



Appeal Decision

Inquiry held on 8-10 April 2014

Site visit made on 10 April 2014

by John L Gray DipArch MSc Registered Architect

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

Decision date: 30 April 2014

Appeal Ref. APP/J3720/A/13/2207830

**Land at 42 Avon Crescent and north of Milestone Road,
Stratford-upon-Avon**

- 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 Persimmon Homes Limited and Mixed Farms Limited against the decision of Stratford-on-Avon District Council.
 - The application, ref. 13/01342/FUL, dated 4 June 2014, was refused by notice dated 26 September 2014.
 - The development proposed is the demolition of the garage at 42 Avon Crescent and the erection of 85 dwellings, associated amenity space, access, parking and ancillary development.
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Decision

1. The appeal is allowed. Planning permission is granted for the demolition of the garage at 42 Avon Crescent and the erection of 85 dwellings, associated amenity space, access, parking and ancillary development on land to the rear of 42 Avon Crescent, Stratford-upon-Avon, in accordance with the terms of the application, ref. 13/01342/FUL, dated 4 June 2014, subject to the conditions set out in the attached schedule.

Application for costs

2. At the inquiry, an application for costs was made by Persimmon Homes Limited and Mixed Farms Limited against Stratford-on-Avon District Council. This application is the subject of a separate decision.

Clarification

3. The refusal notice elaborates on the application description by referring to "ancillary works including new cycleway/footpath and emergency access to the side of no. 42 Avon Crescent". It appears that agreement on this change between the applicants and the Council was only verbal. The phrase "ancillary development" in the description on the application form, as used above, is adequate to incorporate the works identified in the refusal notice description. In addition, the conditions attached to planning permission identify the drawings on which those works are shown and require completion of them before any dwelling is occupied.

Main Issue

4. The application for planning permission was refused for five reasons. The Council gave notice at various stages during the appeal process that it would

not defend four of those five reasons – relating to highways matters, the layout of the proposed development, the character and setting of Stratford-upon-Avon and the terms of the (then) proposed section 106 obligation.

5. The main issue in the appeal flows from the remaining reason for refusal. It is whether the relationship between the appeal site and the nearby airstrip at Arden Heath Farm is such that there be would an undue threat to the safety of either residents of the proposed development or users of the airstrip.

Reasons

Use of the airstrip

6. Planning permission was granted on 14 July 1999 for the “occasional” use of the airstrip at Arden Heath Farm. That permission expired on 1 July 2001. On 23 August 2001, planning permission for use of the airstrip was granted on a permanent basis, subject to conditions (amongst others) limiting the use to no more than eight take-offs in any one day, no more than 150 take-offs in a year and use of the airstrip on no more than 80 days in a year. In terms of intensity of use, that provides the context for consideration of this appeal.

Take-off flight paths

7. The 1999 application was accompanied by plans showing flight paths and a no-go area. A condition on that permission required all take-offs in still air to be towards the east and restricted take-offs to the west to the flight paths shown on the plans. That condition is not attached to the 2001 permission, although the same plans apparently accompanied the application.
8. Mr Williams, the owner and main user of the airstrip, said that he follows the flight path on that plan (the blue line on Document 14) when taking off to the west. Of course, the line does not exist on the ground and the flight path can be followed only approximately. Indeed, it was clear that, depending on conditions on the day (both weather and flight load), the curve of the take-off flight path might extend a little further to the west, closer to the line of the no-go area (which Mr Williams said he does not transgress).
9. There are two flight paths shown on the plans, one in still air and one in a 10 knot wind (respectively blue and purple on Document 14). The prevailing wind is from the south-west and, while no wind rose was provided in evidence, it was accepted that winds with a westerly element would occur around 70% of the time. It might be argued that the blue flight path would never be used, because a take-off in still air would be made to the east. However, even a light breeze from the west would prompt a take-off into it; and, as Mr Williams indicated, the take-off path of a microlight carrying two people and a full fuel load might well extend a little west of that line.
10. The flight path in a 10 knot wind does not appear to be shown particularly accurately on the plans with the 1999 and 2001 applications. It seems to involve a sharp turn to the south at about the end of the runway. The purple line on Document 14 shows a more even curve, starting from some 100-150m short of the western end of the airstrip. It is not clear exactly why, if a microlight will take off in around 200m, about half way along the airstrip, it would not then be able to begin its turn to the south as shown on the plan. Mr Williams, however, said that, with a full load, he would not start a turn until beyond the end of the airstrip (by 80m or so); and that seems a sensible approach, if the turn can still be made without intruding into the no-go area, because the microlight would have attained a greater height by then.

