
Appeal Decision

Site visit made on 4 November 2025

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09th December 2025

Appeal Ref: APP/J3720/W/25/3369800

Land South of Banbury Road, Ettington, Warwickshire. Grid Ref Easting 427274 and Grid Ref Northing 248499.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Rainier Developments Ltd & Mr Richard Hutsby against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00598/OUT.
 - The development proposed is for the development of 8 homes and the phased development of 13 custom and self-build homes, the formation of new vehicular access from Banbury Road, and the laying out of public open space.
-

Decision

1. The appeal is allowed and planning permission is granted for the development of 8 homes and the phased development of 13 custom and self-build homes, the formation of new vehicular access from Banbury Road, and the laying out of public open space, at land South of Banbury Road, Ettington, Warwickshire, Grid Ref Easting 427274 and Grid Ref Northing 248499, in accordance with the terms of the application, Ref 24/00598/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. Only grid references were given on the application form for the location of the site. However, I have used that given on the appeal form, which appropriately describes the location of the site. No party would be prejudiced by this.
3. The appeal proposal is for outline planning permission, with all matters reserved except for access. Therefore, any plans submitted showing details of appearance, landscaping, layout, and scale of the proposed development are for illustrative purposes only and so, I have treated them as such in making my decision.
4. Since the Council made its decision on the proposal, a recent appeal decision¹ sets out that it no longer has a 5 year supply of deliverable housing land. The current supply being 2.74 years. As a result, it is now undisputed by the main parties that paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged and that Policy H2 of the Ettington and Fulready Neighbourhood Development Plan (NDP) (Made July 2018) now applies to the proposed development. In such circumstances, the Council no longer wishes to defend reason for refusal 1, as confirmed in the statement of common ground.

¹ Land off Bordon Hill, Stratford Upon Avon, appeal reference APP/J3720/W/25/3358848

5. A completed and executed legal agreement, dated 29 October 2025, pursuant to s106 of the Town and Country Planning Act 1990, has been submitted during the appeal process. The Council has advised this resolves its reason for refusal 2.
6. Taking account of the above, there are no longer matters in dispute between the appellant and the Council. Although, interested parties have expressed concerns in regard to the proposed development, which I address below.

Main Issues

7. The main issues are:
 - whether the proposal accords with the housing development strategy for the area; and,
 - whether the proposed development would provide appropriate infrastructure.

Reasons

Housing strategy

8. The appeal site is located outside, although adjacent to the village built up area boundary (BUAB) of Ettington, as identified in the NDP. Part of the appeal site is a reserve housing site for potential future residential-led development for around 8 dwellings, as set out in Policy H2 of the NDP. As the Council no longer has a 5 year supply of housing land, part D of Policy CS.16 of the Stratford-on-Avon District Core Strategy (July 2016) (CS) sets out that reserve housing sites will be released. Consequently, as this is triggered, new dwellings would be acceptable in principle on this part of the site.
9. However, part of the appeal site goes beyond the allocated reserve housing site, where new housing in the open countryside is not supported by policies CS.15, CS.16, and AS.10 of the CS and Policy H1 of the NDP; unless new dwellings accord with Policies H2 and H3 of the NDP. Although, it has not been demonstrated that the proposal in respect of this part of the site would meet local housing needs, in accordance with the criteria of Policy H3 of the NDP.
10. The draft emerging Site Allocations Plan² contains policies relating to Self-build and Custom (SBC) housing. This includes a site specific proposal, SCB.3, on land south of Banbury Road, which identifies a capacity for approximately 16 self-build and/or custom-build dwellings, subject to certain criteria. The appeal site is in such location and would provide access through the reserve housing site identified in the NDP, ensure ongoing use of the adjacent playing fields and could be delivered in phases, with scope to provide access through the site to serve the playing fields. Therefore, the proposed development would align with this draft policy, although as it is only emerging policy, not at an advanced stage, I afford minor weight to it.
11. In view of the above, the proposal, would not accord with the adopted housing development strategy for the area, in conflict with Policies CS.15, CS.16 and AS.10 of the CS and policies H1, H2 and H3 of the NDP.

