



Appeal Decision

Hearing held on 2 and 3 September 2015

Site visit made on 3 September 2015

by L Gibbons BA (Hons) MRTPI

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

Decision date: 15 October 2015

Appeal Ref: APP/J3720/W/15/3007063

Land off London Road, Shipston-on-Stour, Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nigel Painter (Orbit Homes) against the decision of Stratford on Avon District Council.
 - The application Ref 13/02360/OUT, dated 11 September 2013, was refused by notice dated 27 November 2014.
 - The development proposed is outline planning application with means of site access from London Road to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 55 dwellings, public open space, earthworks, structural landscaping, car parking, and all other ancillary and enabling works.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application with means of site access from London Road to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 55 dwellings, public open space, earthworks, structural landscaping, car parking, and all other ancillary and enabling works at Land off London Road, Shipston-on-Stour, Warwickshire in accordance with the terms of the application, Ref 13/02360/OUT, dated 11 September 2013, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. At the Hearing an application for costs was made by Mr Nigel Painter (Orbit Homes) against Stratford on Avon District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The application seeks outline planning permission with access to be determined at this stage. Layout, scale, appearance and landscaping are reserved matters to be considered in the future. The application is accompanied by plans showing an indicative layout and an illustrative masterplan. These are indicative only and I have considered them accordingly.
4. During the planning application process the proposal for up to 60 dwellings was amended with the number reduced to a maximum of 55 dwellings. At the Hearing, the appellant confirmed that drawing E03 Rev C which is referred to in the title as 'Indicative' does set out the formal details of access. As part of the

appeal process, the Landscape Plan (L7) submitted with the application was updated to include reference to planting species. This was discussed at the Hearing and as the changes only provide clarification I consider no-one with an interest in the appeal would be prejudiced by my taking the plan into account. I have determined the appeal on this basis.

5. The proposal is accompanied by a certified copy of a signed Section 106 (S106) Agreement dated 11 September 2015, in relation to the provision of affordable housing, open space and play equipment, biodiversity offsetting, management of sustainable drainage systems and infrastructure contributions. I return to this matter below.
6. The Council submitted the Proposed Submission Core Strategy (CS) for examination in 2014. The Inspector dealing with the examination of the CS published his Interim Report in March 2015 and since then the Council has undertaken further work on the CS. Consultation on further proposed modifications took place in the summer and I understand that the Council are aiming to provide responses to the consultation to the Inspector in late October. The Council have adopted the wording of some of the policies within the CS on an interim basis for the purposes of development management. This excludes the housing policies.
7. The Council's reason for refusal refers to the Areas of Restraint (AoR) set out in Policy EF.3 of the Stratford on Avon District Local Plan Review (LP) 2006. The Council and interested parties referred to Policy CS13 of the CS which also refers to Areas of Restraint and is one of the Council's interim policies. I accept that there were very limited objections to Policy CS13 and the Inspector did not specifically refer to it in his interim report. Nevertheless, I cannot be certain that this policy would remain unchanged and taking account of the stage in the process including that the Inspector is still to decide on the CS as a whole, I consider it would be inappropriate at this stage to give Policy CS13 significant weight.

Background and Main Issues

8. Paragraph 47 of the National Planning Policy Framework (the Framework) indicates that in order to boost significantly the supply of housing, local planning authorities should ensure that they meet their full and objectively assessed needs for market and affordable housing. At the Hearing the Council confirmed that it cannot demonstrate a five year supply of housing land with a 3.85 years supply based on the Council's most recent Objectively Assessed Need figure of 14,480. I attribute very significant weight to the lack of a five year housing land supply in the District.
9. As there is not a five year supply of deliverable housing land, relevant housing policies should not be considered up to date. At the Hearing the appellant confirmed that for the purposes of this appeal they did not consider that Policy EF.3 of the LP as being a housing policy for the purposes of the appeal. However, the housing policies within the LP are time limited as they only cover the period up to 2011 and are therefore out of date.
10. In these circumstances paragraph 14 of the Framework sets out how the presumption in favour of sustainable development should be applied and indicates that planning permission should be granted unless any adverse

impacts significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

11. A draft agenda was circulated and discussed at the hearing. However, taking the above background into account and all that I have seen and heard, I consider the main issues are:
- i) the effect of the proposed development on landscape and visual impact;
 - ii) whether the proposal would preserve the settings of the listed buildings of the pair of cemetery chapels and Barcheston Manor, and;
 - iii) Whether the proposal would be sustainable development.