11. Bearing all of the above in mind, it seems more appropriate to consider the line of the no-go area as the one which ought not to be crossed, rather than the blue or purple lines as the flight paths that ought to be followed.

The no-go area

12. The hatched area on the 1999 and 2001 plans is a no-go-area, not a safety buffer. The officer reports are clear on the matter. The 1999 report defines the key issues as noise and safety; it concludes that there is no safety reason for refusing the application and recommends the temporary permission in order to monitor noise and its impact. The 2001 report reaches the same conclusion on safety and records that there have been no complaints during the period of the temporary permission. All of the conditions attached to both the temporary and permanent permissions were for amenity reasons; none was to do with safety.
13. That the no-go area could not be a safety buffer is also evident from the fact that it extends over the built-up area. Coincidentally, however, it may be thought to provide something of a safety buffer and, given the objections raised at the application stage, the Council was bound to give due consideration to the matter at that time. While the officer recommendation was to grant planning permission, members concluded that the question of safety justified a reason for refusal and the main issue remains as set out above. (The Council raised no objection on noise grounds.)

The threat to safety

14. The threat to safety is from an engine failure on take-off which necessitates a forced landing. For the Council, Mr Weighell's evidence describes engine failures as "thankfully only occasional" but nevertheless "a real danger". The greatest risk is on take-off; the aircraft is still at a relatively low altitude and, if the engine fails, it must glide to a suitable landing area if it is not to crash. In simple terms, the proposed development would put houses on what is potentially, at present, a safe area to land. It is around 570m from the end of the airstrip to the furthest point of the appeal site but the proposal would reduce the distance to developed land to a range of 380-450m.
15. In the event of engine failure, the part of a flight over which a pilot might look to make a forced landing on the appeal site is actually very limited. On the 'blue line' flight path, which may reasonably be used for estimation purposes, the aircraft would be on a heading clear of the appeal site within 250m of the end of the airstrip. At a little over 150m from the runway, it would be at a point where a 30° turn to the left, said to be a reasonable deviation to either side in order to seek a safe landing spot, would take it clear of the appeal site.
16. The plan with the 1999 and 2001 applications shows both flight durations at various points on the take-off path and the heights achieved at those points. It indicates that a microlight would be 150m beyond the end of the airstrip some 12 seconds from take-off and heading clear of the appeal site only 3 or 4 seconds later; altitude would be about 150 feet at the first, 175 feet at the second. Mr Slater, for the Council, thought it would need about 200m to land from a height of 200 feet and potentially a further 200m to stop.
17. Of particular concern to the Council was when the wind had "a component from the north" – in essence, if the wind was a north-westerly or north-north-westerly. In that case, the normal flight-path turn becomes a downwind turn, in the opposite direction to what is safer for a forced landing. Mr Weighell

thought that, if the engine failed, the pilot would try to manoeuvre during the glide in order to land into the wind. To try to land on the appeal site, however, would necessitate a tight right-hand turn, of anything up to 135°, with the associated risk of either decelerating too much in the turn or having to put the nose of the aircraft too far down in order to maintain the necessary speed. The pilot would have had to gain sufficient height from take-off to be able to make that manoeuvre and, if he or she had, then it is debatable, on Mr Slater's estimates, whether there would be enough distance to land and come to a stop before the existing residential development on Avon Crescent.

18. Mr Williams said that the heights shown on the plan were attainable – though definitely not if the microlight was fully laden. He also said that, from the lower heights he would expect to have attained at the critical points in a flight, turning into the wind to land on the appeal site would not appeal to him and he would instead look to continue broadly in the direction he was already flying, perhaps on the turn he was already making, to land downwind or crosswind somewhere to the south or east. He did not think he would have time to consider other options.