Infrastructure

12. The obligations set out within the final s106 secure the following:
 - Definition and delivery of the SBC housing plots.

² At Preferred Option stage, June 2022

- On site Public Open Space- provision, maintenance, and management, including commuted sums for maintenance, where appropriate.
 - Off-site affordable housing financial contribution in respect of the proposed 8 market houses.
 - Provision of separate financial contributions for off-site Public Open Space contribution, including for allotments and community gardens and children's and young people's equipped play facilities and a financial contribution for a road safety education contribution.
 - s106 monitoring fee.
13. Regulation 122 of the Community Infrastructure Levy Regulations (2010) (CIL), as amended, and paragraph 58 of the Framework set out that planning obligations must only be sought where they meet the relevant tests. The Council has submitted a CIL Compliance Statement outlining the necessity for the various components of the s106, the methods of calculation for the various financial contributions and the related links to policies in the development plan.
14. Based on the agreement between the main parties and having regard to the exemptions for SBC housing, the wording of the s106 and relevant development plan policies, I am satisfied that all the obligations are necessary, directly, fairly and reasonably related in scale and kind to the development and can be taken into consideration as part of the development proposal.
15. In view of the provisions contained in the s106, for on and off site infrastructure, or contributions towards them, the proposed development would provide appropriate infrastructure for the future residents of the development and comply with policies CS.18, CS.25, CS.26 and CS.27 of the CS in such regard. These policies respectively require new residential development to provide 35% affordable housing on sites of more than 6 dwellings in this location, which may be by way of an off-site contribution; provision of appropriate on and/or off-site open space and recreation facilities to meet the needs of its residents; contributions to support community transport initiatives; and provision of developer contributions aligned with CIL, to fund infrastructure and community facilities.

Other Matters

Agricultural land

16. The appeal site includes land classed as best and most versatile (BMV) agricultural land, including a mix of grade 1, 2 and 3a agricultural land across part of the site. However, the extent of BMV land lost would be relatively small and the parcel of land is disjointed from wider agricultural land due to the playing fields. Also, the higher grade 2 areas of BMV that would be lost, principally includes land allocated for reserve housing in the NDP. Therefore, the harm caused by such loss would not be significant.

Character and appearance

17. Currently, the appeal site is an open agricultural field on the edge of the BUAB of Ettington, set within the Feldon Parklands Special Landscape Area (SLA). There is open post and rail fencing to the boundary with the adjacent playing fields and hedges with interspersed sporadic trees to its other boundaries, including along the road and to the boundaries with existing residential properties. However, due to its location, the relatively contained nature of the site and, that there is residential

development on the opposite side of Banbury Road, the appeal site appears visually connected to the built up area of the village. Also, the site is partly separated from wider agricultural land by the playing fields.

18. The Landscape and Visual Impact Appraisal sets out that while the openness of the land would inevitably change, with suitable landscaping, including re-instatement of hedgerow and subject to the scale, design and layout of the development, residential development could be assimilated within the landscape, without causing an undue urbanising effect or significant harm to the character and appearance of the area. Furthermore, the individual design of the SBC plots could be appropriately managed via details submitted at the reserved matters stage and compliance with the principles in the Self & Custom Build Design Code. Consequently, while the proposal would result in moderate/minor adverse landscape effects, subject to conditions and reserved matters details, I am satisfied the proposal would not materially harm the qualities of the SLA.
19. It is intended that the route of the existing public footpath crossing the site would be maintained. Additionally, the illustrative masterplan, although only indicative, shows how this can be appropriately accommodated within an amenity landscape area, maintaining some open aspects and enhanced landscaping around it. Therefore, while the proposal would alter views along the public right of way, with suitable design details, submitted at reserved matters stage and via condition, the visual enjoyment and accessibility of the existing right of way would not be unduly harmed.

Highway safety

20. While concerns have been raised by interested parties about highway safety, the highway authority has raised no objection to the proposal. The submitted Transport Statement and Stage 1 Road Safety Audit demonstrate that the proposed access would be safe. The proposal would not lead to increased parking issues or highway incidents and, a financial contribution towards road safety education is included within the s106 agreement. Also, although only a snapshot in time, I did not observe any particular traffic congestion issues within the village during my site visit. Therefore, without any substantive evidence to the contrary, the proposed development, subject to conditions, would not have an unacceptable impact on highway safety or adversely affect the free flow of traffic in the local area.

