



Appeal Decision

Site visit made on 27 September 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/J3720/W/22/3297821

Land north of Millers Close, Welford-on-Avon CV37 8QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Rosconn Strategic Land against Stratford-on-Avon District Council.
 - The application Ref 21/01195/OUT, is dated 9 April 2021.
 - The development proposed is an outline application for the construction of up to ten self-build/custom-build dwellings, alterations to access and laying out of public open space (approval sought for access and layout at outline stage).
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to ten self-build/custom-build dwellings, alterations to access and laying out of public open at Land north of Millers Close, Welford-on-Avon CV37 8QG, in accordance with the terms of the application Ref 21/01195/OUT, dated 9 April 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of the development in the banner heading above is taken from the application form, with appearance, landscaping and scale stated to be 'reserved matters' for later consideration. However, it appears during determination of the application that only access is for determination at outline stage – this is mentioned in the Council's report to Committee and is confirmed in the appeal form and appellant's appeal statement. The Council considered the proposal on this basis and so shall I. Notwithstanding the description in the banner heading, I have used the appellant's appeal description in paragraph 1 above.
3. The outline application was accompanied by an illustrative layout, a number of parameter plans and various technical documents. Whilst the layout plans are indicative, apart from the access plans, they provide a useful guide as to how the site could be developed for the quantum of development proposed.

Background and Main Issue

4. The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (the 'SBCH Act') and the Self-build and Custom Housebuilding Regulations (the 'Regulations') came into force in October 2016. The national Planning Policy Guidance (the PPG) provides further detail. The SBCH Act does not distinguish between self-build and custom

housebuilding, giving a legal definition of both as where an individual, an association of individuals, or persons working with or for individuals of associations of individuals, build or complete houses to be occupied as homes by those individuals. Relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout, otherwise it will not meet the definition of SBCH.

5. Authorities are required to keep a register of individuals (and associations of individuals) who are seeking to acquire serviced¹ plots of land in their area, and publish it. Those authorities who hold a SBCH register have a duty to grant planning permission to enough suitable serviced plots to meet the demand for SBCH in their area. The Council confirms that as at 1 April 2022 there was a shortfall of 81 plots across the district, based on the total number of entries on the SBCH register.
6. Both the Stratford-on-Avon District Core Strategy² (the Core Strategy) and the Welford-on-Avon Neighbourhood Development Plan³ (the 'Welford NDP') were at an advanced stage of their preparation by the time of the SBCH Act and the Regulations came into force. Consequently, the development plan has no policies to address SBCH. Nonetheless, the Core Strategy and its housing strategy identifies Welford-on-Avon as a Category 2 Local Service Village suitable to receive new housing and the Welford NDP allows new residential development within the built-up area boundary of the settlement. However, the appeal site is outside the built-up area boundary within the open countryside and would also lead to a level of development above that envisaged by the spatial strategy at this village. It is therefore agreed between the parties that if the proposed housing was delivered as open market housing it would be contrary to Policies CS15, CS16 and AS10 of the Core Strategy and Policy HCU1 of the Welford NDP.
7. However, if the housing was appropriately delivered as SBCH then, given the shortfall, that would be significant in the planning balance. A legal agreement would be required to ensure that the housing was delivered as SBCH.
8. The outline application was presented to the Council's Planning Committee with an officer recommendation for approval, subject to conditions and the need for a legal planning obligation⁴ (the S106). From the Minutes it is clear the Planning Committee resolved to grant outline planning permission as per the officer recommendation, with the stipulation that the S106 be completed within six months of the date of the committee resolution.
9. I am led to understand there were a number of delays in the S106 negotiations, including that matters relating to SBCH would be subject of a Council Overview and Scrutiny Task and Finish Group. As a result, not all of the terms of the S106 were agreed between the parties and the appellant decided to appeal against non-determination.
10. During determination of the appeal and since the exchange of appeal statements a signed, dated and duly executed S106 has been submitted. This

¹ The SBCH Act and Regulations define a 'serviced' plot as one which has access to a public highway and connections for electricity, water and waste water, or in the opinion of the relevant authority, can be provided with access to those things within the duration of the development.