Safety for residents of the proposed development

19. Department for Transport (DfT) Circular 01/2010 establishes a maximum tolerable level of individual risk of 1:10,000 per year. The Health and Safety Executive (HSE) considers a risk greater than that to be unacceptable to the public; a range between 1:10,000 and 1:1,000,000 is considered tolerable provided the risks are kept as low as reasonably practicable; a risk lower than 1:1,000,000 is broadly acceptable.
20. The only data-based risk assessment carried out in respect of people on the ground was on behalf of the appellants. It makes a conservative assumption about fatal accident rates for microlights, does not allow for observed reductions in aviation accident rates over time, assumes the maximum permitted use of the airstrip, with 70% of take-offs being towards the west, and does not assume that any protection would be afforded by building structures. On that basis, the individual risk for a person on the ground within the appeal site would vary between 1:25,000,000 and 1:50,000,000.
21. That is the quantitative assessment of the risk to a person on the ground from a microlight crashing. It is substantially less than the threshold of tolerability. Statistically, the risk is the same immediately beyond the end of the runway as within the appeal site. That does not mean, however, that one could theoretically build houses closer to the end of the airstrip, because one must also then take into account the separate risk from the aircraft having to clear the physical obstacles.
22. There is no qualitative evidence that might help to refine the quantitative assessment. There is anecdotal evidence – but it is of no real assistance. It was suggested by Mr Weighell that there were one or two fatalities a year due to microlight crashes but the context for that – numbers of flights, for example – is unknown. It is also not known to what extent the fatalities were to people on the ground or to pilots and passengers. The photographic evidence was of a crash from as long ago as 2009, which implies (there was no evidence on the matter) a certain scarcity. Mr Weighell thought he had suffered around 20 engine failures in 9,500 flying hours, which he estimated at 36,000-40,000 take-offs. He had not suffered any crashes, which must mean the he was always able to make a successful forced landing. Put

another way, he has experienced engine failure roughly once every 18,000 flights; if that is representative, it suggests that engine failures, let alone crashes, and far less fatalities, occur at a rate significantly lower than the DfT tolerable level of individual risk.

Safety for pilots and passengers

23. Mr Evans' evidence suggested that a microlight could be about 200 feet above ground at the end of the runway. If the engine failed at that point, there would, according to Mr Slater's evidence, be very nearly enough room to make a forced landing and come to a stop before reaching the appeal site boundary. In fact, the evidence from the Council, and Mr Williams, recommended against climbing as quickly as that immediately after take-off; on what was said, the aircraft would more likely be about 100-130 feet above ground, in which case there would be ample room to make a forced landing from that point, were it necessary.
24. At a point about 150m beyond the end of the airstrip, a microlight could have climbed to about 250 feet according to Mr Evans (and higher into a 10 knot wind) but perhaps just under 200 feet on the Council's evidence and a little less than that if interpolating from the plan with the 1999 and 2001 applications. At that point, however, following the 'blue line' flight path, the aircraft could have undeveloped land directly ahead if the pilot were able to continue his or her turn for a distance of another 150m or so. Thus, if the engine failed 150m beyond the airstrip, being able to continue the turn would, within a few seconds, give the pilot a minimum of 430m from the point of failure in which to land and come to a stop (increasing in distance the more the pilot was able to continue the turn).
25. At a point 250m beyond the end of the airstrip, a microlight would be at a height of about 300 feet according to Mr Evans (higher into a 10 knot wind) but only just over 200 feet on the Council's evidence and on interpolating from the 1999/2001 plan. At that point, if the engine failed, there would be about 350m straight ahead and clear of the appeal site to make a forced landing; continuing the turn for less than 100m would take the heading clear of all built development.
26. The distances and heights used above are based on what was said by all parties at the inquiry and indicate that, if an engine failure occurred while following the 'blue line', housing on appeal site would pose a threat to a safe forced landing only within a very short segment of that flight path – from just beyond the end of the airstrip to 150-200m from it. If a pilot were able to begin the turn to the south sooner after take-off (though not necessarily as early as the 'purple line'), then there would very little, if any, threat at all. The fact that a forced landing would be downwind in a north-westerly or north-north-westerly makes very little difference – the aircraft would be turning downwind anyway and there is already very little scope to turn and land into the wind.
27. The risk to pilots and passengers cannot be directly related to the risk of fatality to a person on the ground, which must be different to the risk of a crash itself. An aircraft that crashes may not hit anyone on the ground but the pilot and any passenger are in the aircraft whatever. However, the risk of engine failure, on the evidence available to the inquiry and analysed above, is smaller than the tolerable risk of a fatality and it seems that few engine failures are followed by an accident that involves serious injury or death.

