



Appeal Decision

Inquiry held on 14-16 October 2015

Site visits made on 15 and 16 October 2015

by David Nicholson RIBA IHBC

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

Decision date: 3 December 2015

Appeal Ref: APP/J3720/W/15/3004380

Land at Arden Heath Farm, Stratford upon Avon CV37 7DU

- 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 Gallagher Estates against the decision of Stratford-on-Avon District Council.
 - The application Ref. 14/00262/OUT, dated 31 January 2014, was refused by notice dated 19 December 2014.
 - The development proposed is outline planning permission with means of access to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 270 dwellings; public open space, structural landscaping, and other ancillary and enabling works.
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Decision

1. The **appeal is allowed** and outline planning permission is granted with means of access to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 270 dwellings; public open space, structural landscaping, and other ancillary and enabling works at Land at Arden Heath Farm, Stratford upon Avon in accordance with the terms of the application, Ref. 14/00262/OUT, dated 31 January 2014, subject to the conditions in the attached Schedule.

Preliminary Matters

2. A signed and sealed planning obligation, in the form of an Agreement dated 15 October 2015, was submitted pursuant to section 106 of the Town and Country Planning (T&CP) Act 1990 (s106)¹. I deal with its contents below.
3. As set out above, the application was submitted in outline form with all matters reserved except for access. The Council refused the application for two reasons related to highways and air quality, and to infrastructure contributions. During the course of the appeal it withdrew its objections with regard to highways and air quality and, following discussions, agreed on the contributions proposed through the s106 Agreement. The Council's evidence with regard to housing land supply was withdrawn; I have not read it. Nevertheless, objections were pursued by a local residents' group Communities Against Urban Sprawl and Exploitation (CAUSE).
4. The Stratford-upon-Avon Neighbourhood Development Plan (NP) was published for pre-submission consultation in May 2015. I deal with this below.

¹ Inquiry Document (ID)26

5. The Inquiry sat for 3 days from 14-16 October 2015. I held accompanied site visits on 15 and 16 October 2015. I made various unaccompanied site visits before and during the Inquiry, taking in the itinerary of times and places as requested².

Main Issues

6. From all the representations submitted, and my inspection of the site and surrounding areas, I find that the main issues are:
- (a) the effects of the proposals on the local highway network including air quality and highway safety;
 - (b) the effects of the proposals on the character and appearance of the area with particular regard to landscape and design;
 - (c) whether the proposals would preserve the special architectural and historic interest of Clopton Bridge or its setting;
 - (d) the effects of the proposals on infrastructure with particular regard to proposed contributions;
 - (e) whether the proposals would amount to sustainable development as defined in the National Planning Policy Framework (NPPF).

Reasons

7. Stratford-upon-Avon is the largest town in the district. The appeal site lies around 2km east of the town centre and outside its built up boundary. The site is on the urban edge of the town and separated from the village of Tiddington by an area of open countryside adjacent to Knights Lane. There are primary and preparatory schools within 800m of the site. Secondary schools are located about 3km away within the town. Tiddington has a convenience shop, post office, restaurants, a public house and a community centre. The site itself comprises agricultural land extending to approximately 14.65ha overall. These are separated into two parcels by the Loxley Road. The site is classified as a mix of Grade 2 and Grade 3a best and most versatile (BMV) agricultural land³.
8. Access to the town is generally via the Grade I listed, 15th century, Clopton Bridge, which is also a Scheduled Ancient Monument within the Stratford upon Avon Conservation Area. Some of Loxley Road is part of Route 41 of the National Cycle Network. There are bus stops within easy walking distance of the site from which there are four services at intervals of between 40 minutes and hourly to Coventry, Leamington, Warwick and Wellesbourne.
9. The part of the proposals for housing would be developed at a density of roughly 38.5 dwellings per hectare. Other parts of the site would be for open space including an area for children's play, amenity green space, natural areas for sustainable urban drainage and new planted vegetation. Within the site boundary there would be works to widen Knights Lane to create a footway. The s106 obligation would enable off-site works to be carried out.

Local highway network

10. The Tiddington Road joins the Banbury Road close to Clopton Bridge which is one of two vehicular routes over the River Avon and into the town. The

² See ID16a&b

³ Statement of Common Ground (SoCG) CD H1A para 5.29-5.30

junction takes the form of a gyratory system from the start of the bridge, around the Shipston Road roundabout further out along the Banbury Road, and back to the bridge. Tiddington Road joins close to the bridge. From here, drivers wishing to enter the town must drive around the gyratory and the Shipston Road roundabout before heading back up to the bridge. There is currently congestion on Tiddington Road, the gyratory, the bridge and further into town during peak hours. Loxley Road joins Tiddington Road around 300m east of the gyratory. I saw that at the morning peak the queue to the gyratory extends back beyond the junction with Loxley Road such that there are queues on the latter as well.

11. There was no dispute that there is congestion at the junction to the south of the Clopton Bridge. While the length of queuing as indicated in the appellant's graphs⁴ was disputed, by the end of the Inquiry I was satisfied that the discrepancy between the average figures put forward in the Transport Assessment and those experienced by local residents, and which I witnessed, were down to the hours at which the queues were recorded⁵. I also saw that the queues along Tiddington Road build up as a result of the junction onto the gyratory system.
12. The proposals include a substantial contribution, through the s106 obligation, to fund alterations to the junction south east of Clopton Bridge. These would not aim to eliminate the queues. Rather, proposed traffic lights would control the flow of traffic through the junction and physical changes would allow a direct right turn from Tiddington Road onto the bridge without having to navigate the gyratory system. The modelling put forward suggests that this would allow traffic to flow more steadily through the junction, without the current hold-ups, and so mitigate against increased queues along Tiddington Road as a result of new housing development on both the appeal site and on another site at Meon Vale⁶.
13. I accept that although not able to bring expert evidence to bear, the objectors were able to draw on their local experience. I have studied their concerns, including that increased traffic would lead to longer delays at peak hours. However, I am persuaded that by spreading the queues more evenly through the junction, and by introducing a right hand turn from Tiddington Road onto the bridge, the scheme now agreed between the appellant and the highway authority would be likely to prevent any worsening in traffic congestion along Tiddington Road as a result of the development.
14. I have noted the objectors' concerns with regard to testing not being carried out between 15:00 to 16:00 hours and to the swept path analysis for lorries. However, as the morning peak is more pronounced than that in the afternoon, and as lorries would now make a straighter approach to the bridge, I find that these doubts are unfounded. I saw that it is difficult for lorries to pass on Clopton Bridge and that they are required to slow right down. On the other hand, the proposals would not alter this difficulty one way or the other. Although at odds with the appellant's findings, the objectors' March 20014 traffic counts⁷ do not alter my conclusions on the likely effectiveness of the proposed mitigation at the gyratory junction.