Reasons

Landscape and visual impact

12. The appeal site is located within an AoR as set out in Policy EF.3 of the LP. The explanatory text sets out that the purpose of the AoR is to protect their inherently open character because of the valuable contribution they make to the character of the settlement. In general terms the policy is consistent with the aims of the Framework in respect of the intrinsic character and beauty of the landscape being recognised.
13. The appeal site is on the southern edge of Shipston-on-Stour. It is a fairly rectangular field which is currently overgrown and is not managed for agricultural purposes. The land slopes down towards the valley floor and the river Stour. On the other side of the valley lies the hamlet of Barcheston, separated from the appeal site by the river and a campsite. A recent housing development is adjacent to the north of the site with a single dwelling to the south. The appeal site is similar in size to a number of fields on the slopes of the valley and the hedgerows characteristic of those in the wider area.
14. I note that the Council's Strategic Housing Land Availability Assessment (SHLAA) includes only part of the appeal site and that it refers to negative landscape impacts. However, the appeal site was assessed as part of the Council's Landscape Sensitivity Assessment (LSS) 2011. The general purpose of the LSS was to assist the Council in determining the most appropriate locations for development and to provide a full review of the AoR to determine whether they were justified in principle and whether they need deletion, amendment or addition.
15. The LSS concludes the wider Shipston-on-Stour AoR provides a green corridor to limit development along and adjacent to the river Stour and helps maintain the separation between Shipston-on-Stour and Barcheston. However, although the LSS refers to the appeal site as having medium sensitivity in landscape terms, it refers to the potential for it being acceptable for housing development in relation to Barcheston if designed to minimise the effects on views across the valley. I acknowledge that the Council have retained the appeal site within the AoR in respect of Policy CS13 of the CS.
16. As a result of the design and layout of the houses within the adjacent Angela's Meadow are highly visible from within the appeal site. This creates a physical connection between the appeal site and the built form of Shipston-on-Stour. When viewed from outside the appeal site on the A3400 the fairly dense

hedgerow boundaries provide a sense of enclosure from the surrounding areas. However, this perspective is altered when stood within the appeal site as the field is large enough to feel open and introducing built form would therefore reduce this open character.

17. In terms of visual impact, the proposal is accompanied by a Landscape and Visual Assessment. This refers to a number of viewpoints from which the appeal site can be seen. From the site visit, I noted that the appeal site is partly visible in long distance views from a number of viewpoints and other views referred to by interested parties. This includes views from the long distance footpath Shakespeare's Way, part of the National Cycle Route and local roads at Barcheston and Willington on the opposite side of the valley. However, due to the intervening vegetation and distances between these viewpoints the site is not always easy to identify. The spire of the cemetery chapels is often needed to provide a reference point for the location of the site within the wider landscape. I accept that there are some more open views of the appeal site although these are mainly set with the context of the existing built form of Shipston-on Stour and are at some distance.
18. Although they are for illustrative purposes the accompanying master plan and layout indicate that there is considerable potential for the development to be set away from the north-east and south-east boundaries. There would also be very wide landscape buffers and the opportunity to provide structural planting within the scheme. The proposal would retain and strengthen the majority of the existing hedgerows. The frontage houses on London Road would also be set away from the road and at a much lower level than the height of the road. There would also be the potential to restrict the height of the proposed dwellings which would reduce any impact further. The proposed housing would not protrude beyond Angela's Meadow towards Barcheston.
19. The roofs and upper storeys of the houses would be partly visible in the wider landscape. This would particularly be the case in the early years of the development before landscaping proposals matured. However, these would be in largely transitional views along rights of way and local roads and I consider it would not significantly weaken the visual experience of the users of the public rights of way or those travelling close to Barcheston. The proposal would be of sufficient distance from the Cotswold Area of Outstanding Natural Beauty so that the appeal proposal would not be highly visible and there would be no negative impact in this respect.
20. The campsite is in use mainly during the summer months when trees are in leaf. When matured, landscaping within the scheme close to the campsite boundaries would help maintain the sense of the rural and tranquil context in which the campsite was originally established. Nevertheless, I acknowledge that the users of the campsite would have an awareness of the proposed houses particularly in the short term. I also accept that the development would be clearly seen from within Angela's Meadow and from the adjoining house of Ridgeway to the south. The scheme would be accessed from London Road and the removal of some small lime trees adjacent to London Road would be required to provide visibility from the access. This would result in a change in the streetscene, although this effect would be very limited to a short stretch of road. I consider there would be some moderate negative effects in terms of the proposal's visual impact arising from these factors.