Conclusion on the main issue

28. There were numerous differences between the witnesses for the appellants and the Council on what heights might reasonably be attained from take-off by a microlight in what wind conditions and over what distances; there were also differences between Mr Williams and the Council's witnesses, even though all were objecting to the proposed development. That is not a criticism; it simply indicates that different people have different approaches to flying, perhaps influenced by the conditions in which they normally fly.
29. On a conservative basis, however, the risk of fatality for a person on the ground within the appeal site is much, much lower than the thresholds of tolerability acceptable to the DfT and HSE. Also, the incidence of engine failure in a microlight, albeit that there is scant evidence, appears to be less than those thresholds of tolerability; and it seems few failures lead to a crash or serious injury or death. Accordingly, there is no basis to dismiss the appeal because of any undue threat to the safety of either residents of the proposed development or users of the airstrip.

Highways matters

30. The Council withdrew the reason for refusal of the application relating to highways matters. However, many local residents objected, however, at both the application and appeal stages, to what they saw as a development that would generate traffic beyond what was acceptable within Milestone Road, at its junction with Banbury Road and further afield in Stratford-upon-Avon, notably at the Clopton Bridge on the approach to the town centre.

Trip rates and distribution

31. Trip rates for the proposed development were based on those from the manual survey of the junction of Milestone Road with Banbury Road; the morning peak hour trip rate is 0.5 trips/dwelling. That is not inconsistent with the higher (0.62) trip rate from the nearby Charles Church site; the development there has fewer houses but a higher proportion of larger ones, both of which indicate a higher trip generation rate per dwelling, and the proposed development would have a higher proportion of affordable housing, which tends to generate fewer.
32. The trip distribution forecast for the Charles Church development, used for the proposed development, was that just 26% of morning peak hour traffic would go along Banbury Road towards Clopton Bridge; it is 54% from the existing Milestone Road housing. The highway authority did not agree with the proposed trip distribution but commented that, even with an amended distribution, the impact of the development would not be "detrimental to highway safety or contrary to para. 32 of the NPPF". The executed obligation covenants £56,549 to the County Council as a *pro rata* contribution to planned highway improvements in the Clopton Bridge area.

Milestone Road

33. Milestone Road has a carriageway 5.5m wide with 1.8m footways on either side. The traffic presently using it comprises predominantly private cars; that would remain so with the proposed housing, with very few larger vehicles. Manual for Streets (MfS) says that a large vehicle will be able to pass a car comfortably on a 5.5m carriageway – although that is admittedly less true of a curving carriageway, like part of the existing cul-de-sac. Even

so, there is no reason why the width and alignment of Milestone Road should be thought inadequate to accommodate the increase in traffic.

34. Concern was raised about on-street parking causing difficulty when more traffic would be using the road. There were either five or six vehicles parked on-street during each of my visits, rather more than when the cul-de-sac was surveyed on behalf of the appellants. Nevertheless, it was not difficult to negotiate the full length of the cul-de-sac, including on the one occasion when another car was coming in the opposite direction. The physical and visual nature of the cul-de-sac encourages drivers to move slowly and to take care, a characteristic that would remain intact with the proposed development.

Visibility

35. There is ample visibility for a driver emerging from Milestone Road on to Banbury Road – over 250m to the left and over 440m to the right. There might be a small amount of additional queuing, in the morning peak particularly, because of the increase in traffic leaving the cul-de-sac – but there would be no safety problem.
36. There is, on the other hand, restricted visibility for drivers emerging on to Milestone Road from two of the private accesses. Improvement of the visibility to the right on emerging from the access to nos. 1 and 3 is, to an extent, in the hands of the owners. It is difficult to see a reason why the existing high hedge could not be lowered for a short length (perhaps only about 2.5m) to enable a driver to see over it; the increased visibility still might not be ideal but it would certainly be better. Drivers turning left into Milestone Road have limited visibility of vehicles emerging from this access – but they would be travelling slowly to make the manoeuvre in any event and would have the ability, if necessary, to stop safely.
37. Visibility from the drive to no. 5 is also, to an extent, in the hands of the owner, or perhaps even the highway authority. The existing high vegetation, which adds to the character of the cul-de-sac, encroaches significantly over the footway; if kept to the back of the footway, which is what would be expected and would not do any harm visually, then a driver would have a much better opportunity to nose out into the road, even in reverse.
38. It should be remembered, in both cases, that the increase in traffic as a result of the proposed development would not be substantial in terms of its frequency. The additional traffic in the morning and evening peak hours would amount to no more than an average of one vehicle/minute. It is true that vehicles do not come evenly spaced – but, again on average, if five cars passed in one minute, there would be only one more in the following five minutes. And, of course, there would be far fewer movements outside the peak hours.