² Adopted 11 July 2016

³ Made 15 June 2017

⁴ Pursuant to Section 106 of the Town and Country Planning Act 1990.

would secure the provision of on-site Public Open Space (POS) and there would also be financial contributions for off-site POS; road safety community initiatives; information packs for owners/occupiers to promote sustainable travel, and for the enhancement and long term management of Biodiversity. The Council raises no concerns with the S106 and it would adequately address the majority of the Council's second putative reason for refusal.

11. Terms relating to the SCBH, in particular the marketing strategy for the proposed dwellings, have not been agreed between the parties and do not therefore form part of the S106. To address the SBCH matter, the appellant has submitted a separate, signed and dated planning obligation by way of a Unilateral Undertaking (the 'UU').
12. After seeking clarification from the parties as to the nature and extent of the dispute between them, the parties have now confirmed that the only point of dispute is the duration of the marketing period for the SBCH in the UU, before any unsold plots revert to the original developer to be sold as plots for open market dwellings. The Council considers this should be 24 months - the appellant considers it should be 12 months.
13. The Council has confirmed its satisfaction with all other aspects of the UU, including the initial 12 weeks marketing to those with a local connection, the local connection criteria and the valuation process. I have no reason to take a different view.
14. In light of the above, the main issue is whether the legal agreement would make appropriate provision for the delivery of the proposal as SCBH.

Reasons

15. While there are no policies regarding the provision of SBCH in the adopted development plan, the Council is progressing its Site Allocations Plan (the 'SAP'), which includes policies specifically for the provision and delivery of SBCH. Public consultation on its Preferred Options took place in June-July 2022. Given that the SAP is at a very early stage of preparation and I cannot be sure that the policy would be retained unchanged in the adopted version I give it minor weight in my consideration of the appeal. Nonetheless, it provides helpful background material and a starting point for the consideration of this issue.
16. In draft Policy SAP.6 (Providing for Self-Build and Custom Housebuilding) the appeal site is listed and shown as an allocated SBCH site (Proposal SCB.11) with a capacity for 8 homes, although the Council has no issue with the intended provision of 10 dwellings on the site. The Policy requires multiple plot schemes to be subject to a legal agreement comprising various criteria, one of which is that a marketing strategy is required which specifies the minimum length of time for advertising plots and the appropriate means of doing so. The supporting text to the Policy states that the length of the marketing period is 24 months but that this could be reviewed over time, based on experience and circumstances.
17. The marketing strategy in the appellant's submitted UU would, in brief, involve establishing the maximum price of each plot using independent valuations that would take account of the restrictions, including the local connection. The plots

would then be continuously marketed for 12 weeks to persons with a local connection. If unsold after 12 weeks, the plots would be offered for sale no greater than the revised valuation price, including to persons eligible for SBCH but with no local connection. If any plot remains unsold after a total of 12 months (1 year) from the first marketing, it can be sold free from the restrictions and obligations of the UU. If 6 or more plots remain unsold, and the plots are authorised to be constructed and used as unrestricted open market dwellings, then the developer will pay an agreed sum as an Affordable Housing Contribution depending how many plots remain unsold, satisfying the Council's original concerns in this latter respect.