⁴ Tucker pp16-17

⁵ The TA covers the whole period from 07:00 to 10:00; local residents and I witnessed the queues around 09:00.

⁶ Planning application 14/01186/OUT – see SoCG para 3.10

⁷ ID 13

AIR QUALITY

15. The Stratford-on-Avon urban area has been designated an Air Quality Management Area (AQMA) on account of the annual mean level of Nitrogen Dioxide in the air (NO₂ µg/m³) which is close to but within the EU limit. A significant part of this level is from traffic; the highest levels are along the Tiddington Road towards the Clopton Bridge junction. The appellant accepted that, although the development is located just outside the AQMA it has the potential to affect it. In 2011, 2012 and 2013, concentrations within the AQMA were below the annual mean objective at all locations and so the 2014 Air Quality Progress Report⁸ found that a meaningful Action Plan was not warranted and that, with concentrations remaining below the objective for three successive years, consideration would now be given to the revocation of the AQMA.
16. The July 2015 Air Quality Assessment: Cumulative Impact of Developments in Stratford-on-Avon Stage 2 was accepted as reliable⁹. This foresees no likelihood of the threshold being exceeded¹⁰, although this was based on a third river crossing. The Council's current view is that a local air quality action plan for Stratford-on-Avon is not warranted. An updated air quality report¹¹, based on the agreed highway improvement scheme and traffic flows, was submitted and a response obtained. New guidance and a new Council report resulted in an addendum to this and a further assessment by the Council's Environmental Health Officer (EHO)¹². By the start of the Inquiry, it was common ground between the Council and the appellant that the EHO was satisfied with this and, as above, the Council's initial concerns with regard to air quality were withdrawn¹³.
17. CAUSE maintained its objections. In particular, it was understandably anxious that air quality would deteriorate as a result of a possible increase in traffic congestion. I fully accept that, if it were likely that the cumulative effect of the proposals would be an increase in the length of traffic queues along Tiddington Road, then there would probably be some deterioration in air quality. However, for the above reasons and subject to the agreed conditions and s106 obligations, I am satisfied that the proposals for the Tiddington Road - Shipston Road scheme would not normally lead to increased peak time congestion compared with that experienced at present. It follows that there would be no deterioration in air quality.
18. I am aware of recent publicity given to the testing problems of certain diesel cars but also accept that this has meant that recent air quality monitoring reflects the current situation. If diesel emissions are soon reduced then that is likely to lead to an improvement in air quality. There is certainly no evidence that the testing problems to date are likely to lead to a greater deterioration in future.
19. In any event, even if, contrary to the evidence, the proposals did lead to some increase in queues, on the basis of the evidence before me as to the possible extent of impact on air quality, and the overall balance to be had, I find that a

⁸ CD B10

⁹ CD B9 – accepted by Holly in XX

¹⁰ Ibid para 5.3

¹¹ 17 April 2015: CD H5 and CD H6

¹² CD H7

¹³ SoCG para 3.13

slight deterioration in air quality alone would not be sufficient reason to refuse the appeal. The proposals would accord with the requirements in NPPF 120 and NPPF 124 that, to prevent unacceptable risks from pollution, new development should be appropriate for its location and, taking into account cumulative effects, that planning decisions should ensure that any new development in AQMAs is consistent with any local air quality action plan.

HIGHWAY SAFETY

20. The appeal site comprises two parcels of land, one on either side of Loxley Road. The northern parcel also borders Knights Lane. The latter connects Loxley Road with Tiddington, and has a 50mph speed limit, reducing to 30mph on the approach to the built up edge of Tiddington village. There is a footway along the eastern side of Knights Lane from the edge of the built up area to the junction with Tiddington Road. The proposals include two new vehicular access roads, one to each parcel. In addition there would be pedestrian access points along Loxley Road and Knights Lane. Through the conditions and s106 obligation, safe footways would then be provided from the pedestrian access points to existing pavements along Loxley Road and Knights Lane.
21. Objectors were concerned with the crossing points near the school on Knights Lane at school drop off and collection times and when there are football matches. However, I saw that the visibility at these points is good and so accept that a more substantial pedestrian crossing is not warranted. On my visits I witnessed the traffic outside the school and saw the extent of congestion. While less than ideal, I also saw that most drivers drove slowly, and indeed courteously. Even with an increase in traffic from parents taking their children to school, I consider that the level of congestion would be nothing unusual for a school gate, indeed rather less than many I have witnessed elsewhere in the country. Finally on this issue, I noted the relatively narrow width of the footbridge connected to Clopton Bridge and the difficulties this poses those trying to pass with bicycles and push-chairs. However, the proposals would not alter this state of affairs one way or the other.
22. For the above reasons, and subject to conditions and the s106 Agreement (below), I conclude on the first issue that the scheme would not lead to unacceptable effects on the highway network, air quality or highway safety. It would comply with saved policy DEV.4 of the July 2006 Stratford-on-Avon Local Plan Review 1996 - 2011 (LP) which treats new or improved access arrangements as an integral part of the overall layout and requires their design to satisfy a number of criteria including road safety and the distribution of vehicular traffic around the wider area. It would accord with NPPF 32 which considers that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe.

Character and appearance

LANDSCAPING

23. The Stratford-on-Avon District Landscape Sensitivity Assessment 2011 was prepared to assist the Council in determining the most appropriate locations for development. It found most zones to be of high or high/medium sensitivity. It identified the appeal site as essentially lying within two 'land cover parcels' of medium sensitivity for housing development. One small area is of

high/medium sensitivity. Several sites of medium sensitivity in the district have been granted planning permission for housing¹⁴. I heard no persuasive evidence that the site comprises a valued landscape as referred to in NPPF 109.