21. The appeal site is positioned away from the most sensitive part of the AoR which I consider is along and adjacent to the river valley. Proposals for landscaping on the north east boundary would help retain the sense of separation between Shipston-on-Stour and Barcheston and maintain the rural setting of Barcheston. Nevertheless, the proposal would extend the built form of Shipston-on Stour into the AoR, resulting in a loss of the open character of the field and it would be in conflict with Policy EF.3 of the LP. There would also be adverse visual impacts particularly at a very local level and the proposal would therefore be contrary to the Framework in respect of protecting the intrinsic character and beauty of the countryside.

Listed buildings

22. I have had special regard to the desirability of preserving the respective settings of the Grade II listed buildings, the pair of cemetery chapels and Barcheston Manor. This is a matter to which I have given considerable importance and weight. With regard to the consideration of the listed buildings, the setting includes the surroundings in which the building is experienced.
23. *The pair of Cemetery Chapels.* Shipston-on-Stour cemetery is opposite the appeal site on the other side of the A3400 and it is still in use. The significance of the pair of the cemetery chapels is architectural and historical. They are examples of the Victorian Gothic style linked by an archway with a tall spire which is visible from a number of longer distance viewpoints. The chapels also demonstrate a rise in non-conformist religions and the sharing of a cemetery between the Anglican and non-conformist communities.
24. The layout of the cemetery is formal with paths and plots laid out in order. There are very mature trees and planting within the cemetery including on the boundary with the A3400. There is a single small entrance to the cemetery from the A3400. The chapels are set back within the cemetery and are a clear focal point when arriving through the gates.
25. I note from historical mapping from the early 1900s that the cemetery was located away from the town with no residential development around it. When heading south out of Shipston-on-Stour the arrival at the cemetery is now experienced within the context of the more recent housing development to the north and north east. Although there are views inside the cemetery towards fields to the west and south, its formal appearance in combination with the pavements, mown grassed areas and street lighting outside on the A3400 lead me to conclude that the cemetery cannot be considered within an entirely rural context. I consider therefore that the setting of the chapels is very limited to the boundaries of the cemetery with the A3400.
26. I appreciate that the proposed development would be visible on arrival and leaving the cemetery. However, the proposed houses would be set back from the road. Moreover, they would only be seen in partial glimpses from outside the chapels. This is due to the entrance to the cemetery being fairly narrow and the very mature planting within the cemetery which obscures clear views of the site from the chapels. The experience of the chapels is also one which is focused inwards towards the cemetery. As a result of the above factors I consider the proposal would not be harmful to their setting.