18. The Council's 24-month marketing period set out in draft Policy SAP.6 has been informed by its Task and Finish Group (T&FG) set up to review the Council's SBCH draft Policy SAP.6, including considering the marketing period and the length of time before plots could be used for normal or open market housing. The T&FG reported its findings to the Council's Overview and Scrutiny Committee⁵ although it was acknowledged that the research and investigation was limited due to tight deadlines.
19. The T&FG reported that a number of other Councils used marketing periods of between 9-12 months. Some used different timescales depending how many dwellings were proposed, for example 12 months for more than 50 dwellings and 6 months for fewer dwellings. The Council's own research did not highlight marketing periods longer than 12 months or in perpetuity, but that did not necessarily mean that longer marketing periods did not exist somewhere. The T&FG debate revealed that some of its members considered a 9-12 month marketing period to be pragmatic and would prevent sites being left unsold, unfinished and untidy for several years and in turn adversely affecting existing local communities. The national Right to Build Task Force have apparently indicated 12-24 months to be generally appropriate, depending on size and availability of plots.
20. In recognition of the 'uniqueness' of some of the SBCH sites being in locations outside settlements where open market housing would not normally be allowed, as in the appeal case, the T&FG considered a 24-month marketing period a more appropriate timescale. This would allow a longer time frame for eligible occupiers to be made aware of the scheme and come forward, so as to reduce the prospect of 'development by the back door' whereby plots are given back to the developer to be sold-off for open market housing. The T&FG also agreed that draft Policy SAP.6 should be made into two separate policies – SAP.6 to deal with the provision of SBCH and SAP.7 to deal with its delivery.
21. The appellant contends that a shorter 12 month marketing period would be a more pragmatic time period. It would help build out houses faster to boost the supply of housing, in particular SBCH which the Council has a duty to supply. A shorter marketing period would also help give some level of security on investments for developers with them having a limitation on having to return to sites later to carry out further construction works. It would provide the local community with some certainty as to when the site would be completed and that the impacts of construction would not carry on sporadically or indefinitely. Furthermore, new SBCH residents themselves would have some certainty when

⁵ Overview and Scrutiny Committee on 29 April 2022

the remaining plots would be completed. The marketing strategy would still prioritise locally arising housing need by marketing plots to those with a local connection first.

22. The appellant points to SBCH policies for Kettering, Wellingborough and Corby where the marketing period is limited to 6 months. The Council's T&FG also refer to the House Builder's Federation representations made to the Tewkesbury Borough Plan whereby they considered that Council's intended marketing period of 12 months to be too long and should be shortened to 6 months. I have not been advised of the final outcome of the wording of that policy or the examining Inspector's comments on the matter. Neither party has provided any substantive evidence from estate agents or specialised marketing channels with regard to the duration of marketing.
23. In the absence of substantial or definite guidance as to the duration of any marketing period, nationally or locally, the key issue it seems to me is to strike a balance between the Council's duty to deliver SBCH and to market the proposal to ensure it is built out for eligible SBCH persons on the one hand, with the practicalities of providing serviced plots that do not languish unbuilt for an unreasonable length of time, with the associated effects this may have for developers and local residents, as well as the practicalities of returning to partially built plots.
24. The Council concurs with the appellant that difficulties in marketing and selling the serviced plots would not be expected. Even if those persons with a local connection do not buy a plot in the first 12 weeks of marketing, under the UU they would not necessarily be precluded from doing so within the remaining 9 months, before the plots could be sold on the open market.
25. Those with an interest in SBCH would likely be on the search for suitable sites in the area. The appellant advises he has been approached directly by eligible persons. Furthermore, the Council keeps the SBCH register and would be able to contact eligible persons, initially those with a local connection. The PPG advises relevant authorities to have a dedicated webpage to promote SBCH, including information on sites for SBCH and suitable development permissions. The Council draws my attention to a YouGov survey⁶ that found a high proportion of people are unaware of the SBCH register. That may be the case, but does not mean there needs to be a local recruitment campaign for the SBCH register as part of a marketing strategy of the appeal site, if, as the Council acknowledges there would be no problem marketing and selling the plots, and indeed there are already people on the Council's SBCH register to date. Whilst the Council's draft marketing period was agreed through discussion with Members as part of the T&FG, the Minutes do not indicate that 24 months was chosen due to any particular or extenuating circumstances peculiar to the district to warrant more than doubling what other Councils do.
26. With the scale of development for 10 dwellings and no anticipated difficulty in marketing and selling the dwellings, on the evidence before me I find, in this instance, a 12-month marketing period would be an adequate time frame to enable eligible persons to be contacted or find out about the development. It would strike an appropriate balance for certainty between developers and the

⁶ In October 2020

local community, as already described, and would help address the shortfall of SBCH plots. Hence I am satisfied that the proposal, with a UU legal agreement with a 12 month SBCH marketing time period, would provide appropriate provision for the delivery of SBCH on the site.