24. I compared the site from several directions with the proposed masterplan¹⁵ and, with the caveat that the detailed design would need to be scrutinised at the reserved matters stage, I was able to assess the likely impact on the countryside. I noted that the area of high/medium sensitivity would not be developed. Other than at access points, boundary vegetation would be retained and supplemented. Houses would be set back from the road, and there would be new planting adjacent to the urban edge and between the proposed housing and the public right of way to the south. While the density of the built areas would be relatively high, other areas would be undeveloped and conditions could control the height of any houses compared with ground levels.
25. I accept that short term views are likely to be harmed by the construction phase, and that some views of the countryside would be permanently altered. Nevertheless, from the evidence at the Inquiry and my site visits, I agree with the main parties that there would be no more than a small to medium degree of harm to the setting of the town.
26. Although the proposals would cause some harm to the countryside, a matter to be recognised under NPPF 17.5, it would accord with NPPF 58 which aims to ensure that developments would be visually attractive as a result of appropriate landscaping. The scheme would comply with policy CS5 of the emerging Stratford-on-Avon District Council Core Strategy, June 2015, (CS) which aims to maintain the landscape character and quality of the district by ensuring that development takes place in a manner that would minimise and mitigate its impact. The proposals would not be at odds with the letter from Brandon Lewis MP¹⁶ emphasising the intrinsic character and beauty of the countryside.

DESIGN

27. Superficially, the scheme would result in two culs-de-sac on opposite sides of the road and, in general terms, it is unusual for such an approach to result in a layout which is permeable, legible and with good connectivity. However, the proposals would also provide footways between the sites, along Loxley Road, and to Tiddington and Wootton Close, which is within the existing limits of the town. Of these, the pedestrian access onto Loxley Road from the southern site would not be provided as part of the highway improvements. However, as all that would be required to achieve this would be an opening in the hedge within the site, I accept that this could be required. Subject to what comes forward at reserved matters stage, I therefore consider that the extent of pedestrian and cycle links means that the scheme could produce a high quality and well connected community. Coupled with the indicative layouts, which would produce legible arrangements, respect both the contours of the landscape and the existing offsets to Loxley Road, and make provision for open space, I find that there is potential for the scheme to amount to good design.
28. The proposals would therefore accord with saved LP policy PR.1, which expects all proposals to respect and, where possible, enhance the quality and character

¹⁴ Peachey para 3.25

¹⁵ Development Masterplan Zoning and Landscape Sections (Bir.4139.09B – 20 November 2014)

¹⁶ The Minister for Housing and Planning to the Planning Inspectorate dated 2 March 2015

of the area; with emerging CS policy CS.9(2), that seeks proposals which would be sensitive to the setting, landscape character and topography; and with the Stratford-on-Avon District Design Guide¹⁷, which articulates the concern that new development tends to look the same wherever you go, and highlights the importance of using main routes and flatter ground and of reinforcing or creating a network of routes. On balance, the proposals would not be out of kilter with the density patterns identified in the Residential Design Guidance and Review of Conservation Areas in Stratford-upon-Avon – Loxley Road Character Study. The scheme would comply with NPPF 56, which attaches great importance to the design of the built environment, and to NPPF 61 which recognises that securing high quality and inclusive design goes beyond aesthetic considerations, and expects planning decisions to address the connections between people and places and the integration of new development into the natural, built and historic environment.

Clopton Bridge heritage asset

29. As a listed structure, Clopton Bridge is a designated heritage asset under the NPPF. The appellant submitted a heritage setting assessment addressing the potential impact of the proposals on the Clopton Bridge. As above, the highways scheme would include proposals to better align traffic heading north across the bridge, where vehicles have previously hit the sides of the bridge and damaged the stonework, and reduce some of the unsightly road signs and markings. English Heritage (as was) raised no objection. I accept that these works would be likely to reduce the future physical impact on the fabric of the bridge and slightly enhance its setting through a reduction in signage. The scheme would therefore reduce the risk of future harm to the bridge, help to preserve the special architectural and historic interest of the bridge and its setting, and enhance the appearance of the conservation area. It would accord with the NPPF, relevant development plan policies and the statutory tests for listed buildings and conservation areas.

Other matters

30. CAUSE expressed concern that the proposals would lead to coalescence, through erosion of the gap between Stratford-upon-Avon and Tiddington, and my attention was drawn to recent applications¹⁸ for land between the appeal site and Tiddington. I acknowledge that potential coalescence is likely to be an issue for those applications in due course. However, they are not before me and, at the time of the Inquiry, the scheme would not close the gap or result in coalescence. I therefore agree with the main parties, for whom it was common ground, that the gap between Tiddington and Stratford-upon-Avon would not be closed to the extent that it would result in coalescence. The scheme would comply with saved LP policy PR.1 which does not permit development which would damage or destroy features which contribute to the distinctiveness of the local area. For the reasons explained below, I give only limited weight to conflict with NP policy H2, which aims to prevent coalescence between Stratford-upon-Avon and Tiddington.
31. The May 2015 draft Stratford-upon-Avon Neighbourhood Plan (NP) was based on the draft CS requirement for approximately 2,700 dwellings by 2031. The CS has since been revised to 3,300 dwellings for the same period. As the NP

¹⁷ CD A21 paras 1.1.1-1.2.1, 4.2.9-11 and 4.3.9

¹⁸ By Rosconn, refs. 15/00920/OUT and 14/02766/OUT

itself acknowledges, this is a limitation and, as the draft NP asserted that it was not making any provision above the figure of 2,700, it now has a gap of some 600 dwellings. It was therefore common ground that the emerging NP as a whole should currently be afforded only limited weight. Even if some weight were given to it as a whole, in the light of *Woodcock*¹⁹ any conflict with land restraint policies, such as NP policy H1, should be given little weight.

32. I saw that there is a small airstrip close to the site and have read the concerns over it. However, I agree with the main parties that it would not be likely to pose a danger to residents of the proposed houses or users of the airstrip. I have noted the extent of discussion at the planning committee but, after a lengthy Inquiry, I have reached my Decision afresh and on its own merits.

Sustainability balance

33. The Supplemental SoCG dealing with 5 year housing land supply (HLS) concludes that the Council cannot currently demonstrate a 5 year HLS and that substantial weight should be given to this shortfall. It was also common ground that the extent of shortfall is not material to the Inquiry. Accordingly it was agreed that saved LP policies STR2, STR2A, STR2B, STR4 and CTY1, which restrain housing, are out of date under NPPF 49. Given this lack of consistency, and following NPPF 215, I give them limited weight.
34. The scheme would therefore provide what all agreed was much needed housing, and 35% affordable housing, with public open space in excess of the standard requirements. These would provide social benefits and economic benefits from construction jobs and new residents. There would be slight environmental benefits as a result of reduced impact on the bridge. My attention was drawn to some locational limitations including the distances to supermarkets, that the primary school is close to capacity, that some cycle routes going into town may be dangerous, and that occupiers are likely to continue to use a high percentage of cars. Nevertheless, given its proximity to the main town in the district, and to some small shops around 1.5km away at Tiddington, the availability of bus services and some cycle routes, I find that the location is reasonably sustainable.
35. In my assessment, these benefits would significantly and demonstrably outweigh the environmental harm as a result of the loss of countryside and some 14.6ha of BMV agricultural land. Taken with the further support from the tilted balance in NPPF 14, in favour of sustainable development where there is no 5 year housing land supply, I find that the proposals should be allowed.

