



## Appeal Decision

Hearing Held on 6 December 2021

Site visit made on 17 December 2021

**by M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 February 2022**

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**Appeal Ref: APP/J3720/W/21/3272934**

**Land at Stratford Business Park, Banbury Road, Stratford on Avon**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Persimmon Homes and The Bird Group against the decision of Stratford on Avon District Council.
  - The application Ref 20/02665/FUL, dated 23 September 2020, was refused by notice dated 20 January 2021.
  - The development proposed is the erection of 62 no. dwellings (Use Class C3) with means of site access from Stratford Business and Technology Park onto Banbury Road including amenity space and all other necessary ancillary and enabling works.
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### Decision

1. The appeal is allowed and planning is granted for the erection of 62 no. dwellings (Use Class C3) with means of site access from Stratford Business and Technology Park onto Banbury Road including amenity space and all other necessary ancillary and enabling works at Land at Stratford Business Park, Banbury Road Stratford on Avon in accordance with the terms of the application Ref 20/02665/FUL, dated 23 September 2020, and subject to the Schedule of Conditions to this decision.

### Preliminary Matter

2. At the Hearing a draft S106 Agreement was provided, the main parties agreed that subject to some minor alterations the detail of this was sufficient for consideration and discussion at the event and a timescale was agreed for the submission of a signed and completed S106 Agreement. Duly, I have been provided with a certified copy of a signed and completed S106 Agreement dated 14 December 2021. I shall return to this later on in my Decision.

### Main Issues

3. The main issues are:
  - i. the effect of the proposal on the character and appearance of the area;
  - ii. the suitability of the location of the appeal site for housing; and,
  - iii. whether the proposal makes suitable provision for affordable housing, infrastructure, services and community facilities which are necessary to make the development acceptable in planning terms.

## Reasons

### *Character and appearance*

4. The appeal site ('the site') is located along Banbury Road ('A422') and forms part of a wider site that has been developed for 5 commercial units with associated parking areas. This forms the Stratford Business and Technology Park ('SBTP'). The wider site is separated from the built-up urban area boundary ('the BUAB') of Stratford-Upon-Avon by agricultural land and this along with the appeal site are located in the countryside.
5. It is common ground between both main parties that the appeal site is previously developed land ('PDL') which is also defined as Brownfield land in the National Planning Policy Framework ('the Framework').
6. Because of its modern, sizeable buildings and substantial access, the SBTP is uncharacteristic of nearby traditional farmsteads. From within the SBTP, the site provides a verdant setting to this. From outside, this relationship is only perceptible in limited views from along the A422. Nonetheless, largely due to the extent of boundary landscaping, the SBTP and the site are settled within the wider landscape.
7. The proposal is for 62 dwellings with associated infrastructure. This would mainly replace an area of closely mown amenity grassland on largely man-made ground, which is of limited landscape and ecological value. The site's landscaping along its western and northern boundaries comprises established trees and hedgerows which are species-rich and provide a degree of visual screening and amenity. This landscaping is to be retained along with an ornamental pond near the roadside frontage of the site, which is to be remodelled and incorporated as part of the proposed public open space. These retained landscape features would be augmented by new planting.
8. New development at the site would result in some adverse landscape effects through the loss of amenity grassland. Such effects would be localised and limited to the site and its immediate context to the west.
9. Consequently, and having considered the national, county and district level landscape character for the area, the only factor of relevance is established field patterns around the wider site, which would be unaffected by the proposal. This, along with the retention and enhancement of the existing landscape features, would ensure that there is no greater than a negligible effect on the landscape character of the area.
10. Based on my visit and the submitted Landscape and Visual Impact Assessment, due to the vegetation around the boundary of the wider SBTP and wooded areas, hedgerows and trees within the wider landscape, the extent to which the site is visible in the surrounding landscape is limited to localised views.
11. In particular, the greatest level of visual effects would be experienced by users of the A422 heading south towards, and adjacent to, the north-eastern boundary of the site. From along here filtered views of the buildings associated with the SBTP are available. Although the new dwellings would be closer to the A422, they would be lower in height than the buildings associated with the SBTP and subject to careful consideration of finished floor levels and new planting, the effects of the development from this part of the A422 would be