Play area

39. The existing play area has railings around it and its gate is some 10m from the Milestone Road carriageway, which is where the additional traffic would be. Traffic would be very light other than in the morning and evening peak hours and, as indicated above, the nature of the existing roadway discourages anything other than low speeds; approaching drivers would be able to see children in good time. Nor would there be any serious constraint on children moving freely and playing outdoors; Milestone Road does not qualify as a Home Zone, originally promoted with the idea of enabling children to have a

more active outdoor life, but the levels of traffic would not be so very different to those that might be encountered in one.

Construction traffic

40. It is almost inevitable that construction traffic would cause some disturbance. That said, the construction period would be no more than about two years (50 houses a year is a commonly accepted rate of construction) and there should be no other problems. It was confirmed at the inquiry that the speed bumps (they are 'tables' rather than 'bumps') would not be removed; and a construction methodology condition can secure on-site parking, loading and unloading, control dust and mud and restrict delivery times to the site. Given the relatively short duration and the controls that are possible, disturbance cause by construction cannot compel dismissal of the appeal.

Obligation

41. The executed section 106 obligation provides for various covenants by the owner and developer to the District and County Councils. The question that arises is whether they all satisfy Community Infrastructure Levy (CIL) Regulation 122. The Council submitted a statement addressing the matter. There is no need to repeat what is said in that statement to support the seeking of the various covenants. In short, the statement sets out cogently why all are necessary to make the development acceptable in planning terms, all are directly related to the development proposed and all are fairly and reasonably related in scale and kind to the development.

Conditions

42. Planning permission must also be subject to conditions that are necessary to secure an appropriate standard of development. Suggested conditions were submitted before the inquiry, I commented upon them and the Council's responses and justifications were considered at the inquiry. There were 19 suggested conditions, including nos. 1 and 2 to impose the statutory time limit and identify the approved drawings.
43. Condition no. 3 is necessary in requiring the emergency access, cycleway and footpath between the site and Avon Crescent to be complete before any dwelling is occupied. Related to that, details of making good at no. 10, following demolition of the garage need to be controlled (though boundary treatment will fall within the ambit of the landscaping condition). In similar vein to condition no. 3, although not discussed at the inquiry, a condition should ensure that the access roads within the site are built to approved standards and that no dwelling is occupied until the vehicle and pedestrian access to it has been completed.
44. Condition no. 4 seeks a construction method statement and is clearly necessary to ensure that building operations are contained within the site and that there is no unreasonable disturbance for neighbouring residents. The suggested condition does not refer to working hours, which should also be specified to avoid harm to residential amenity.
45. Conditions nos. 5, 6, 7, 10, 13, 14, 16 and 17 relate to the detailed design of the layout and house types – dealing with facing materials, hard and soft landscaping, the protection of trees around the boundary of the site, rainwater conservation, Lifetimes Homes standards, the Code for Sustainable Homes, ground and finished floor levels and renewable energy sources. All of

those are necessary to secure sustainable development of a physically and visually appropriate quality.

46. Conditions nos. 8 and 9 deal with foul and surface water drainage, no. 11 with water supply and fire hydrants and no. 12 with refuse and waste, all clearly necessary to secure an appropriate standard of development.
47. Condition no. 15 seeks a programme of archaeological investigation. The archaeological assessment supporting the application found a low potential for archaeological remains and the County Council's consultation response was a verbal one; nevertheless, a condition is reasonable and the approved scheme of investigation can be tailored to the potential of the site. Conditions nos. 18 and 19 deal with ecological matters, flowing from the Habitat Survey supporting the application and the County Council's consultation response. Both are entirely reasonable.
48. Notwithstanding the above comments, some of the suggested conditions have been modified or amalgamated in the interests clarity and precision or in line with the model conditions saved from Circular 11/95.