27. *Barcheston Manor*. In respect of Barcheston Manor, its significance is also in its architectural and historical interest. Barcheston Manor dates from the 16th Century or early 17th Century with later additions. It was the home of William Sheldon and his family with very strong links to tapestry manufacturing in the late 1500s to the early 1600s, including the Sheldon Tapestries.
28. The immediate setting of the Manor comprises both the front and rear gardens which incorporate very mature planting and trees. The LSS refers to the proximity of the appeal site to Barcheston and its listed buildings. Parts of the roof and walls of Barcheston Manor can be seen from within the appeal site and from this perspective Barcheston Manor appears quite enclosed within its gardens and more immediate surroundings of the hamlet. Although I accept that Barcheston Manor is located within a rural environment and both sites sit within the wider valley and ridge landscape there appears to be no clear link between the appeal site and the history of the Manor and the weaving industry which took place there.
29. Moreover, when passing immediately by Barcheston Manor due to the topography and surrounding vegetation there is very little sense of the wider valley floor and ridge opposite. Moreover, the main elevation and formal front garden of the Manor face east away from the appeal site. There is a very obvious relationship between the Manor and the small number of other properties that remain within the settlement today and I consider the building is experienced mainly within this context.
30. Looking from the Manor the upper western part of appeal site is partly visible from upper floor windows in the rear elevation, including from a main staircase and storage rooms in the roof. I accept that parts of the proposed development particularly roofs and upper storeys on the highest part of the slope would be seen from some points inside and outside Barcheston Manor. However, despite the regular pollarding of trees on the banks of the river Stour, there are a significant number of trees and other vegetation which would obscure greater inter-visibility between the appeal site and Barcheston Manor. Photographic evidence provided by the parties indicates that this would be the case even in winter and early spring when the trees are not in leaf. There would be the potential to further reduce the visibility of the proposed scheme through structural planting. The distance between the appeal site and the Manor would also ensure visual separation between the two is maintained and the setting of the Manor would not be harmed as a result.
31. For the reasons given above, I conclude that the proposed development would not cause harm to the significance of the pair of cemetery chapels or Barcheston Manor and that it would preserve their respective settings. It would not be contrary to the Framework where it relates to conserving and enhancing the historic environment.
32. Barcheston contains a small number of other listed buildings including St. Martin's Church. However, taking account of the distance from the appeal site to these features and their position within Barcheston, I consider there would be no harm caused to the significance of these assets by the appeal proposal. In relation to the ridge and furrow features which are present within the appeal site I accept that these are of local significance but that they do not survive well with archaeological potential being low. I consider that subject to a suitable condition the proposal would not be harmful in this regard.

Whether sustainable development

33. The Framework identifies three dimensions to sustainable development – economic social and environmental. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation, because they are mutually dependent.
34. In respect of the economic dimension I understand that the town has recently seen the closure of four major employers. Nevertheless the town does have employment opportunities both in the retail and service sectors and other small businesses. The proposal would provide temporary jobs during the construction phase and the new occupiers would contribute to an increase in spending locally within the town. The proposal would also result in delivery of much needed housing within the District. The site would also be available now and could be brought forward within a five year period.
35. In terms of the social role I acknowledge the concerns of residents that the town has received its fair share of development recently and that this may affect community cohesion. I note that new housing is being built within Shipston-on-Stour and a number of sites with planning permission have yet to be built. I accept that the CS does not propose allocating sites at the town with strategic allocations being made elsewhere within the District. However, it does not necessarily follow from this that the appeal scheme is not needed against the background of a lack of supply of housing in the area. The town is defined as a Main Rural Centre (MRC) and these are settlements that are seen as suitable locations for development.
36. I accept that the most recent Local Housing Needs Survey indicated that only a fairly small number of affordable homes would be needed within the town and that this need has been met through recent development. Nevertheless, the proposal would provide for 19 affordable homes that would contribute to the requirement within the District as a whole and I attach substantial weight to this factor.
37. I accept that there are local concerns regarding the ability of the local doctor's surgery to cope with additional residents; however I note there was no objection from the service in this regard. I also note that there are plans to move to a larger surgery building in the future. In respect of local schools, the education authority accepts that there would be no harm caused if projects to be implemented through the S106 monies are carried out.
38. I have carefully considered the effect of the proposal on the safety of the users of the adjacent campsite. I appreciate the concerns of Girl Guiding Warwickshire that the users should not be put at risk and I note there have been some problems associated with the development of Angela's Meadow. However, the houses within the scheme before me would be separated from the boundary of the camp by a wide strip of landscaping and there would be the potential for the rear gardens to face away from the camp. When combined with the mainly supervised nature of the camping which takes place on the site, I consider that the proposal would not be detrimental in this respect.
39. In respect of the environmental dimension the proposed scheme would introduce habitat management to the site and the Council indicate that the

proposal would have the potential for a net gain in biodiversity. The proposal would ensure the retention of the majority of the existing hedgerows. These would represent clear benefits of the scheme.

