking a financial contribution of £58,435 towards increasing sufficiency in the area through the permanent or temporary expansion at Ettington Church of England Primary School to enable the admission figure to be increased above 25.
93. The Section 106 Agreement includes a financial contribution of £58,435 for the remodelling of Ettington Church of England Primary School to support an increase in the published admission number to 30. Given that insufficient places exist at the local primary school to accommodate the estimated additional 5 pupils to be generated by the proposed development, I am satisfied that this obligation would pass the statutory tests.
94. *Public Open Space:* Policy CS.24 of the emerging Core Strategy says that new housing development will enable an increase in, or enhancement of, open space and recreation facilities to meet the needs of its residents. It goes on to say that where it is justified by the scale of new development, developers will be expected to contribute towards the provision of open space in order to help achieve the standards set out in the Council's Open Space, Sport and Recreation Assessment.
95. In respect of the proposed development, the Council considers that, as the proposal would include around 10,486sqm of public open space for informal recreation and amenity use, this would meet the minimum policy requirements to meet the incidental needs of the occupiers of the development, with regards to amenity and natural greenspace, subject to an appropriate mechanism to secure the open space on-site. The Section 106 Agreement includes the provision of this open space, along with 3 options for its future maintenance namely, the transfer of the open space to the Council; the retention and maintenance of the whole or part of the open space and the appointment of a management company to be responsible for the maintenance and management of the open space on the owner's behalf; or the transfer of the whole or part of the open space to the management company.
96. With regards to children and young people, the Council states that no formal and/or equipped children's and young people's play would be incorporated within the proposed development. It states that, having regard to the Open

Space, Sport and Recreation Assessment, the proposal would generate a requirement equivalent to around 204sqm of additional play space, which would equate to a financial contribution of £66,820.20 for off-site provision. Furthermore, the Council states that the Open Space, Sport and Recreation Assessment has identified a shortfall in provision of allotments and community orchards within Ettington and that the proposed development would generate a requirement equivalent to 326.40sqm of allotments/community gardens. As such, a financial contribution of £10,141.46 is sought for off-site provision. The Section 106 Agreement includes these financial contributions.

97. Given the scale and nature of the proposed development it is likely that there would be significant demand for the use of public open space by future occupiers. I consider, therefore, that these obligations would pass the statutory tests.

*Karen L Baker*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Gary Grant <i>of Counsel</i>	Instructed by the Solicitor of Stratford-on-Avon District Council
He called	
Mrs Carolyn Cox BA(Hons) DipLA DipHS CMLI	Rural Development Officer, Warwickshire County Council
Mr John Careford DipTP MSc DipUD MRTPI	Policy Planner, Stratford-on-Avon District Council
Mr Matthew Taylor BA(Hons) DipTP MRTPI	Associate Director at Aitchison Raffety, Chartered Town Planning Consultants
Mr Jay Singh	Senior Planning Officer, Stratford-on-Avon District Council (Conditions and Section 106 Sessions only)
Mrs Janet Neale	Infrastructure Delivery Manager, Warwickshire County Council (Section 106 Session only)

### FOR THE APPELLANTS:

Mr Jeremy Cahill QC	Instructed by Mr Keith Fenwick, Director of WYG
He called	
Mr Philip Taylor MCILT	Managing Director of Savoy Consulting Limited
Mr Clive Self DipLA CMLI MA(Urban Design)	Managing Director of CSA Environmental
Mr Anthony Bateman BA(Hons)TP MRICS MRTPI MCMi MIOd FRSA	Managing Director of the Pegasus Group
Mr Keith Fenwick BA(Hons) MRTPI	Director of WYG

### INTERESTED PERSONS:

Miss Jenny Henry	Local Resident, representing residents of Avon Close, Avon Fields and 97 and 99 Banbury Road
Mr Michael Terry	Local Resident and Chair of Ettington and Fulready Neighbourhood Planning Committee
Mr Nicholas Butler	Warwickshire Branch of the Campaign to Protect Rural England
Councillor Philip Seccombe	Ward Member, Ettington Ward
Mr Paul Tesh BSc(Hons) CEng MICE MCIHT	Representing Ettington Residents' Group
Councillor David Hughes	Chair, Ettington Parish Council

## DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Representation on behalf of the appellants
- 2 Opening Statement on behalf of the appellants
- 3 Opening Note on behalf of the local planning authority
- 4 Statement by Miss Jenny Henry