Other Matters

27. There are a significant number of representations made against the proposal, including from the Parish Council and Ward Councillor. These were summarised and discussed in the Council's Committee Report. The Council raised no objections to the principle of residential development and dealt with the status of the SAP.
28. The Highways Authority, the Lead Local Flood Authority, Severn Trent Water and the County Ecologist raised no objections with regards to access and traffic, flooding and drainage and biodiversity respectively. The Council raised no concerns as to any other matters such as the effect on the setting of the CA. From the evidence before me I have no reason to take a different view.

Planning Obligations

29. From the evidence before me I am satisfied that the combined provisions of the S106 and UU planning obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably in scale and kind to the development. Hence they meet the tests in section 122 of the Community Infrastructure Levy Regulations 2010 and the guidance in paragraph 57 of the National Planning Policy Framework (the Framework).

Conditions

30. The Council has suggested 29 conditions. The appellant is broadly in agreement with them, including a number of pre-commencement conditions. However, I concur with the appellant that some conditions involve unnecessary duplication, particularly those relating to landscaping. I also note that some conditions, such as submission of materials, unnecessarily deals with reserved matters. I have considered the conditions against the advice and tests in the Framework and the PPG. Where necessary, and in the interests of clarity, precision, enforceability and to avoid duplication I have amended or combined conditions. Some conditions I have divided up to give composite elements more prominence. Following the advice in the PPG, I have also listed some of the conditions in the order that they need to be satisfied.
31. In addition to the necessary standard time limit conditions for the submission of reserved matters and commencement of development, a condition specifying necessary plans at this outline stage are included for certainty.
32. The planning permission for the development is granted at outline stage and therefore it is necessary to impose conditions on the outline permission that fall outside the scope of the reserved matters, such as archaeology, drainage, tree protection. I have imposed a foul drainage condition as only surface water drainage was suggested by the parties. For works that are likely to relate to early stages of the development, their details are required prior to commencement.

33. Conditions relating to access, parking and turning areas are imposed in the interest of highway safety. In the interests of the living conditions of nearby residents, details of the management of the construction of the site and construction traffic are required prior to any demolition or construction work is started.
34. To help future-proof the development, support the transition to a low carbon future and facilitate sustainable transport options, the provision of electric vehicle charging points and cycle parking/storage is appropriate. I have also included environmental conditions for the provision of recycling bins, water butts, lighting schemes, ecological mitigation and the Climate Change Checklist. There is no need for the submission of a marketing strategy as this is now included in the UU planning obligation.

Planning Balance and Conclusion

35. Given the location of the proposed housing and amount of housing already constructed in Welford-on-Avon it would be contrary to spatial strategy policies and hence the development plan as a whole.
36. Although the Council can demonstrate it has a 10.06 year supply of deliverable housing land, there is disagreement as to whether the most important policies are out of date as they include no reference to the provision of SBCH. However, even if I were to accept that view, I have found that the proposal would appropriately deliver SBCH and that is a material consideration of considerable weight given the significant shortfall of plots available, which together with the provision of 10 houses and the associated economic and social benefits would outweigh that conflict and lead to a decision other than in accordance with the development plan.
37. For the reasons given above I conclude that the appeal should be allowed.

K. Stephens
INSPECTOR

Schedule of conditions:

- 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 takes place and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall be carried out in accordance with the following plans and drawings: 3532-01 Rev B (Location Plan); Access plans 18135-01 Rev A and 18135-02; MILCRPA-SEPT19 (Root Protection Areas Plan) and MILCTR-SEPT19 (Tree Crown Spread Plan).

All reserved matters applications shall include a statement providing an explanation as to how the design of the development responds to the details submitted as part of the outline application and how the reserved matters responds to the principles of the Design Code Rev D and Design and Access Statement and the indicative plans 3532-02 Rev K (Plot Layout Plan) and 3532-03 Rev K (Parameters Plan).