Conditions

36. Following detailed discussions and agreement at the Inquiry, and for the reasons given in the attached Schedule, I am satisfied that the final suggested conditions²⁰ would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects and so accord with the requirements of NPPF 205 and should be attached.
37. Although also subject to reserved matters, and as revised for precision during the Inquiry to also refer to ground levels, the ridge heights covered by condition 6 would control one of the important parameters of the development

¹⁹ CD D9

²⁰ ID27

by limiting the overall height of the houses, and would be necessary to protect the character and appearance of the area from potentially discordant development.

Section 106 Agreement

38. The agreement would provide affordable housing and contributions towards libraries, sustainable travel, education, footpaths, Traffic Regulation Orders, Clopton Bridge highway works, public open space and healthcare. Detailed justifications have been provided and were discussed at the Inquiry. It was common ground²¹ that these would all satisfy the tests in NPPF 204, and those in the Community Infrastructure Levy (CIL) Regulations 122 and 123, and from my own assessment, I agree.
39. CAUSE expressed concerns over the feasibility of improvements to the public footpath to Wootton Close and, with regard to the agreed position on education, questioned where additional school places would be found. I saw that Wootton Close currently appears to be used infrequently and that there may be scope to widen the footpath without encroaching on adjoining properties but, in any event, it is usable even if some people would find it difficult. I acknowledge that the nearest primary school may be near capacity but organising school places is a matter for the County Council which, as the Local Education Authority, has a statutory duty to secure sufficiency and diversity of provision for its area.
40. Schedule 4 specifies the healthcare contribution sought by the South Warwickshire NHS Foundation Trust (NHS Trust) and this is supported by a detailed justification²². The contribution would be entirely for running costs and so would not be caught by the pooling requirements in CIL Regulation 123. The quantum has been carefully calculated so that it would closely equate to the shortfall. The Council produced evidence to show that new occupiers would be from inward migration from other parts of the UK rather than existing residents of the District²³ and so there would be an overall increase in population in the area covered by the NHS Trust. The calculation would take account of staggered occupation over the year²⁴. It would therefore be fairly and reasonably related in scale and kind. It would cover an identified funding gap in the area covered by the NHS Trust, with no double counting in terms of taxation, which would arise as a consequence of the development and so would be directly related to it.
41. Whether or not the contribution would be necessary to make the development acceptable in planning terms is more difficult to assess. The NHS Trust has referred to NPPF 17, and the last bullet point, which sets out the principles including: *that planning should: ... take account of and support local strategies to improve health ... and deliver sufficient community and cultural facilities and services to meet local needs*. There is further support in the PPG for health being considered in planning decisions²⁵ and for the use of s106 obligations to address identified impact²⁶. The NHS Trust claimed that this justifies a contribution for services which are needed and would not be funded otherwise.

²¹ CD H1 revA and CD H8 revA

²² Summarised at ID23

²³ See ID17 in response to Inspector's questions (IQs)

²⁴ Meaning that a full year would be a fair proxy for the average shortfall, again in response to IQs

²⁵ Ref. ID: 53-001-20140306 – para 001

²⁶ Ibid para 004

Moreover, on account of the system of fines which can be imposed on the NHS Trust, the impact could be disproportionate to the funding shortfall.

42. While the appellant has declared itself 'agnostic' on the issue of contributions, I am required to assess it against the CIL Regulations and the NPPF. I can see no requirement for the contribution in terms of land use or spatial planning and, other than to meet the identified short term budgetary gap in healthcare funding, there would be no harm to the area or the community. Nevertheless, the unchallenged evidence of the NHS Trust is that, without the contribution, the development would harm the health of the community, albeit only on account of central NHS funding rules. I therefore conclude that this part of the obligation would accord with NPPF 204. For the reasons set out by the NHS Trust and its supporting Opinions²⁷ I accept that the arguments before me are distinguishable from those in *Land north of Campden Road Decision*²⁸. Rather, I accept the findings of the Inspector in the *Spring Lane Decision*²⁹ that, illogical though it may sound, that is how the system works.
43. I am therefore persuaded by the evidence before me that the NHS contribution would satisfy the tests in the CIL regulations and the NPPF. Consequently, having regard to the specific provision under the s106 Agreement³⁰, I do not exclude it from the Agreement. Notwithstanding this conclusion, in the event that the Courts subsequently reach a different conclusion on very similar facts, and this conclusion is accepted via the Resolution of Disputes provision in the s106 Agreement, I accept that the specific provision may be used to exclude the contribution such that it should not be enforced.

Conclusions

44. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Nicholson

INSPECTOR

²⁷ ID11a&b

²⁸ See grounds of challenge in ID9 Appeal ref. APP/J3720/A/14/2221748

²⁹ ID10 - Decision ref. APP/T3725/A/14/2221858

³⁰ ID26 para 5.3

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant of Counsel	instructed by Nigel Bell, Council solicitor
He called	
Philip Smith	Aitchison Raffety, c/o Stratford-on-Avon District Council

FOR THE APPELLANT:

Jeremy Cahill QC	instructed by Christopher May, Pegasus Group
He called	
Christopher May	Pegasus Group – planning
Dr Bethan Tuckett-Jones	WSP/Parsons Brinckerhoff Ltd
Jeremy Peachey	Pegasus Group – landscaping
Simon Tucker	Simon Tucker Associates - transportation

INTERESTED PERSONS:

Jane Swabey	Chair, Communities Against Urban Sprawl and Exploitation (CAUSE)
Ted Holly	CAUSE
Tony Goddard	CAUSE
Mr Swabey	CAUSE
Cllr. Kate Rolfe	District, County and Town Councillor
Janet Neale	Warwickshire County Council Information Delegation Officer

FOR SOUTH WARWICKSHIRE NHS FOUNDATION TRUST (s106 discussions only):

Annabel Graham Paul	instructed by Leenamari Aantaar-Collier
of Counsel	of the Wilkes Partnership
Mel Duffy	South Warwickshire NHS Foundation Trust
Jane Blacklay	South Warwickshire NHS Foundation Trust

INQUIRY DOCUMENTS (ID)