- 5 Statement by Mr Michael Terry  
6 Statement by Mr Nicholas Butler  
7 Response to Mr P Taylor's Proof of Evidence by Mr Paul Tesh  
8 Ettington and Fulready Neighbourhood Plan Survey Results 2015 Final  
Report, submitted by the appellants  
9 Council's Statement addressing the tests on obligations arising under  
Regulation 122 of the Community Infrastructure Levy Regulations  
10 Council's Statement on Compliance of Planning Obligations sought re:  
'Pooling' of contributions arising under Regulation 123 of the Community  
Infrastructure Levy Regulations (2010)  
11 Table 1: Comparison of actual completions against forecast completions for  
complete five year periods taken from the 2006 to 2011 Annual Monitoring  
Reports, submitted by the appellants  
12 Comparison of February figures in 006/2016 with changes accepted by  
Stratford; Revised 006/2016 Five Year Supply Calculation as of December  
2015 with above changes reflected in it; and, Revised 006/2016 Five Year  
Supply Calculation as of December 2015 with above changes reflected in it  
and using revised 5% discount rate, submitted by the appellants  
13 Letter from Persimmon Homes South Midlands, dated 18 April 2016,  
submitted by the appellants  
14 Letter from Cala Homes (Midlands) Limited, dated 5 May 2016, submitted  
by the Council  
15 Draft Planning Conditions, submitted by the Council  
16 Court of Appeal Judgment for Suffolk Coastal District Council v Hopkins  
Homes Limited v Secretary of State for Communities and Local Government  
and Richborough Estates LLP v Cheshire East Borough Council, Secretary of  
State for Communities and Local Government, submitted by the Council  
17 High Court Judgment for Ivan Crane v Secretary of State for Communities  
and Local Government, Harborough District Council, submitted by the  
Council  
18 Email from the Council, dated 10 May 2016 (1229hrs), submitted by the  
Council  
19 Notice of Decision and plans for an application for planning permission (Ref.  
No. 16/00155/FUL, approved on 7 March 2016, for the demolition of an  
existing building) change of use from agriculture to residential (C3) and  
erection of a dwelling (part retrospective) at Summerfield, Banbury Road,  
Ettington, submitted by the Council  
20 High Court Judgment for Stroud District Council v Secretary of State for  
Communities and Local Government, Gladman Developments Limited,  
submitted by the appellants  
21 Agreed application plans, submitted by the appellants (Plans A1/1 – A1/32  
below)  
22 Submission by Councillor Philip Seccombe  
23 Table 1: Housing Requirement using the Sedgefield Approach and 20%  
Buffer; Table 2: Stratford-on-Avon Supply of Housing Land 31 December  
2015 – Revised; and, Table 3: Five Year Supply Figures based on the  
Sedgefield Approach, submitted by the appellants  
24 Summary of 5 Year Supply from Sites in Dispute, submitted by the Council  
25 Table 1: Comparison of actual completions against forecast completions for  
complete five year periods taken from the 2006 to 2011 Annual Monitoring  
Reports, submitted by the Council  
26 Comparison of February figures in 006/2016 with changes accepted by  
Stratford; Revised 006/2016 Five Year Supply Calculation as of December

- 2015 with above changes reflected in it; and, Revised 006/2016 Five Year Supply Calculation as of December 2015 with above changes reflected in it and using revised 5% discount rate, submitted by the appellants
- 27 Email from Dave Nash, Policy Manager (Planning and Housing), dated 3 May 2016 (1107hrs), submitted by the appellants
- 28 Appeal Decision (Ref. APP/J3720/W/15/3023047), submitted by the Council
- 29 Policy Bundle, including extracts from the Core Strategy Proposed Submission Version, June 2014, and the Stratford-on-Avon District Local Plan Review 1996-2011, adopted in 006, as well as the Core Strategy Schedule of Main Modifications, March 2016, submitted by the Council
- 30 Highway Boundary Plan with Proposed Site Access and Visibility Splays (Drawing No. DWG-08) at A2, submitted by the appellants
- 31 Letter from Warwickshire County Council, dated 15 September 2015, submitted by the appellants
- 32 Rebuttal to response by PR Tesh on behalf of Ettington Residents' Group: May 2016, submitted by the appellants
- 33 Extract from Manual for Streets 2, submitted by the appellants
- 34 Highway Curvature Study (Drawing No. 1953155-002), submitted by Mr Tesh
- 35 Ettington Parish Council Representation, submitted by Councillor Hughes
- 36 High Court Judgment for St Modwen Developments Limited v Secretary of State for Communities and Local Government and East Riding of Yorkshire Council and Save Our Ferriby Action Group, submitted by the appellants
- 37 Suggested Conditions, submitted by the appellants
- 38 Title Page of Laying the Foundations: A Housing Strategy for England, November 2011, submitted by the appellants
- 39 Costs application on behalf of the appellants
- 40 Certified copy of a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, submitted by the Council
- 41 Coordinates Location Plan, submitted by the appellants
- 42 Ettington – Public Rights of Way plan, submitted by the Council
- 43 Closing on behalf of the local planning authority
- 44 Closing submissions on behalf of the appellants
- 45 Outline of local planning authority's response to the costs application made on behalf of the appellants
- 46 Emails from the Council dated 24 March 2016 (1243hrs) and the appellants dated 24 March 2016 (1244hrs), submitted by the Council