Biodiversity

21. The appellant's evidence demonstrates that the proposed development would not harm protected species or habitats and more than 10% biodiversity net gain would be provided as part of the proposal. Therefore, subject to conditions, relating to a required method statement for Great Crested Newts, appropriate external lighting to prevent undue harm to bats using the site and, habitat enhancement, management and maintenance, the proposal would be acceptable in regard to biodiversity.

Living conditions

22. There are existing residential properties which share a boundary with the appeal site, including one with windows in its side elevation, close to the site boundary. While matters related to the siting and scale of the new dwellings do not form part of this outline application, I am satisfied having regard to the illustrative plans, that

subject to appropriate boundary treatments, siting and land levels, which could be managed by condition and via the details agreed as part of the reserved matters, the new dwellings could be suitably located. This would ensure no undue harm is caused to the living conditions of occupiers of existing neighbouring dwellings, in regard to loss of privacy, outlook and light.

23. Noise and disturbance caused to existing nearby residents by the occupiers of the new development would unlikely be significant. Also, any construction noise and disturbance would not be long term and could be suitably controlled by a construction and management plan condition. Therefore, there would not be any harmful impact on the occupiers of nearby dwellings by reason of noise and disturbance from the proposed development.
24. The courts have generally held that the impact on existing property values, which relate purely to private interests are not normally land-use planning matters in the public interest. Therefore, without substantive evidence of such impact, this does not weigh against the proposed development.

Facilities, services and other issues

25. As noted above, the s106 would ensure the proposed development would make the required contributions to appropriate community facilities, including public open space and play equipment. Also, in view of the number of proposed dwellings and lack of evidence to the contrary, it is unlikely that the proposed dwellings would place undue pressure on existing facilities and services within the village. Rather, its residents would likely help to maintain and support existing facilities and services within the village. Additionally, subject to conditions, the proposed development would have acceptable water management and drainage facilities.
26. Even though interested parties have set out that there is a local need for smaller sized dwellings, I have not been provided with any substantive evidence to justify such. Therefore, although the number and size of the dwellings is not included in this outline application, it would not be reasonable or necessary to restrict the development to smaller dwellings.
27. Also, while there are other recent housing developments and vacant buildings nearby, which could be converted to meet housing need in the local area, these are neutral matters, unrelated to the appeal site and proposal before me. Therefore, such matters do not weigh against the proposal.

Planning Balance

28. There would be conflict with policies CS.15, CS.16 and AS.10 of the CS and policies H1, H2 and H3 of the NDP in terms of proposed housing on part of the appeal site that lies outside the allocated reserve housing site. Therefore, the proposal conflicts with the development plan when taken as a whole.
29. However, as undisputed by the main parties' paragraph 11 d) is engaged in this instance, as the Council is unable to demonstrate a 5 year supply of housing land. The current housing land supply being 2.74 years. The delivery of 21 houses would therefore make a positive contribution towards meeting the district's housing land supply and support the governments agenda to boost housing numbers. This weighs significantly in favour of the proposal.

30. The delivery of Self- Build and Custom housing (SBC) on land beyond the reserve housing site would align with the criteria of the site specific proposal, SCB.3 of the emerging Site Allocation Plan. Furthermore, there are no policies within the adopted CS directly relating to SBC housing. Therefore, as acknowledged by the Council, the development plan is inconsistent with the Framework in such regard. Also, the Council has a statutory obligation to meet the demand for SBC housing, with its SBC Supply and Demand position statement, October 2024, setting out that there is a requirement to provide over 100 SBC plots by 30 October 2027. Consequently, the proposed 13 SBC plots, secured by the s106 agreement, would make a positive contribution toward meeting SBC demand in the district and so, weighs significantly in favour of the proposal.
31. Additionally, the proposed development would provide other social, economic, and environmental benefits. This includes, from the construction and the occupation of the new dwellings, the provision of public open space and financial contributions toward affordable housing, off-site allotments and community gardens, equipped play facilities, and road safety education. Such benefits attract modest weight in favour of the proposal.
32. Subject to conditions, the proposal would not cause harm to the character and appearance of the area, highway safety, biodiversity, the living conditions of existing nearby residents and infrastructure. Also, while the proposal would involve the loss of some best and most versatile agricultural land, this would not be significant in area and so, has minor negative weight against the proposed development.
33. Therefore, in the absence of any Framework policies that protect areas or assets of importance that provide a strong reason for refusal, I have considered the proposal against paragraph 11 d) of the Framework, with particular regard to key policies for directing development to sustainable locations, making effective use of land, SBC housing and providing affordable homes and other social and economic benefits. In view of such, I find that the adverse impacts of granting permission would not significantly or demonstrably outweigh the benefits.