ID1	Appellant's opening statement
ID2	Council's opening remarks
ID3	Council's CIL justification
ID4a&b	CAUSE Public Inquiry Speech and Air Quality Summary
ID5	Letters of Notification of the Inquiry
ID6	Statement by Cllr. Kate Rolfe
ID7	Statement by Ian Fradgley on behalf of Stratford Town Council
ID8	Air quality assessment for Knights Lane, Tiddington, dated September 2014
ID9	Grounds of challenge for Shipston-on-Stour Appeal Decision (see ID14)
ID10	Spring Lane Appeal Decision ref. APP/T3725/A/14/2221858
ID11a&b	Paul Cairns's Opinions on behalf of the South Warwickshire NHS Foundation Trust
ID12a&b	Press Notice and Key Issues concerning Transport Strategy
ID13	CAUSE evidence with regard to traffic, modal share and shopping destinations
ID14	Shipston-on-Stour Appeal Decision ref. APP/J3720/A/14/2221748
ID15	Archaeological plan Fig 1
ID16a&b	Suggested site visits
ID17	Extract from Review of OAN concerning need for additional dwellings
ID18	NO ₂ tables supplied by CAUSE
ID19	Correspondence from the Stratford-on-Avon Golf Club
ID20	Plan showing land adjoining the golf course
ID21a&b	Suggested and revised condition for land adjoining the golf course
ID22	Committee reports and maps for planning application for Land off Oak Road, Tiddington ref.15/02057/OUT
ID23	Summary of oral arguments presented by Annabel Paul on behalf of the South Warwickshire NHS Foundation Trust
ID24	Council's closing statement
ID25	Appellant's closing submissions
ID26	Agreement under s106
ID27	Final Suggested Conditions dated 16.10.15

CORE DOCUMENTS (CD)

National Planning Policy / Legislation / Ministerial Statements

CD-A1	National Planning Policy Framework (2012)
CD-A2	Circular 06/05 – Biodiversity and Geological Conservation – Statutory Obligations and their Impacts Within the Planning System
CD-A3	Circular 02/13 – The Strategic Road Network and Delivery of Sustainable Development
CD-A4	Fixing the Foundations: Creating a More Prosperous Nation (July 2015)
CD-A5	Laying the Foundations: A Housing Strategy for England (November 2011)
CD-A6	Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990)
CD-A7	Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990)
CD-A8	Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets, Historic England (2015)
CD-A9	Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment, Historic England (2015)
CD-A10	Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)
CD-A11	Land Use Planning and Development Control: Planning for Air Quality (May 2015), Guidance from Environmental Protection UK and the Institute of Air Management

Local Plan Policy & Guidance

CD-A12 Stratford-on-Avon Local Plan Review 1996 - 2011 (July 2006)

Emerging Development Plan Background Documents

CD-A13 Stratford-on-Avon Core Strategy, Proposed Submission Version (June 2014)

CD-A14 Inspectors Interim Conclusions (March 2015)

CD-A15 Interim Adopted Core Strategy with Changed Modifications (June 2015)

CD-A16 Cabinet Report 20 July – Stratford-on-Avon District Core Strategy – Response to Inspectors Interim Conclusions

CD-A17 Core Strategy Proposed Modifications in response to the Inspectors Interim Conclusions (August 2015)

CD-A18 Five Year Housing Land Supply Calculation Summary (23 July 2015)

CD-A19 Stratford on Avon Strategic Transport Assessment: Further Focused Assessment of Development Options in the Stratford Upon Avon and Southam Areas (July 2015)

CD-A20 Cabinet Report 27 July – Stratford on Avon Neighbourhood Development Plan Supplementary Planning Documents & Guidance

CD-A21 Stratford-on-Avon District Design Guide (2002)

CD-A22 Town Design Statement

CD-A23 Residential Design Guidance and Review of Conservation Areas in Stratford-upon-Avon – Loxley Road Character Study

Emerging Neighbourhood Plan

CD-A24 Draft Stratford-upon-Avon Neighbourhood Development Plan (May 2015)

Technical Papers / Environmental Specialisms

CD-B1 Screening Opinion from Stratford-on-Avon District Council (February 2013)

CD-B2 Screening Response from Stratford-on-Avon District Council (March 2013)

CD-B3 Further Screening Opinion from Stratford-on-Avon (December 2013)

CD-B4 Further Screening Response from Stratford-on-Avon (January 2014)

CD-B5 Screening Opinion to the Secretary of State (16 July 2015)

CD-B6 Screening Response from the Secretary of State (3 August 2015)

CD-B7 Further Email clarifying Screening Response from the Secretary of State (August 2015)

CD-B8 WCC Stratford-on-Avon Strategic Transport Assessment – The Stratford Transport Package (STP) – Summary Extracts

CD-B9 Air Quality Assessment: Cumulative Impact of Developments in Stratford-on-Avon Stage 2, (July 2015)

CD-B10 2014 Air Quality Progress Report for Stratford-on-Avon District Council (May 2014)

CD-B11 Noise and Air Quality Assessment, September 2013 – Acoustic Air

CD-B12 Supplementary Air Quality Assessment for Tiddington Road Junction with Clopton Bridge, July 2014 – Acoustic Air

CD-B13 Air Quality Assessment Dispersal Model at Clopton Bridge Junction, December 2014 – Acoustic Air

CD-B14 Warwickshire Local Transport Plan 2011-2026 – Air Quality Strategy extracts

CD-B15 Trends in NOX and NO2 emissions and ambient measurements in the UK, Carslaw et al 2011, prepared by Defra

Reporting & Decision

CD-C1 Stratford-on-Avon Committee Report (18.12.14)

CD-C2 Stratford-on-Avon Minutes (including Update Report) for Planning Committee (West)

CD-C3 Formal Decision Notice (19 Dec 2014)

High Court Judgements

CD-D1 High Court Judgement (5 September 2013), Hunston Properties Ltd vs Secretary of State for Communities and Local Government, and St Albans City and District Council (Neutral Citation Number: 2013 EWHC 2678) (Admin)

CD-D1a Court of Appeal Judgement (12 December 2013), City and District Council of St Albans vs The Queen (on the application of) Hunston Properties Limited, Secretary of State for Communities and Local Government: [2013] EWCA Civ 1610) (Admin)