#### **DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE INQUIRY**

- 47 Updated agreed list of suggested conditions, submitted by the appellants
- 48 List of plans the subject of this appeal, submitted by the appellants
- 49 Appeal Decision (Ref. APP/J3720/W/15/3010653), submitted by the appellants
- 50 Email from the Council, dated 27 June 2016 (1616hrs), including a copy of the Core Strategy Inspector's Report, dated 20 June 2016
- 51 Email from the Council, dated 28 June 2016 (1525hrs), setting out its comments in respect of the Core Strategy Inspector's Report
- 52 Email from the appellants, dated 30 June 2016 (1017hrs), setting out their comments in respect of the Core Strategy Inspector's Report

## PLANS

- A1/1 Drawing Register and Issue Sheet
- A1/2 Schedule of Units
- A1/3 Site Location Plan (Drawing No. 13183/1030)
- A1/4 Topographical Survey (Drawing No: 13168/1080)
- A1/5 Planning Layout (Black and White) (Drawing No. 13183/5100)
- A1/6 Planning Layout (Colour) (Drawing No. 13183/5100)
- A1/7 Garages (Drawing No. 13183/6020)
- A1/8 Materials and Boundary Treatments (Drawing No. 13183/5101)
- A1/9 Affordable Housing Plan (Drawing No. 13183/5102)
- A1/10 Street Elevations (Drawing No. 13183/3600E)
- A1/11 4B.8P.1904 Plans (Drawing No. 13183/6100.1A)
- A1/12 4B.8P.1904 Elevations (Drawing No. 13183/6100.2A)
- A1/13 4B.8P.1904 (Thatch) Plans (Drawing No. 13183/6101.1)
- A1/14 4B.8P.1904 (Thatch) Elevations (Drawing No: 13183/6101.2)
- A1/15 4B.8P.1843 Plans (Drawing No. 13183/6102.1B)
- A1/16 4B.8P.1843 Elevations (Drawing No. 13183/6102.2B)
- A1/17 4B.8P.1648 Plans (Drawing No. 13183/6103.1A)
- A1/18 4B.8P.1648 Elevations (Drawing No. 13183/6103.2A)
- A1/19 4B.8P.1480 Plans (Drawing No. 13183/6104.1A)
- A1/20 4B.8P.1480 Elevations (Drawing No. 13183/6104.2A)
- A1/21 3B.6P.1151 Elevations (Drawing No: 13183/6106.1A)
- A1/22 3B.5P.961 Elevations n Plans (Drawing No. 13183/6107A)
- A1/23 2B.3P.777 Elevations n Plans (Drawing No. 13183/6109B)
- A1/24 3B.5P.915 Elevations n Plans (Drawing No. 13183/6110B)
- A1/25 2B.4P.769 Elevations n Plans (Drawing No. 13183/6111B)
- A1/26 1B.2P.500 Elevations n Plans (Drawing No. 13183/6112A)
- A1/27 Entrance Perspective (Drawing No. 13186)
- A1/28 Landscape Strategy (Drawing No. CSa/2384/106 Rev. D)
- A1/29 Highway Boundary Plan with Proposed Site Access and Visibility Splays (Drawing No. DWG-03 Rev. B)
- A1/30 Mercedes Econic Refuse Vehicle Swept Path Analysis (Drawing No. DWG-07)
- A1/31 Highway Boundary Plan with Proposed Site Access and Visibility Splays (Drawing No. DWG-08)
- A1/32 Tree Protection Plan (Drawing No. TSP 1 Rev. 1)

### Annex 1: Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13183/1030, 13168/1080, 13183/5100 (Black and White), 13183/5100 (Colour), 13183/6020, 13183/5101, 13183/5102, 13183/3600E, 13183/6100.1A, 13183/6100.2A, 13183/6101.1, 13183/6101.2, 13183/6102.1B, 13183/6102.2B, 13183/6103.1A, 13183/6103.2A, 13183/6104.1A, 13183/6104.2A, 13183/6106.1A, 13183/6107A, 13183/6109B, 13183/6110B, 13183/6111B, 13183/6112A, 13186, CSa/2384/106 Rev. D, DWG-03 Rev. B, DWG-07, DWG-08 and TSP 1 Rev. 1.
- 3) Prior to the commencement of development detailed plans and sections showing existing site ground levels and proposed ground levels and finished floor and ridge levels of the residential dwellings shall be submitted to, and approved in writing by, the local planning authority and the development thereafter shall only be carried out in accordance with the approved details.
- 4) The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment undertaken by BWB Consulting reference BMW/2403/Rev. 2 Final, dated 17 April 2015. The discharge rate shall be limited to 5l/s (western) and 5l/s (eastern) as stated in the Flood Risk Assessment.