Conditions

34. The main parties have had opportunity to comment on conditions and I have considered any comments received. Having regard to the advice contained within the Planning Practice Guidance and the Framework, in the interests of certainty, conditions are needed to clarify the reserved matters, the approved plans and the timescales for seeking approval and commencing works on the development. However, as the Design Code document is not an approved plan and includes layouts that are for illustrative purposes only, I have not included this on the list of approved plans.
35. To protect the character and appearance of the surrounding area, conditions are needed to specify the level of detail of hard and soft landscaping required at the reserved matters stage and in relation to tree protection measures and replacement planting measures. For similar reasons and to ensure design cohesion between the SBC plots, it would be necessary to require compliance with the principles contained in the submitted Custom and Self-Build Design Code.
36. Separate conditions are needed to agree details of the open space and other onsite infrastructure, in accordance with relevant development plan policy

- requirements and ensure adequate provision of such for the benefit of future residents of the development. Although, a condition requiring the delivery timescales and management and maintenance of onsite public open space is not needed, as this is contained within the s106. Additionally, as contained in the s106, conditions are not needed to define and restrict occupation of the SBC dwellings.
37. To ensure no harm is caused to the character and appearance of the surrounding landscape and to protect the living conditions of neighbouring residents, a condition is needed to agree site and finished floor levels of the development before the development commences. Although, restrictions on the height of the new dwellings are not necessary and could be appropriately dealt with as part of the reserved matter submissions.
38. As noted above, to protect, enhance and maintain biodiversity interests, conditions are necessary to require a habitats management and monitoring plan, to include ecological enhancements, for a construction ecological management plan and a Great Crested Newt method statement and that any agreed details are carried out. For similar reasons, to protect bats, a condition is needed for a sensitive lighting design strategy for all of the site, including within the individual dwelling plots.
39. In the interests of highway safety, efficiency of the highway network and to promote sustainable modes of travel, conditions are necessary to secure the provision of the access and internal roads, in accordance with the approved access plan, that the required off-site highway works are completed and pedestrian visibility splays provided at the site access and, adherence to a construction traffic management plan. Although, I have amended the wording of conditions to be more precise, only include matters necessary and ensure the development is not brought into use or occupied until the required highway and internal road works have been completed, relevant to serving the respective parts of the development.
40. The off-site highway works are included on the approved plan and highway works agreements will likely be needed for such also. Therefore, a separate condition requiring the Bellmouth is not needed to make the development acceptable. Also, the design and construction of the internal road/s would form part of the reserved matter details. Therefore, a condition for these details and ability to withstand a certain tonne load capacity is not needed at this outline stage.
41. To protect existing and future residents against flooding and the appropriate provision of drainage for the development, conditions are needed to require, agree, and implement a surface water drainage scheme and connection to the foul drainage infrastructure and ensure this is retained for the lifetime of the development. Although, the timescales for implementation of these can be agreed as part of the details submitted, in view of the likely phased implementation of the development, including the SBC plots.
42. Conditions are needed regarding the details, delivery, and maintenance of certain on-site infrastructure, to ensure the appropriate design and appearance of the development and appropriate provision of facilities for its future residents. This includes street-furniture, broadband, refuse, water-butt, and fire hydrant provision. However, I have amalgamated and reduced the elements required thereto, as necessary to make the development acceptable, where demonstrated to be required by development plan policy and also, to ensure no overlap between conditions and/or the s106 requirements. Regarding bin provision, details should be agreed first, rather than be prescriptive and link to standards that may change.