- CD-D2 High Court Judgement (30th April 2014), Gallagher Homes Ltd and Lioncourt Homes Ltd vs Solihull Metropolitan Borough Council: [2014] EWHC 1283 (Admin)
- CD-D2a Court of Appeal Judgement (17th December 2014), Solihull Metropolitan Borough Council vs Gallagher Homes Ltd and Lioncourt Homes Ltd: [2014] EWCA 1283 Civ 1610
- CD-D3 High Court Judgement (27th November 2013) Cotswold District Council vs Secretary of State for Communities and Local Government, Fay and Son Limited & Hannick Homes and Development Limited: [2013] EWHC 3719 (Admin)
- CD-D4 High Court Judgement (9th May 2013) Anita Colman vs Secretary of State for Communities and Local Government, North Devon District Council and RWE N Power Renewables Limited: [2013] EWHC 1138 (Admin)
- CD-D5 High Court Judgement (20th February 2013) Tewkesbury Borough Council vs Secretary of State for Communities and Local Government, Comparo Limited and Welbeck Strategic Land LLP: [2013] EWHC 286 (Admin)
- CD-D6 High Court Judgement (18th July 2013) Stratford-on-Avon District Council vs Secretary of State for Communities and Local Government, J S Bloor (Tewksbury) Ltd, Hallam Land Management Ltd and RASE (Residents Against Shottery Expansion): [2013] EWHC 2074 (Admin)
- CD-D7 High Court Judgement (10th March 2014) South Northamptonshire Council vs Secretary of State for Communities and Local Government and Barwood Land and Estates Ltd: [2014] EWHC 573 (Admin)
- CD-D8 High Court Judgement (6 Feb 2015) Stroud District Council v Secretary of State for Communities and Local Government, and Gladman Developments Ltd: [2013] EWHC 488 (Admin)
- CD-D9 High Court Judgement ((1 May 2015) Mid Sussex District Council vs Secretary of State for the Communities and Local Government, Woodstock Holdings Ltd: [2015] EWHC 1173 (Admin)

Appeal Decisions

Ministerial Appeal Decisions

- CD-E1 Planning Inspectorate Appeal Ref: APP/G1630/A/11/2146206 – Homelands Farm, Bishop’s Cleeve, Gloucestershire, GL52 8EN & APP/G1630/A/11/2148635 – Land at Deans Farm, Bishop’s Cleeve, Gloucestershire, GL52 7YP (16th July 2012)
- CD-E2 Appeal Ref: APP/J3720/A/11/2163206 – Land West of Shottery, South of Alcester Road and north of Evesham Road, Stratford-upon-Avon, CV37 9RX (24th October 2012)
- CD-E3 Appeal Ref: APP/R0660/A/10/2140255 – Land east of Marriott Road, Anvil Close, Forge Fields and south of Hind Heath Road, Sandbach, Cheshire & APP/R0660/A/10/2143265 – Land south of Hind Heath Road between Wheelock and Ettiley Heath, Sandbach, Cheshire (6th December 2012)
- CD-E4 Appeal Reference: APP/F1610/A/13/2203411 – Land at Oddington Road, Stow-on-the-Wold (27 March 2015)
- CD-E5 Appeal Ref: APP/F1610/A/10/2130320 – Land at Todenham Road, Moreton-in-Marsh, Gloucestershire, GL54 9NL (12th April 2011)

Inspector Appeal Decisions

- CD-E6 Appeal Ref: APP/H1840/A/14/2224292 – Land to West of Leamington Road, Broadway, Worcestershire
- CD-E7 Appeal Reference: APP/C1625/A/13/2207324 – Bath Road, Leonard Stanley

CAUSE Letters

Application Stage

- CD-F1 Response 001 no date
- CD-F2 Response 058 dated 17/10/14
- CD-F3 Response 059 dated 11/03/14
- CD-F4 Response 060 dated 27/10/14
- CD-F5 Response 061 no date
- CD-F6 Response 062 dated 16/05/14
- CD-F7 Response 063 no date
- CD-F8 Response 064 dated 10/11/14
- CD-F9 Response 065 no date

CD-F10 Response 066 dated 10/08/14
CD-F11 Response 067 dated 09/12/14
CD-F12 Response 068 dated 05/12/14
CD-F13 Response 069 no date
CD-F14 Response 141 no date
CD-F15 Response 142 no date
CD-F16 Response 143 dated 10/03/14
CD-F17 Response 156 dated 27/05/14
CD-F18 Response 160 dated 11/03/14
CD-F19 Response 165 no date
CD-F20 Response 166 no date
CD-F21 Response 318 dated 08/07/14
CD-F22 Response 323, 324 and 325 dated 09/06/12

Appeal Stage

CD-F23 Response 009A dated 22/04/15
CD-F24 Response 042A dated 13/04/15

Section 106 Agreement

CD-G1 Draft Section 106 Agreement
CD-G2 CIL Justification Document – Stratford DC
CD-G3 CIL Appendices to CIL Document – Stratford DC
Statement of Common Ground (SoCG)
CD-H1 Draft Planning SOCG (superseded)
CH-H1A Final Planning SOCG
CD-H2 Highways and Transportation Issues SOCG
CD-H3 Dwg 14331-105a
CD-H4 Dwg 14331-10
CD-H5 AcousticAir Air Quality Assessment Dispersion Model at Clopton Bridge Junction (Approved Scheme) April 2015
CD-H6 EHO Response (09.05.15)
CD-H7 AcousticAir Addendum to Air Quality Assessment (July 2015) and EHO response (21 July 2015)
CD-H8 Education SOCG (superseded)
CD-H8A Revised Education SOCG (06.10.15)
CD-H9 EDP Updated Heritage Settings Assessment Addressing the Impact of Development upon Clopton Bridge (April 2015)
CD-H10 Heritage SOCG and Heritage England email response dated 15 September 2015
CD-H11 Supplemental SOCG – 5 Year Housing Land Supply
CD-H12 Email from EHO Manager (07.10.15) responding to Addendum to Air Quality POE
CD-H13 Email from Chris May, Pegasus Group to PINS (07.10.15) agreeing draft condition 6
CD-H14 Proposed Conditions (agreed by Appellant)
CD-H15 Addendum Highways SOCG (13.10.15)

Schedule of conditions

1. The development hereby approved shall be carried out in accordance with the following plans and drawings:
 - Site Location Plan 1:1250 Bir.4139_04A2 at A1
 - Survey of Land at Arden Heath Farm JJG/TS/143656/1
 - Indicative Masterplan Bir.4139_03C
 - Proposed Site Access Works (MS40846-SK200 Rev B)
 - Highway upgrade works Knights Lane (MS40846-SK201 Rev B)
 - Development Masterplan Zoning and Landscape Sections (Bir.4139.09B 20 November 2014)

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of LP Policy DEV.1.

2. No part of the development hereby permitted shall be commenced until approval of the details of the layout, scale, appearance and landscaping (hereinafter called the reserved matters) has been obtained from the Local Planning Authority (LPA) in writing. The development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) [T&CPA].

3. Application for approval of the reserved matters shall be made to the LPA before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the T&CPA.