40. Interested parties refer to the flooding in the area particularly in 2007 which affected the town centre. However, the Council do not object to the proposal in this respect and there is no objection from Environment Agency subject to suitable conditions being imposed in relation to surface water and flood risk measures. Based on all I have seen and heard I see no reason to disagree with this matter. I have been referred to the potential for problems caused by the lack of car parking facilities within the town centre; however no detailed evidence was provided which would suggest that the proposal would cause harm in this regard. Therefore, this does not weigh against the proposal.
41. In respect of the visual impact of the proposal there would be moderate harm and there would be some loss of openness within the AoR. The appeal site is located on a bus route albeit I accept it provides limited services. There is another bus route located within the town centre. These would provide a limited alternative to the car and the proposal would contribute to improvements to the nearest service in the form of bus shelters. That said I acknowledge that the potential occupiers would be reliant on the use of the car for a large number of journeys. These matters therefore weigh against the scheme.
42. However, even when taken cumulatively the adverse effects of the proposed development would not significantly and demonstrably outweigh the benefits of when assessed against the policies in the Framework as a whole. Of particular importance is the provision of market and affordable homes which would address housing need within the District and would help to reduce the housing land supply deficit. In accordance with paragraph 14 of the Framework when the three dimensions of sustainable development are considered together, the proposal would be sustainable development to which the presumption in favour applies.

Section 106 agreement

43. The S106 agreement sets out the terms for 35% of the proposed dwellings to be in the form of affordable housing and sets out mechanisms for the delivery. It also make provision for open space and play equipment, biodiversity offsetting, and management of sustainable drainage systems. Contributions towards highways measures including gateway features and bus shelters, primary and secondary education, libraries, off site open space and local rights of way.
44. The Council has provided a statement in respect of Regulation 122 of the Community Infrastructure (CIL) Regulations 2010. The justification of the infrastructure contributions demonstrates that they would be directly related to the development, fairly and reasonably related in scale and kind and necessary to make the development acceptable. The Council confirmed that the contributions requested would be compliant with the requirements of Regulation 123 of the CIL regulations which refers to the pooling of infrastructure contributions. I conclude that the obligations would comply with the requirements of Regulation 122 and 123 of the CIL regulations.

Other matters

45. I note that there are local concerns about the effect of the proposal on highway safety. The Council and Highways Authority do not object to the proposal subject to suitable conditions. Based on the evidence before me and observations on my site visit, including the speed and volume of traffic on the A3400, I consider the proposal would not cause harm in this respect.
46. My attention has been drawn to a number of appeal decisions within the District and elsewhere. Consistency between decision makers is important and some of these decisions have some features in common with the appeal proposal and refer to housing land supply, landscape character and the setting of listed buildings amongst other things. However, each of these cases also has different considerations which affect the nature and the Inspectors' conclusions on those developments. In any event, I have considered the proposal on the specific circumstances and detailed evidence which has been provided by all interested parties.

Conditions

47. I have considered the conditions in the light of the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance. A list of potential conditions was discussed at the Hearing. I have amended the wording where necessary for the sake of clarity and to avoid repetition. For the avoidance of doubt and in the interests of proper planning, a condition is necessary specifying the approved plans. It is reasonable and necessary to require reserved matters approval within the standard time limits. For the sake of clarity conditions specifying the maximum number of dwellings and height of the dwellings to be built are also necessary. In the interests of highway safety, conditions relating to the access, ghost junction, kerbs, gradients and visibility splays are necessary. In the interests of biodiversity I have imposed conditions relating to the protection of trees and hedgerows an Ecological Protection Plan and a habitat management strategy.
48. A construction method statement is necessary in order to protect the living conditions of adjoining occupiers. A condition relating to noise mitigation for the dwellings facing London Road is also necessary to protect the living conditions of future occupiers. Due to the sloping nature of the site a condition is needed in relation to existing site and proposed floor levels. A condition is necessary in relation to the archaeological features of the site.
49. In relation to sustainable development, conditions relating to the Flood Risk Assessment, surface water, foul drainage, bin provision, fire fighting, a Travel Framework Plan and lighting are necessary. At the Hearing, a condition relating to water butts was discussed and it was proposed by the parties that this could be replaced to refer to the optional Building Regulation requirements for water efficiency and this has been attached. The Council proposed a condition relating to contamination and I agree this would be necessary.
50. Suggested conditions for play equipment and play space would replicate the terms of the S106 agreement and therefore would not be necessary. Two conditions relating to the materials and drainage requirements for the access were suggested; however these would be controlled through other formal means and would therefore not be necessary. The Council suggested conditions relating to hard and soft landscaping and a landscape management