Overall conclusion

49. The Council acknowledges that there is not a 5-year supply of housing land in the District; it is not necessary for this decision to investigate that further. The position in the NPPF is that, absent a 5-year land supply, planning permission should be granted unless "any adverse impacts of so doing would significantly and demonstrably outweigh the benefits".
50. The Council withdrew four of the five reasons for refusal of the application for planning permission. On the second, no adverse highway impacts are claimed by the Council; those argued by local people are considered above and, individually or together, do not amount to a compelling objection. On the third, the layout of the proposal has been amended to allay the Council's concerns; that amendment can be accepted as it is a minor one not affecting any person or body who would have been consulted initially (and, indeed, made early enough to have itself been the subject of consultation). On the fourth, the claim that the proposal would harm the character or setting of Stratford-upon-Avon is no longer maintained and no one else has raised such an objection. And the fifth is resolved by the section 106 obligation executed by the District and County Councils and the appellants.
51. That leaves the first reason for refusal, which is the main issue considered in this decision. On a conservative assessment, the risk of fatality for a person on the ground within the appeal site is very much lower than the thresholds of tolerability acceptable to the DfT and HSE. The incidence of engine failure in a microlight is also, on the evidence to the inquiry, lower than those thresholds of tolerability, meaning that the risk of serious injury or death is very much lower. Accordingly, there is no basis for dismissing the appeal because of any undue threat to the safety of either residents of the proposed development or users of the airstrip.

John L Gray

Inspector

APPEARANCES

FOR STRATFORD-ON-AVON DISTRICT COUNCIL

James Findlay QC	instructed by Leenamari Aantaa-Collier, Solicitor to the Council.
He called	
Geoffrey Weighell	Chief Executive, British Microlight Aircraft Association.
Stephen Slater	Director, General Aviation Awareness Council.
Philip Smith BA(Hons) DipTRP MRTPI	Director, Brian Barber Associates, Chartered Town Planning Consultants.

FOR PERSIMMON HOMES LIMITED AND MIXED FARMS LIMITED

Peter Village QC	instructed by Robert Linnell of Savills (UK) Ltd.
He called	
Neill Evans	Assistant Chief Flying Instructor, Phoenix Aviation.
Dr Edward Smith BSc PhD CPhys CEng	Principal Consultant, Det Norske Veritas.
Philip Jones CEng MICE MIHT FIHE MITE	Principal, Phil Jones Associates, Transport Consultants.
Robert Linnell BSc(Hons) MPhil MRTPI	Director, Planning Division, Savills (UK) Ltd.

INTERESTED PERSONS

Geoffrey Styles	Local resident and retired transport engineer.
Maureen Newey	Local resident.
Cllr Lynda Organ	Stratford Alveston Ward Member.
Fred Williams	Owner of Arden Heath Farm and the airstrip.
Stephen Hodges	Local resident.
Cllr Jenny Fradgley	Chair, Stratford-upon-Avon Town Council Planning Committee.
Cllr Kate Rolfe	District and County Councillor.
Joanna Pound	Local resident.
Lucy Alder	Local resident.
Andy Alder	Local resident.
David Pedley	Local resident.
Cllr Ian Fradgley	District and County Councillor.

DOCUMENTS

- 1 Letters of notification of inquiry, with distribution list.
- 2 Geoffrey Styles' statement, with appendices.
- 3 Maureen Newey's statement.
- 4 Cllr Lynda Organ's statement.
- 5 Fred Williams' notes and appendices.
- 6 Cllr Jenny Fradgley's statement.
- 7 Cllr Kate Rolfe's statement, with appendices and photographs.
- 8 Lucy Alder's statement.
- 9 Andy Alder's statement.
- 10 David Pedley's statement, with appendices and photographs.
- 11 Cllr Ian Fradgley's statement, with photographs.
- 12 Written representations from Needham & James and Rupert Welch.
- 13 Extracts from *Microlight Instructor and Examiner Guide*.
- 14 A3 plan showing airstrip, flight paths (the blue and purple paths are specifically referred to in the decision above), no-go area, appeal site and annotated distances from the end of the airstrip to existing housing and the appeal site.
- 15 Council's statement addressing CIL Regulation 122 tests.
- 16 Updated suggested conditions, with documentary support.
- 17 Annual average traffic count data for the A3400 at Clopton Bridge.
- 18 Supplementary evidence of Philip Jones, responding to Mr Styles.
- 19 Parking survey in Milestone Road, Waterloo Rise and Wellington Drive.
- 20 Executed section 106 obligation.
- 21 Council's written response to costs application.