43. The Desk Study Report by Jubb Consulting Engineers identifies that there may be contamination on the site. Therefore, a condition is needed to require further site investigations and that if contamination is found within the site, any required mitigation works are carried out and verified. This would ensure no harm is caused to human health or biodiversity interests from contamination. Although, I have amalgamated and changed the wording of the condition to be more succinct.
44. In view of the scale of the proposal, the necessity for reserved matters to be agreed before development commences and, that no harm would arise if the development were not implemented in a phased way, there is no need for a phasing condition. Furthermore, the reserved matters, other conditions and the s106 agreement would appropriately manage the delivery of the development. However, a CIL phasing plan condition is needed to ensure CIL is not triggered for the self-build and custom housing plots due to commencement elsewhere on the site. This is in accordance with part J of the Council's Development Requirements SPD. I have amended the wording of the recommended CIL phasing condition to be succinct and consistent with other conditions.
45. Conditions related to the effective capacity of existing off-site drainage within the highway and the requirements for 'sustainable welcome packs' for the future residents of the development are not necessary to make the development acceptable. Additionally, details relating to the retention and unobstructed use of the public footpath would be appropriately managed at the reserved matters stage when the site layout is considered. Therefore, a condition is not needed in respect of such.

Conclusion

46. In view of the above, the presumption in favour of sustainable development applies and indicates that a decision should be taken other than in accordance with the development plan taken as a whole in this case.
47. Accordingly, subject to conditions, the appeal is allowed.

C Billings

INSPECTOR

See overleaf for schedule of conditions

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, ("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 three years from the date of this permission.
3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following plans, Location Plan, drawing no L01 and Proposed Site Access drawing no 001 Rev P8.
5. The first reserved matters application shall include a specification for all the on Site Infrastructure, including areas of landscaping, Public Open Space, Incidental Open Space, Sustainable Urban Drainage system (SUDs), bin collection points, and visitor parking spaces, as identified on the Code Plan– Enclosed within the Custom and Self Build Design Code, Rev A (March 2024), and any other areas to be managed communally or applicable for the Site Infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timescales. The information submitted shall include:
 - a. the design specification for the hard and soft landscaping elements of the Site Infrastructure.
 - b. a plan showing the exact location and dimensions of the elements of the Site Infrastructure required in (a) above
 - c. All existing trees and hedges within or adjacent to the site to be retained,
 - f. the position and design of all site enclosures and boundary treatment specifying the type, height, composition, and appearance, including any fencing on or within 1m of public footpath SD67c
 - g. car parking layout for those not within dwelling plots and any shared vehicular and pedestrian areas
 - h. any other structures, including bins, seating, or other street furniture.
 - i. management and maintenance schedules for all site infrastructure and landscaping
 - j. a timetable for the delivery of all site infrastructure and landscaping.
6. Each reserved matters application relating to a custom and self-build dwelling, relating to the appearance, scale and layout of such dwellings shall be in accordance with the principles of the Custom and Self Build Design Code, Rev A (March 2024) by EDGE Urban Design on behalf of Rainier Developments and Strategic Land.
7. No development shall take place until a Community Infrastructure Levy (CIL) Phasing Plan, which sets out each phase of development has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved CIL Phasing Plan.

8. No development, site clearance or other works shall take place until a Great Crested Newt (GCN) Method Statement has been submitted to and approved in writing by the local planning authority. The GCN Method Statement shall include:
- a detailed description of methods to be used in the footprint of the works in order
 - for impacts on GCN to be fully assessed,
 - confirm area of entire footprint,
 - include the use of GCN licensed ecologist/accredited agent to inspect site prior to works and oversee proposed works, and to include targeted enhancement for amphibians (e.g. leaving unmown grass/creation of log piles etc),
 - full justification as to why further survey effort/licensing was scoped out.
 - The approved GCN Method Statement shall thereafter be carried in full, in accordance with the agreed details and timescales.

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. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details and timescales. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan for the lifetime of the development.