plan, however landscaping is a matter which is reserved and therefore they would not be necessary at this stage. I have however imposed a condition relating to the design and concept principles of the Design and Access Statement, Landscape and Visual Appraisal and the Landscape Strategy Plan.

Overall conclusions

51. The significant benefits of the proposal, particularly the contribution that it would bring to meeting the shortfall in housing supply and affordable housing in the wider area, when compared to the adverse affects represent a compelling case for allowing the appeal. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out in the attached schedule the appeal should be allowed.

L Gibbons

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT

Ms K Ventham	Barton Willmore LLP
Mr M Chard	Barton Willmore LLP
Dr M Dawson	CgMs Limited
Ms M Cook	Counsel

FOR THE LOCAL PLANNING AUTHORITY

Councillor C Saint	Leader and Ward Member for Shipston North Ward Stratford-on-Avon District Council
Mr J Singh	Stratford-on-Avon District Council
Ms N Pindham	Counsel

INTERESTED PERSONS

Mr P Britton	Resident (also speaking on behalf of Barcheston and Willington Parish Meeting, Girl Guiding Warwickshire & other objectors)
Mr S Wadsworth	Pegasus Group
Ms G Stoten	Cotswold Archaeology
Cllr P Seccombe	Ward Member for Ettington, Stratford-on-Avon District Council
Mr I Cooper	Shipston-on-Stour Town Council
Mrs J Morley	Girl Guiding Warwickshire
Mr K Wardak	Resident
Mr M Taylor	Shipston Residents Group (SHARD)

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1) Appeal notification letter
- 2) Statement on amendments to Hearing Statement supplied by Mr P Britton
- 2A) Amended Hearing Statement supplied by Mr P Britton
- 3) A copy of the SHARD Representation supplied by Mr Taylor
- 4) Statement of Common Ground supplied by the appellant
- 5) Extract from Landscape Sensitivity Assessment (part A) (White Consultants) 2011 supplied by the appellant

- 6) Email correspondence dated 27 May 2015 from Mr D Nash regarding Interim adoption of Core Strategy Policies supplied by the appellant
- 7) Woodcock Holdings Limited v. Secretary of State for Communities and Local Government and Mid Sussex District Council [2015] EWHC 1173 supplied by the appellant
- 8) List of suggested conditions supplied by the Council
- 9) Information Sheet dated 23 July 2015: Five Year Housing Land Supply Calculation Summary as of 31 March 2015 supplied by the Council
- 10) Housing Development Policies Core Strategy Proposed Modifications July 2015 supplied by the Council
- 10A) Core Strategy Proposed modifications in response to the Inspector's Interim Conclusions August 2015 supplied by the Council
- 11) Core Strategy as submitted September 2014 showing subsequent proposed modifications June 2015 supplied by the Council
- 12) Summary of representations on Proposed Submission Core Strategy Policy CS.13 September 2014 supplied by the Council
- 13) Letter from Mr P Drew (Inspector) to Mr D Nash on the Examination of the Stratford-on-Avon Core Strategy Inspector's Interim Conclusions supplied by the Council
- 14) Minutes of Extraordinary Council Meeting 22 June 2015 supplied by the Council
- 15) Principles in relation to Heritage Assets by Ms N Pindham supplied by the Council
- 16) Extract from Landscape Sensitivity Assessment (Shipston-on-Stour) (White Consultants) 2011
- 17) Article from the Antiquaries Journal 92, 2012 - The Role of the Sheldon Family in Establishing the Tapestry-Weaving Workshops Associated with their Name by Sir John Guinness supplied by Mr Britton
- 18) Letter from Ms K Ventham to Ms L Nicholson of Stratford-on-Avon District Council dated 16 July 2015 regarding the Council's defence of the appeal supplied by the appellant
- 19) Letter dated 19 August 2015 from Mr M Nash to the appellant – Stratford-on-Avon District Council's response to Orbit Homes application for a full award of costs supplied by the appellant
- 19) Letter dated 20 August 2015 from Mr M Nash to the appellant regarding the Council's defence of the appeal supplied by the appellant
- 21) Undated certified copy of signed S106 agreement
- 22) Full copy of Landscape Sensitivity Assessment (White Consultants) 2011 supplied by the appellant
- 23) Ecological Protection Plan and Biodiversity Enhancement Scheme by Middlemarch Environmental May 2014 supplied by the appellant