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been 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:

- i. Demonstrate infiltration testing in accordance with the BRE 365 guidance to clarify whether or not infiltration into the ground is a viable means of disposing of surface water.
- ii. Demonstrate the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the latter be in force when the detailed design of the water drainage system is undertaken.
- iii. Demonstrate the provisions of the surface water run-off attenuation storage in accordance with the requirements specified in Science Report SC030219 Rainfall Management for Developments.
- iv. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm

- durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- v. Demonstrate evidence from Severn Trent Water that the required grant of approval of discharge of sewerage to their assets including discharge rate and connection point/s has been provided.
  - vi. Demonstrate overland flood flow routes in case of system failure, through hydraulically modelling the floodwater outline, indicating flood flow depths and velocities.
  - vii. Provide a Maintenance Plan to the local planning authority giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the maintenance company and a contact for who will be responsible for the site shall be provided to the local planning authority.
- 5) The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 6) Prior to the commencement of ground works, remediation or built construction the access to the site from Banbury Road shall be constructed, located and laid out in accordance with Drawing No. DWG-03 Rev. B, unless otherwise agreed in writing with the local planning authority.
- 7) No development shall take place, including any demolition works, until a Construction Method Statement/Plan has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during construction;
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
  - viii. HGV routing plan for construction traffic.
- 8) Prior to the commencement of the development hereby approved (including site clearance and ground works), a Landscape and Ecology Habitat Management Plan, including details of the body or organisation

responsible for implementation of the plan, details for long term maintenance, and details of biodiversity enhancement measures, shall be submitted to, and approved in writing by, the local planning authority.

- 9) No development will take place until:
- a. a Written Scheme of Investigation for a programme of archaeological evaluative work has been submitted to, and approved in writing by, the local planning authority;
  - b. the programme of archaeological evaluation work and associated post-excavation analysis, report production and archive deposition detailed within the approved Written Scheme of Investigation has been undertaken; and,
  - c. a report detailing the results of this fieldwork has been submitted to the local planning authority.

Prior to the development works (with the exception of any ground works associated with the archaeological evaluation detailed above) taking place an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed and a timetable for its implementation) shall be submitted to, and approved in writing by, the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed above.

The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy is to be undertaken in accordance with the approved timetable.

- 10) No demolition, site clearance or building operations of any type shall commence or equipment, machinery or materials brought onto the site until a scheme for the protection of all existing trees and hedges has been submitted to, and approved in writing by, the local planning authority. The tree protection measures shall include:
- a. The submission of a Tree Protection Plan and appropriate working methods - the Arboricultural Method Statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations.
  - b. The scheme must include details of the erection of stout protective fencing in accordance with British Standard BS5837:2012, Clause 6.2.
  - c. Fencing shall be shown on the Tree Protection Plan and installed to the extent of the tree Root Protection Area as defined in BS5837:2012 and as agreed in writing by the local planning authority.
  - d. No equipment, machinery or structure shall be attached to, or supported by, a retained tree.
  - e. No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a Root Protection Area that seepage or displacement could cause them to enter a Root Protection Area.

- f. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree within or adjacent to the site.

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.

- 11) Prior to the commencement of development hereby permitted samples and trade descriptions of the external facing and roofing materials, as well as shown areas of hardstanding, to be used in the construction of the development shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved materials.
- 12) Prior to the commencement of development hereby permitted a scheme of landscaping shall be submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall include:
  - a. planting plans;
  - b. written specifications including cultivation and other operations associated with tree, plant and grass establishment;
  - c. a schedule of plants, noting species, plant sizes and proposed numbers/densities;
  - d. existing landscape features, such as trees, hedges and ponds, to be retained, accurately plotted (where appropriate);
  - e. existing landscape features, such as trees, hedges and ponds, to be removed, accurately plotted (where appropriate); and,
  - f. 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 approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted.

If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or it dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, it shall be replaced by planting as originally approved, unless the local planning authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 13) No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive in any year, unless a competent ecologist has undertaken a check of the site for active birds' nests immediately before works commence and provided written confirmation to the local planning authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on-site.

- 14) No dwelling that has a downpipe, within the development hereby permitted, shall be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 15) No dwelling hereby permitted shall be occupied until 3 bins for the purposes of refuse, recycling and green waste, in accordance with the Council's bin specification as applicable at the point of first occupation of each dwelling, have been provided by the developer for that dwelling.

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