- 5) The landscaping scheme submitted in accordance with condition 1 shall include details of hard and soft landscaping and the following:
 - a) The design specification for the hard and soft landscaping elements of the development hereby approved, including the Public Open Space, footpaths, visitor parking spaces, and an Ecological Mitigation and Enhancement Strategy (where applicable), and any other areas managed communally or applicable for the Open Space and maintenance of the area, and will be in general accordance with 3531-05 Rev D.
 - b) Planting plans (to a recognised scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - c) The method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
 - d) Written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - e) Existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
 - f) Existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
 - g) The means of accommodating any change in level (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);

- h) Location, type and materials to be used for hard surfacing where applicable for permeable paving, sustainable urban drainage integration and use within tree Root Protection Areas (RPAs), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
- i) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;
- j) car parking layout and any other vehicular and pedestrian access and circulation areas;
- k) Minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, substations and other storage units);
- l) Historic landscape features to be retained, removed or restored (where appropriate);
- m) Full details of nesting provision for swifts within the new dwellings and how the new gardens are to be made accessible for hedgehogs.
- n) Where possible, no utilities, foul/surface water drainage or Sub-Stations shall be located in, on or under the Open Space, and
- o) A timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details and approved timetable for implementation and shall thereafter be protected, maintained and managed in accordance with approved details.

If within a period of five years from the date of planting of any tree or hedgerow planted or retained pursuant to this condition that tree or hedgerow, for any tree or hedgerow planted in replacement for it, is removed, approved or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written approval to any variation.

- 6) No development shall take place until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development/development parcel/development plot.
- 7) No demolition, site clearance or building operations of any type shall take place, or equipment, machinery or materials brought onto site until a scheme for the protection of all existing trees and/or hedges has been submitted to and approved in writing by the Local Planning Authority. The tree/hedge protection measures within the scheme shall include and make reference to:
 - a) The submission of a Tree Protection Plan and appropriate working methods – the Arboricultural Method Statement in accordance BS5837:2012 Trees in relation to design, demolition and construction– Recommendations;
 - b) Details of the erection of stout protective fencing in accordance with British Standard BS5837:2012, Clause 6.2; and

- c) Fencing shall be shown on the Tree Protection Plan and installed to the extent of the tree Root Protection Area (RPA) as defined in BS5837:2012 and as agreed in writing by the Local Planning Authority.
The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.
- 8) The following work shall not be carried out within the Root Protection Area (RPA) of any retained tree or hedgerow, except with the prior written approval of the Local Planning Authority:
 - a) No materials, equipment, machinery or structure shall be attached to or supported by a retained tree or hedgerow, nor stored or stacked within said RPA;
 - b) No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a RPA that seepage or displacement could cause them to enter a RPA;
 - c) No fires shall be lit within any RPA or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of any retained tree or hedgerow within or adjacent to the site as per the requirements of BS5837 :2012;
 - d) Levels shall not be raised or lowered in relation to the existing ground level within the RPA of any retained tree or hedgerow;
 - e) No roots shall be cut, trenches dug or soil removed within the RPA of any retained tree or hedgerow;
 - f) No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of any retained tree or hedgerow; and
 - g) No vehicles shall be driven over the area within the RPA of any retained tree or hedgerow.
- 9) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority. The submitted scheme shall:
 - a) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - b) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - c) If discharging to a drainage system maintained/operated by other authorities (e.g. Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
 - d) Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

- e) Submit details on how the surface water drainage systems shall be maintained and managed for the lifetime of the development, including details of the name of the party responsible for maintaining and managing the system, including contact name and details.

The surface water drainage scheme shall be implemented in accordance with the approved details before the first occupation of the development.