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the T&CPA.

5. The maximum number of dwellings to be erected on the site shall be 270.

Reason: In order to ensure the satisfactory development of the appeal site.

6. (a). As part of the Reserved Matters Submission for any phase of development a plan showing the existing and proposed site levels for the development shall be submitted to and approved in writing by the LPA and the development shall be implemented in accordance with the agreed levels.

(b). The maximum ridge height of any dwelling on the site shall be restricted to the following limits within the areas identified on Drawing Bir.4139_09B:
Zone 1A = maximum ridge height 9m above the approved adjacent ground level in accordance with the approved levels in accordance with condition 6a.
Zone 1B = maximum ridge height 8m above the approved adjacent ground level in accordance with the approved levels in accordance with condition 6a.

Zone 2 = for any 2 storey dwelling a maximum ridge height 9m above the approved adjacent ground level, for any 2.5 storey dwelling a maximum ridge height 10.5m above the approved adjacent ground level in accordance with the approved levels in accordance with condition 6a.

Zone 3 = for any 2 storey dwelling a maximum ridge height 9m above the approved adjacent ground level, for any 2.5 storey dwelling a maximum ridge height 10.5m above the approved adjacent ground level in accordance with the approved levels in accordance with condition 6a.

There shall be no dwellings above 2.5 storeys in height within the development.

No dwellings shall be sited beyond the boundaries of the developed areas, as defined on Drawing Bir.4139_09B, of Zones 1A, 1B, 2 and 3.

Reason: In order to secure a satisfactory form of development on the site in the interests of minimising impacts on the character and appearance of the locality and securing appropriate landscaping and open spaces for the residents of the site.

7. The highway access points to the site shall be laid out in accordance with details as shown on the Proposed Site Access Works (MS40846-SK200 Rev B).

Reason: To define the permission and to ensure the satisfactory development of the application site in the interests of highway safety.

8. The following highway works associated with the development hereby permitted shall be completed as per the following trigger points:
Vehicular access and associated highway works (as shown on drawing MS40846-SK200 Rev B) to the part of the site to the north of Loxley Road – shall be provided prior to the first occupation of any dwelling to the north of Loxley Road.
- (a) Vehicular access and associated highway works including ghost island junction (as shown on drawing MS40846-SK200 Rev B) to the part of the site to the south of Loxley Road – shall be provided prior to the first occupation of any dwelling to the south of Loxley Road;
 - (b) Bus stop works on Loxley Road (as shown on drawing MS40846-SK200 Rev B) – shall be completed prior to the first occupation of any dwelling on the site;
 - (c) Link from the southern part of the site to the public right of way linking to Wootton Close (as generally shown on Illustrative Masterplan drawing BIR.4139_03C) – shall be completed in accordance with a timetable that shall have first been submitted to and approved in writing by the LPA prior to the first occupation of any dwelling on the site;
 - (d) Improved footways along Knights Lane (as shown on drawing MS40846-SK201 Rev B) – shall be completed prior to 30% of the dwellings of the development being first occupied ;
 - (e) A Pedestrian/cycle link through the northern part of the site from Loxley Road to Knights Lane as generally shown on Illustrative Masterplan drawing BIR.4139_03C – shall be completed prior to occupation of 100 dwellings on any part of the site.

Reason: To ensure appropriate provision of highway works in the interests of highway safety and encouraging modal shift to walking and cycling.

9. Prior to the commencement of any part of the development hereby permitted a Phasing Plan for the delivery of the development shall be submitted to and approved in writing by the LPA. Thereafter the development shall be constructed in accordance with such approved Phasing Plan.

Reason: In the interests of ensuring an appropriate phasing timetable for the delivery of the development and to allow for the possibility of a phased control of the development via phased approval for discharge of other planning conditions.

10. No part of the development hereby permitted shall be commenced until
- (a) the detailed design of the off-site highway works to the Bridgeway gyratory and the junction of Tiddington Road/Banbury Road/Swans Nest Lane/Clopton Bridge (as indicatively shown on Drawings 14331-105a and 14331-10); and
 - (b) the mechanism for the delivery of the off-site highway works; have first been submitted to and approved in writing by the LPA.
- Thereafter the approved off site highway works shall be implemented in accordance with the approved mechanism.
- No more than 100 dwellings shall be occupied on any part of the site until the approved off-site highway works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

Reason: In the interests of securing the necessary off-site highway works to cope with increased traffic flows from the development.

11. No phase (as approved via Condition 9 of this permission) of the development shall take place until an Environmental Construction Method and Traffic Management Statement which contains a Construction Phasing Plan for that phase of the development has been submitted and approved in writing by the LPA. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) measures to control the emission of dust and mud/dirt during construction (including measures to ensure mud and debris will not be deposited on the highway);
 - f) details of siting and design of any site compound and offices;
 - g) details and noise specifications of any site electricity generators;
 - h) hours of construction;
 - i) hours of HGV and construction traffic movements to and from the site (taking into account peak AM and PM movements of schoolchildren/parents at the nearby school);
 - j) HGV and construction traffic routing plan.

Reason: To prevent harm being caused to the amenity of the area and in the interests of highway safety.

12. No demolition, site clearance or building operations of any type shall commence or equipment, machinery or materials brought onto site or any phase (as approved via Condition 9 of this permission) of the development be

- commenced until a scheme for the protection of all existing trees and hedges within that phase of development has been submitted to and approved in writing by the LPA. The tree protection measures scheme shall include:
- a) The submission of a Tree Protection Plan and appropriate working methods – the Arboricultural Method Statement in accordance BS5837:2012 Trees in relation to design, demolition and construction – Recommendations;
 - b) 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 (RPA) as defined in BS5837:2012 and as agreed in writing by the LPA;
 - 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 (RPA) 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;
 - g) A phasing plan for the provision and removal of the tree/hedge protection works to take account of the commencement and completion phases of different parts of the site.

The approved tree/hedge protection measures shall be implemented prior to commencement of development in accordance with the approved phasing plan and thereafter kept in place until the approved phasing plan allows for the tree/protection measures to be removed.

Reason: To ensure the wellbeing of the trees and hedges to be retained and continuity of tree cover and, maintaining and enhancing the quality and character of the area in accordance with LP Policy EF.10.

13. Prior to the commencement of any phase (as approved via Condition 9 of this permission) of the development, details of all proposed external lighting, to include details of lamps, luminaires, their positions, heights and intensity of illumination, within that phase of development shall be submitted to and approved in writing by the LPA. The development shall be implemented in accordance with the approved details.