10. No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
- i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until i) additional measures for the remediation of the site have been carried out in accordance with details

that shall first have been submitted to and approved in writing by the local planning authority; and ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

11. No development shall take place until details of a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CMP details. The CMP shall include the following details:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials, including the times of such loading, and unloading
 - c. storage of plant and materials used in constructing the development or stockpiling during development
 - d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e. wheel washing facilities including the location of wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. the hours of demolition and/or construction (it is recommended that no works (including the deliveries) 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 Public of Bank Holidays)
 - i. details of any piling together with details of how any associated vibration will be monitored and controlled
 - j. the location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment
 - k. means of access and routing plan for construction traffic including HGV vehicles
 - l. management of surface water run-off
 - m. contact telephone number(s) and email address(es) of the site manager(s), these should be displayed on the site
 - n. details of external lighting required during construction
 - o. measures to prevent degradation of the public highway by construction vehicles.
12. No development shall take place, including demolition, ground works and vegetation clearance, until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be on site to oversee works.
 - f) Responsible persons and lines of communication.

g) The role and responsibilities of an ecological clerk of works (ECoW) similarly competent person.

h) Use of protective fences, exclusion barriers, and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period, in accordance with the approved details.

13. No development shall take place until a Habitat Management and Monitoring Plan (the HMMP), has been submitted to, and approved in writing by the local planning authority. The HMMP shall include:

a) a non-technical summary;

b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

c) the planned habitat creation and enhancement works to create or improve habitat to achieve biodiversity net gain, including the location and numbers of ecological enhancement features;

d) the management measures to maintain habitat for a period of 30 years from the completion of development; and

e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The development shall be carried out in accordance with the approved HMMP and notice in writing given to the local planning authority when the HMMP works have started.

14. No development shall take place on the individual dwelling plots until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels, including that of the adjacent highway and residential properties, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

15. The details submitted in accordance with condition 5 above shall include: a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; a schedule in relation to every tree identified listing: information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and, any proposed pruning, felling or other work; in relation to every existing tree identified to be retained on the plan, details of: any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and, all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced); areas of existing landscaping to be protected from construction operations and the method of protection.

16. The protective fencing in accordance with the approved details submitted for the purposes of condition 15, shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced

area, and the ground levels within those areas shall not be altered, nor shall any excavation be made throughout the construction period of the development.

17. Prior to the erection or installation of any external lighting, details including height, design, location, intensity shall be submitted to and approved in writing by the local planning authority. The lighting installations shall then be carried out in accordance with the approved details and retained as approved for the lifetime of the development.
18. No dwelling hereby permitted shall be occupied until works for the disposal of sewage have been provided to serve the respective dwelling plot, in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be retained for the lifetime of the respective dwelling.
19. No dwelling hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of any dwelling within the development and retained for the lifetime of the development.
20. No part of the development shall be occupied or brought into use until the highway works in accordance with the details on the Proposed Site Access drawing no 001 Rev P8 have been laid out and constructed. Such access works shall thereafter be retained for the lifetime of the development.
21. No part of the development shall be brought into use until visibility splays have been provided to the pedestrian access to the site. The pedestrian visibility must have an 'x' distance of 2.4 metre from the back of the footway and a 'y' distance of 2.4 metres from either side of the access. No structure, tree or shrub shall be erected, planted, or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway footway.
22. No dwelling shall be occupied until the internal access road, vehicle turning areas and pedestrian footways serving the respective dwelling plot have been constructed, in accordance with details to be first submitted to and approved in writing by the local planning authority. The approved internal access road/s, vehicle turning areas and pedestrian footways shall be retained for such purposes and shall not be used for any other purpose other than for the manoeuvring of vehicles and pedestrians for the lifetime of the development.
23. No dwelling shall be occupied until provision has been made within its plot for refuse, recycling, and green waste, in accordance with details to be first submitted to and approved in writing by the local planning authority. The approved provision shall thereafter be maintained for the lifetime of the development.
24. No dwelling shall be occupied until it has been provided with a connection to facilitate superfast Broadband connectivity.

25. No dwelling 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 a downpipe. The water butt shall thereafter be maintained for the lifetime of the development.

End of Schedule

Richborough