- 10) No development shall take place until a detailed foul drainage scheme has been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and no dwelling shall be occupied until foul drainage works have been implemented in accordance with the approved details.
- 11) No development shall take place, including any demolition works, until details of a Construction Management Plan (CMP) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the demolition and/or construction period, the approved details within the CMP shall be adhered to. The CMP shall include and details of:
 - a) The phasing of construction traffic for the development, including temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements (including deliveries) to and from the site, and suitable off-highway parking and manoeuvring for all construction related vehicles;
 - b) The parking of vehicles of site operatives and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access lane(s) serving the site which would cause obstruction to the free passage of other vehicular users of said lane(s);
 - c) A schedule for the delivery, loading and unloading of all plant and materials to the site, including the times of such loading and unloading; details of how deliveries, loading and unloading of plant and materials would not take place during peak-time/school hours of the highway network in the vicinity of the application site; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway;
 - d) The hours of demolition and/or construction (it is recommended that no works take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank or Public Holidays);
 - e) The temporary site compound including temporary structures/buildings, fencing and storage provision to be used in connection with the construction of the development;
 - f) The proposed storage of plant and materials used in constructing the development or stockpiling during development;
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use;
 - i) Measures to control the emission of dust, mud/dirt, noise, vibration and light during demolition and/or construction;
 - j) The erection and maintenance of security hoarding/fencing including decorative displays and facilities for public viewing, where appropriate;
 - k) Details of any piling together with details of how any associated vibration will be monitored and controlled;

- l) The location and noise levels of site electricity generators;
- m) Management of surface water run-off;
- n) Details of external lighting required during construction; and
- o) Contact telephone number(s) and email address(es) of the site manager(s) and/or other person(s) associated with the management of operations at the site.

For the avoidance of doubt there shall be no burning of waste demolition or construction materials on site, nor shall any lighting or other illumination be installed on site at any time unless otherwise approved in writing by the Local Planning Authority.

- 12) No development shall take place until the implementation of a programme of archaeological evaluation works has been secured in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation, unless an alternative timescale for the submission of the report is first approved in writing with the Local Planning Authority.

- 13) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Details of the habitat feature(s) to be retained/created/provided and their long-term management;
 - c) Ecological trends and constraints on site that might influence management;
 - d) Aims and objectives of the management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - h) Details of the body or organisation responsible for implementation of the plan and future management and maintenance, and
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details.

- 14) Before preparation of any groundworks and foundations on site for the development hereby permitted full details of all service runs to all plots shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of all existing services above and below

ground and the location of all proposed services (e.g. drainage, power, communications cables, pipelines etc.) including routes, supports etc. Such details shall be included on a plan which also illustrates the accurate location of trees to be retained on the development site. The development shall be carried out in accordance with the approved details and all service connections up to the boundary of each plot shall be provided prior to the commencement of any above ground works on any plot.

- 15) Prior to preparation of levels on site for the development hereby permitted, a detailed plan indicating existing site levels and proposed finished ground floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The detailed plan shall include the following details:
 - a) Levels of the existing site, together with indication of a recognised fixed datum point from which levels can be verified during the course of development and at completion;
 - b) The precise finished ground floor levels of the new dwelling(s) relative to the existing development on the boundary of the site (including the adjacent highway and adjacent properties);
 - c) Levels of all accesses to include pathways, driveway, steps and ramps.Thereafter, the development shall be carried out and completed in accordance with the approved details before the development is first occupied and thereafter so retained as such.
- 16) The development hereby permitted shall be carried out in accordance with the recommendations contained in Section 4 of the 2019 Updated Preliminary Ecological Appraisal by Cotswold Wildlife Surveys, report dated 17th October 2019.
- 17) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building(s) itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the building(s)/structure(s) and other parts of the application site and the hours at which such lighting is to be operated. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form and shall not cause light pollution.
- 18) Notwithstanding the indicative details and plans submitted, prior to the first occupation of the development hereby approved each plot shall have all service connections (i.e. electricity, water, drainage, internet) at the boundary of each plot, arranged, laid, installed and ready for all future plots, prior to occupation of any of the plots hereby approved.
- 19) Prior to the first occupation of the development, the public highway at Millers Close shall be improved so as to provide the access arrangements in accordance with the scheme indicated on drawing number 18135-01 rev A and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- 20) Prior to the first occupation of the development construction of the estate road serving the development including footways and verges shall be provided and laid out in accordance with the standard specification of the Highway Authority and as shown on drawing number 18135-02.
- 21) Prior to the first occupation of each individual plot, the vehicular and bicycle parking spaces and turning areas shall be laid out, hardened, surfaced, delineated and drained in accordance with a scheme which shall be first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall show means of access; numbers and sizes of vehicular and bicycle parking spaces; siting of vehicular and bicycle parking and turning areas (indicating locations of disabled parking where appropriate); surface treatment; method of delineation of parking on site; construction details; levels; and surface water drainage.