24) CIL Statement dated 2 September 2015 supplied by the Council

25) Note on Compliance of Planning Obligations Sought re: Pooling of Contributions supplied by the Council

26) Meeting Housing Needs Supplementary Planning Document July 2008 supplied by the Council

27) Letter to Mr J Wright MP and Mr N Zahawi MP from Nick Boles MP February 2014 supplied by the Council

28) Bus times for No 50 and 50A buses supplied by the appellant

Richborough Estates

CONDITIONS SCHEDULE

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 04 Rev A – Site Location Plan; Q6345-E03 Rev C – Indicative RTL Access Arrangement and Footway widening.
- 5) The residential development hereby permitted shall be limited to a maximum of 55 dwellings.
- 6) Prior to the first occupation the access to the site and associated ghost island junction shall be positioned and laid out in general accordance with the details shown on plan number Q6345-E03 Rev C.
- 7) The development shall not be occupied until access for vehicles have been provided to the site not less than 5.5 metres in width for a distance of 15.0 metres, as measured from the near edge of the public highway carriageway.
- 8) The access to the site for vehicles shall not be used until they have been provided with 7.5 metre kerbed radius turnouts on each side.
- 9) The gradient of the access for vehicles to the site shall not be steeper than 1 in 50 for a minimum distance of 15.0 metres, as measured from the near edge of the public highway carriageway.
- 10) The development shall not be occupied until visibility splays have been provided to the vehicular access with an 'x' distance of 2.4 metres and 'y' distances of 90.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 11) No part of the development shall be commenced or equipment, machinery or materials brought on to the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing in accordance with British Standard 5837:2012, Trees in relation to design, demolition and construction – recommendations. Fencing shall be shown on a plan and installed to the extent of the tree protection area as calculated using the British Standard. Nothing shall be stored or placed in those fenced areas or the ground levels altered without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

- 12) The development hereby permitted, including site clearance, shall only be carried out in strict accordance with Section 5 of the Ecological Protection Plan prepared by Middlemarch Environmental and submitted to the local planning authority on 16 March 2014.
- 13) No development shall commence until a Habitat Management Strategy for the whole site has been submitted to and approved in writing by the local planning authority. This shall include details of measures to be implemented for ecological mitigation and enhancement, habitat management and measures for the monitoring of outcomes and the means of reviewing the strategy. The approved strategy shall be implemented in full and followed at all times.
- 14) The development hereby permitted shall not be occupied until details of all external street light fittings and external street light columns have been submitted to and approved in writing by the local planning authority. The approved street lighting shall not be carried out otherwise than in full accordance with such approved details.
- 15) The maximum height of any dwelling/building hereby permitted shall not exceed 9 metres when measured from the existing ground level to the ridge height.
- 16) Before occupation the dwellings shall comply with Building Regulations Optional Requirement Regulation 36 (section G2). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 17) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref:R-FRA-Q6345PP-01 Dated July 2013) and the following mitigation measures detailed within the FRA:
 - i) Surface water run-off from the development will be limited to Greenfield QBAR surface water run-off rate of 5 l/s/ha.
 - ii) An offline detention basin will be provided on site to ensure protection against flooding up to the 1 in 100 year rainfall event plus an allowance of 30% for climate change – as detailed in Section 5.4.3 of the FRA.
 - iii) Infiltration drainage testing will be completed prior to detailed design – as indicated in Section 5.2.2.1 of the FRA.
 - iv) Surface water run-off from the development will discharge to Severn Trent Water sewerage network as a rate of 5 l/s/ha – as confirmed in Severn Trent Water's correspondence dated 9 January 2013.
 - v) The storm water drainage will be designed to accommodate the 1 in 100 year storm event taking into account the predicted future effects of climate change (30% increase in intensity) as detailed in section 5.8.1 of the FRA.
- 18) No development shall proceed until a scheme for the management of surface water, which incorporates sustainable drainage systems, is developed in accordance with the design criteria/principles outlined in the approved FRA, has been submitted to and approved in writing by the