APPEAL APP/J3720/A/13/2207830

**Land at 42 Avon Crescent and north of Milestone Road,
Stratford-upon-Avon**

Conditions attached to planning permission

- 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 plans listed in Appendix ASOCG2 to the Addendum to the Statement of Common Ground dated April 2014.
- 3) Development shall not begin until details of the construction of all access road, cycle ways and footpaths within the site and the emergency access from Avon Crescent (including making good at no. 10 following demolition of the garage) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the emergency access from Avon Crescent has been completed in accordance with the approved details; and no dwelling shall be occupied until the vehicular, cycle and pedestrian accesses serving it have been constructed in accordance with the approved details.
- 4) Development shall not begin until full details and samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Development shall not begin until full details of both hard and soft landscape works, based on drawing no. JBA 12/215-SK01 and the suggestions in the Phase 1 Habitat Survey by JBA dated January 2013, have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished ground and floor levels; all means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures, including street furniture, play equipment, refuse or other storage units, signs, lighting etc; proposed functional services above and below ground; and a programme for implementation and maintenance. All hard and soft landscape works shall be carried out in accordance with the approved details, and the implementation and maintenance programme.
- 6) Development shall not begin until a scheme for the protection of all existing trees and hedges to be retained around the boundaries of the site (including trees outside the site but projecting over it) has been submitted to and approved in writing by the local planning authority. All protective fencing forming part of the approved scheme shall be erected before any equipment, machinery or materials are brought on to the site; ground levels shall not be altered and nothing shall be stored or placed within the areas fenced. 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.
- 7) Development shall not begin until a scheme, including a timetable for implementation, to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources

- has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the timetable and retained as operational thereafter.
- 8) A minimum of 50% of the dwellings hereby permitted, precisely which ones to be submitted to and approved in writing by the local planning authority, shall be designed and built to meet all of the relevant specifications of the Joseph Rowntree Foundation's Lifetime Homes Criteria, July 2010.
 - 9) All of the dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes, or the equivalent rating in any document that may replace that Code. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
 - 10) No dwelling which has a rainwater downpipe shall be occupied until it has been provided with a water butt of minimum 190 litres capacity, fitted with a childproof lid and connected to the downpipe.
 - 11) No dwelling shall be occupied until it has been provided with three bins, in accordance with the local authority's specifications, for the purposes of refuse, recycling and green waste.
 - 12) Development shall not begin until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented.
 - 13) Development shall not begin until a scheme for surface water drainage, drawing on the recommendations in the Flood Risk Assessment by EPS, dated March 2013. No dwelling shall be occupied until the approved scheme has been implemented.
 - 14) Development shall not begin until a scheme for the provision of water supply and fire hydrants for fire-fighting purposes has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented.
 - 15) Development shall not begin until a further badger survey has been undertaken, as recommended in the Phase 1 Habitat Survey by JBA dated January 2013. The survey report and details of any mitigation measures to be undertaken consequent upon it shall be submitted to and approved in writing by the local planning authority, along with a timetable for implementation. Mitigation shall be carried out in accordance with the approved timetable.
 - 16) Development shall not begin until details of five bat boxes and five bird boxes, as suggested in the Phase 1 Habitat Survey by JBA, dated January 2013, have been submitted to and approved in writing by the local planning authority, along with a timetable for their installation. The boxes shall be installed in accordance with the approved timetable.
 - 17) Development shall not begin until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
 - 18) Demolition or construction works shall not take place outside 08.00-18.00 hours Mondays to Fridays, 08.00-13.00 hours on Saturdays or at any time on Sundays or Bank Holidays.

- 19) No development shall take place, including any works of demolition, until an Environmental Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) the loading and unloading of plant and materials;
 - iii) the storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including any decorative displays and facilities for public viewing;
 - 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;
 - viii) a construction traffic management plan, to address the nature and size of vehicles entering and leaving the site, the permitted times for deliveries and collections and any measures necessary to ensure safety on the highway and for neighbouring nearby residents.

Richborough Estates