The approved parking and turning areas shall be retained and maintained thereafter for such purposes and shall only be used for their designated purposes for the parking and turning of vehicles (and for the loading and unloading of vehicles) and bicycles used by persons residing, working, visiting or attending at the site, and shall be kept permanently free from any form of obstruction.

- 22) Prior to the first occupation of each individual plot electric vehicle charging points (EVCPs) shall be provided as follows:
- a) A 4 bedroom home has a 32 amp system to allow for charging of vehicles with larger batteries and/or charging more than one vehicle at a time.
 - b) For each home with up to and including 3 bedrooms, at least one dedicated parking space with an EVCP rated at a minimum of 16 amps.
 - c) For each home with more than 3 bedrooms, at least one dedicated parking space with an EVCP rated at a minimum of 32 amps.
 - d) 20% of any communal or visitor parking spaces shall be provided with 32 amp EVCPs.
 - e) All other communal or visitor parking spaces shall be provided with cabling to allow installation of 32 amp EVCPs in future.

The provision shall be in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, numbers, design, rating and appearance of the EVCP's.

- 23) Prior to the first occupation of each dwelling, details of refuse and recycling storage areas/facilities shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting, area and means of hardening, draining and screening of such storage areas/facilities for the provision of 3 bins. The approved details shall be implemented before the individual plot is occupied. The refuse and recycling storage areas/facilities shall thereafter be retained and maintained as such.
- 24) No dwelling that has a downpipe shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 25) Prior to first occupation of the development, the sustainability measures set out and proposed in the Council's supporting 'Climate Change Checklist' shall be incorporated into the design of the development and/or site layout as

relevant. Thereafter, the approved sustainability measures shall be retained and maintained.

- 26) Prior to the first occupation of the development a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes at the site, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any dwelling to the satisfaction of the Local Planning Authority.
- 27) Prior to occupation of 5 of the dwellings on the Owner/Manager or Management company of the Public Open Space (including the incidental open space and all areas outside of plot ownership) shall complete the Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and Enhancement Areas works (where applicable) as follows:
- a) The Owner shall contact the Local Planning Authority inviting them to either inspect the incidental Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and Enhancement Areas works and issue a Practical Completion Certificate confirming that the Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and Enhancement Areas works have been completed for the whole site (or phase of the site as previously agreed), to their reasonable satisfaction, **or** confirm that the owner should proceed to appoint a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the Owner and the District Council to do the same. If the LPA or the suitably qualified professional inspect the Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and Enhancement Areas and identify necessary remedial works, these remedial works shall be completed and the site reinspected.
 - b) The Owner shall undertake the maintenance of Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and Enhancement Areas for a Maintenance Period of not less than 12 months unless agreed in writing by the Local Planning Authority, in accordance with timetable set out in the Open Space/Ecological areas maintenance scheme until the transfer of maintenance responsibilities in accordance with the transfer arrangements as set out in the S106 associated with this application.
 - c) On expiration of the Maintenance period the Owner shall contact the Local Planning Authority inviting them to either inspect the Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and Enhancement Areas works and issue a Final Completion Certificate confirming that works have been maintained to their reasonable satisfaction, **or** confirm that the Owner should proceed to appoint a suitably qualified independent professional (Landscape Institute, Chartered Institute of Horticulture or grounds maintenance), to be agreed between the Owner and the Local Planning Authority to do the same. If the Local Planning Authority or the suitably qualified professional inspect the Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and

Enhancement Areas works and identify necessary remedial works, these remedial works shall be completed and the site re-inspected.

- d) The Owner or Management Company shall be responsible for the maintenance of the Open Space, SuDS, footpaths, visitor parking spaces, and the Ecological Mitigation and Enhancement Areas until such time as the Final Completion Certificate has been issued for the whole site (or phase of the site as previously agreed with Local Planning Authority).

End of conditions.

Richborough Estates