local planning authority. No part of the development shall be occupied until the approved works have been carried out.

- 19) No part of the development hereby permitted shall be commenced until a scheme for the disposal of foul water has been submitted to and approved in writing by the local planning authority and thereafter no part of the development shall be occupied until the approved works have been carried out.
- 20) Prior to the first occupation of any part of the development hereby permitted, the developer shall provide 3 bins for the purpose of refuse, recycling and green waste for each dwelling, in accordance with the Council's bin specification.
- 21) No part of the development hereby permitted shall be commenced until a scheme for the provision of water supply and fire hydrants necessary for fire fighting purposes at the site has been submitted to and approved in writing by the local planning authority and no part of the development shall be occupied until the approved scheme has been installed.
- 22) No part of the development hereby permitted shall be commenced until detailed plans and sections showing existing site levels and finished floor levels have been submitted to and approved in writing by the local planning authority and the development thereafter shall be carried out as approved.
- 23) a) No development shall take place until an investigation of the nature and extent of any contamination affecting the site has been carried out by a suitably qualified and experienced person, in accordance with a methodology based on a Phase 1 assessment and conceptual site model for the application site, in accordance with BS10175. The site investigation methodology, its results and the recommended mitigation plan shall be deposited with the local planning authority before any development commences.
b) If, during the site investigation (described in paragraph a) above), any unacceptable contamination is found a further report specifying the measures to be taken to remediate the site shall be deposited with the local planning authority. The site shall be remediated in accordance with the approved measures before the development hereby permitted commences.
c) If, during the course of the development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be detailed in writing to the local planning authority and shall be implemented.

The development hereby permitted shall not be brought into use or continue in use unless and until all and any remediation works identified under paragraphs a), b) and c) above have been carried out and a Validation or Post Remedial report produced by a suitably qualified and experienced person has been submitted to and approved in writing by the local planning authority.

- 24) No development shall take place, including any works of demolition, until a 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. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors together with details of the surfacing of the proposed access to the site to be used by construction vehicles.
 - ii) Details of loading and unloading of plant and materials – including vehicles to be used.
 - 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 mud/dirt during construction.
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) Details of any compounds, structures or enclosures which are required temporarily in connection with the development and where they are to be located.
 - ix) Demolition/ground work and construction work shall not take place outside the following hours Monday-Friday 08:00-18:00, Saturdays 08:00-13:00 and shall not take place at all on Sundays and Bank Holidays.
- 25) The residential properties hereby permitted shall not be brought into use until the supporting Travel Framework Plan hereby approved is implemented.
- 26) No development shall take place, until a scheme of noise mitigation measures for the dwellings facing London Road have been submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the occupation of those dwellings.
- 27) No development shall take place 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.
- 28) Any future Reserved Matters application to be in accordance with the design principles and concepts of the Design and Access Statement (Revision G) pages 10-20; A5.29 Appendix 5 of the Landscape and Visual Appraisal dated 14 February 2014; and the Landscape Strategy Plan – L7 (dated 15 May 2015).