Reason: To define the permission and to ensure the satisfactory development of the application site in relation to the amenity of neighbouring dwellings, the character and appearance of the locality and the impacts on protected species.

14. The development hereby permitted shall not commence within any phase (as approved via Condition 9 of this permission) of the development until drainage plans for the disposal of surface water and foul sewage for that phase of the development have been submitted to and approved in writing by the LPA. The drainage scheme shall include sustainable drainage (SUDs) and shall as a minimum provide:
 - a. Calculations of pre- and post- development runoff rates;
 - b. A fully labelled network drawing showing all dimensions of all elements of the proposed drainage system;
 - c. Detailed network calculations that correspond to the above drawing;

- d. Modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% climate change events of various durations. A submerged outfall should be used for the modelling;
- e. An electronic copy of the model should be provided to the Flood Risk Management team at Warwickshire County Council (WCC);
- f. Any documentation relating to the surface water discharge rate and / or consents required;
- g. The applicant should also include evidence of overland flood flow routing in case of system failure - This should include the flow routes and depths/velocities of the flows;
- h. If the drainage network is to be adopted, evidence of an agreement with the adopting body;
- i. A Maintenance Plan to the LPA giving details on how the entire surface water system, including any SUDs features shall be maintained and managed after completion for life time of the development. The name of the maintenance company and a contact for who will be responsible for the life time of the development shall also be provided to the LPA;
- j. A timetable for the implementation of the drainage system.

Each phase of the development shall be fully implemented in accordance with the approved details prior to the first occupation of the dwellings within that phase of development, and shall be retained and maintained in accordance with the approved details thereafter.

Reason: To prevent flooding by ensuring surface water run-off is managed to minimise risk of flooding on the development and prevent flooding elsewhere and to ensure appropriate foul drainage in the interests of human health.

15. The development hereby permitted shall be implemented in accordance with the submitted Flood Risk Assessment (FRA) prepared by JNP group reference MS40846-R200C Rev C dated 11 June 2014.

Reason: To prevent flooding by ensuring surface water run-off is managed to minimise risk of flooding on the development and prevent flooding elsewhere.

16. No development shall commence within a phase of the development (as approved via Condition 9 of this permission) until a scheme for appropriate Noise Attenuation of all residential dwellings and their gardens of properties adjacent to Loxley Road and Knights Lane and within that phase of development, has been submitted to and approved in writing by the LPA. Such approved scheme shall thereafter be implemented for each of the dwellings affected prior to the first occupation of that dwelling.

Reason: To ensure appropriate mitigation of road traffic noise in the vicinity of the site in the interests of protecting the amenity of future occupiers of the development.

17. No groundworks shall take place across the area cross hatched on the attached plan (Archaeological Fig.1) until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the LPA.

Reason: In the interests of securing appropriate investigation of potential archaeological deposits.

18. No development or site clearance works within a phase of the development (as approved via Condition 9 of this permission) shall commence until a combined ecological and landscape management scheme, which includes details of:
- (a) landscaping for all non-residential areas;
 - (b) habitat creation;
 - (c) ecological enhancement measures for protected and notable species;
 - (d) long term management arrangements (including the body/organisation responsible for implementation);
 - (e) timetable for implementation for that phase of development;
- has been submitted to and approved in writing by the LPA. Such approved scheme shall thereafter be implemented in accordance with the approved timetable.

Reason: To secure appropriate landscaping and management of the site in the interests of ecology and biodiversity in accordance with the NPPF and Saved Local Plan Policy EF.7.

19. No development or site clearance works within a phase of the development (as approved via Condition 9 of this permission) shall commence until a protected species mitigation scheme which includes details of appropriate working practices/safeguards for protected species that are to be employed in the lead up to the development commencing and throughout the construction phase, for that phase of development has been submitted to and approved in writing by the LPA.

Reason: To ensure that protected species are not harmed by the development and in accordance with the NPPF and LP Policy EF.7.

20. Ground Contamination - Site Characterisation - No development within a phase of the development (as approved via Condition 9) shall take place until an assessment of the nature and extent of contamination within that phase of development has been deposited with the LPA. This assessment must be undertaken by a suitably qualified and experienced person, be in accord with BS10175 and include the following:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

21. Ground Contamination - Submission of Remediation Scheme - No development within a phase of the development (as approved via Condition 9) shall take place until a detailed remediation scheme to bring the site within

that phase of development to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been deposited with the LPA. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

22. Ground Contamination - Implementation of Deposited Remediation Scheme - The dwellings within a phase of the development (as approved via Condition 9) shall not be occupied unless and until the remediation scheme required by condition 20 for that phase of development has been implemented in accordance with the deposited timetable of works.
23. Ground Contamination – Validation - Within 6 months of the completion of the measures identified in the deposited remediation scheme and before the dwellings within a phase of the development (as approved via Condition 9) site can be brought into use or be occupied, a Validation Report that demonstrates the effectiveness of the remediation carried out for that phase of the development must be submitted to and approved in writing by the LPA.
24. Ground Contamination – Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it must be reported in writing within 7 days to the LPA and development must cease on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary, a remediation scheme, together with a timetable for its implementation, must be deposited with the LPA in accordance with the requirements of condition 20. The measures in the deposited remediation scheme must then be implemented in accordance with the associated timetable. Following completion of the measures identified in the remediation scheme a Validation Report must be submitted to and approved in writing by the LPA in accordance with condition 22.
25. Ground Contamination – Long Term Monitoring and Maintenance - No development within a phase of the development (as approved via Condition 9) shall take place nor shall any of the dwellings be occupied within a phase of the development until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years (or any other period agreed in writing with the LPA), and the provision of reports on the same for that phase of development has been deposited with the LPA. Periodic reports that demonstrate the effectiveness of the deposited monitoring and maintenance scheme must be submitted to the LPA, at a frequency to be agreed in writing with the LPA before the redeveloped site can be occupied or continue in occupation.

Reason for conditions 20-25: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26. No house within the development hereby permitted, that has a downpipe, 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.

Reason: In the interest of sustainable development (conservation of water).

27. 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, have been provided by the developer for that dwelling.

Reason: To provide appropriate and essential infrastructure for domestic waste management.

28. Prior to the commencement of development within zone 3 on the Development Masterplan Zoning and Landscape Sections (drawing BIR.4139_09B), full details of the level and means of management of public access to the area identified as the 'Open space and potential attenuation' shall be submitted to and approved in writing by the LPA and the development implemented in accordance with the approved details and retained thereafter.

Reason: To safeguard from the potential for harm from stray golf balls from the adjacent golf course, in the interests of public safety.

Richborough Estates