- moderate at completion of the development, reducing to negligible when the new landscaping matures.
12. The closest Public Right of Way (SB26) passes along the site's northern boundary. Views from along here vary in nature but are generally filtered by vegetation.
  13. Users of the SBTP would have views of the development. However, overtime such views would become filtered as a consequence of the new planting between this and the site.
  14. Policy BE6 of the Stratford Upon Avon Neighbourhood Plan ('SuANDP') identifies that proposal for development must demonstrate an effective and efficient use of land. This includes the reuse of PDL and density which is designed to enhance the character and quality of the local area.
  15. The supporting text to the above Policy suggests densities for development in close proximity to the Town Centre being as high as 60 dwellings per hectare (dph), but not normally above 25 dph on the periphery of the town. However, it also supports higher density for sites within 400m of public transport and adds that high quality design will enhance amenity through housing density levels that also secure adequate internal and external space, dwelling mix, privacy and sunlight and daylight to meet the requirements of future occupiers.
  16. The appeal site lies outside of the BUAB but is PDL. For the reasons set out under the second main issue, the site would be made accessible by public transport. This includes the provision of a bus stop outside the site. Furthermore, the proposed dwellings would secure adequate internal and external space, dwelling mix, privacy and sunlight and daylight to meet the requirements of future residents. Accordingly, the proposed density of about 36 dph would not be inconsistent with the overall aims of Policy BE6 of the SuANDP.
  17. Based on the appellants' submissions the character, layout and design of the development has evolved through the considerations of several factors. In particular, the more recent housing development at Alveston. Despite that development comprising an extension to a village, it is within a rural setting and is therefore representative of the local character and appearance.
  18. The proposed house designs are influenced by local vernacular and include sufficient detailing and variations in materials and forms. The scale of the development would be predominantly 2 storeys with a limited number of 2.5 storey units proposed towards the south-east of the site near to the SBTP. Towards the north-west closer to the existing Public Right of Way, the house types proposed are of a narrow depth to allow a lower ridge height and to limit visual effects.
  19. The proposed layout by incorporating the existing pond and new landscaping would provide an open and verdant entrance to the site which would give the development a strong identity. This area would also link to the 'village green' which offers a focal space within the development. These areas of public open space also facilitate an organic layout towards the front of the site.
  20. Further into the site, the layout incorporates more linear streets with housing close to the highway as well as courtyard arrangements. In general, these streets would be small and varied through the use of different house designs.

These elevations would also be punctuated with street trees. Subject to the careful selection of species, trees could be incorporated within the development without conflict with how it functions. The use of street trees with modest defensible frontages incorporating planting, along with the provision of railings and shared road surfaces denoted by pavers, would provide interest and enhance street scenes.

21. Parts of the proposed layout with a tighter grain are more suburban in nature. However, these are located closer to the SBTP. Moreover, where the development would be more apparent in the countryside, for example in views from the A422 and Public Right of Way (SB26), this would be sufficiently setback behind landscape buffers, enabling it to appropriately integrate with its surroundings.
22. The pond is considered a space of public value under Policy CLW4 of the SuANDP. Subject to the area surrounding the pond being accessible which would be achieved through the suggested conditions. This area, together with the 'village green' and areas of boundary planting would provide a linked and varied high-quality public realm to complement the built forms. The areas of public open space would also support biodiversity improvements. This would be consistent with Policy BE5 of the SuANDP, which seeks to secure high quality public realm and biodiversity enhancements.
23. The front area of public open space would be linked via a path to the children's play area, in the northwest corner of the site. This would be overlooked by a number of properties. Although a landscape buffer between these properties and the play area is proposed, subject to its careful landscaping, this arrangement would achieve the appropriate balance of natural surveillance and a verdant and functional play facility.
24. Parking spaces for the market homes are predominantly within plots, whereas those for the affordable units are located off-plot. Notwithstanding this, the off-plot parking spaces would generally be near to their respective plots and benefit from surveillance. Furthermore, the affordable housing is interspersed amongst market housing. Therefore, in my view, the arrangement of parking spaces in itself would not be sufficient to distinguish the affordable housing from the market housing. Overall, I consider the layout to be tenure blind.
25. Because of the site's location adjacent to an established business park, the area already incorporates a degree of lighting. In this context and because any additional lighting arising from the proposal would be more apparent at night when the nearby road and paths are less likely to be in use, the lighting associated with the new development would not unacceptably harm the character of the area. Given the site's location and separation from dwellings in the area, any noise associated with the new development would not be unacceptably intrusive on the living conditions of the occupiers of those dwellings.
26. Along with the improvements to the public transport serving the site, the creation of a dedicated footway/cycleway linking to the edge of Stratford-upon-Avon, would enable the development to integrate with the existing community. These improved linkages would also benefit the wider community to access the proposed areas of public open space. Consequently, the proposal accords with the overall aim of Policy BE3 of the SuANDP for integrating new development and promoting social cohesion.

27. For the above reasons, although the proposal would introduce a high degree of change to the site, development of the scale and type proposed would not cause any unacceptable landscape and visual harm.
28. The proposed scale, layout and density of the development has been designed to make effective and efficient use of the site whilst also responding to the site's immediate context. It also retains key landscape features and provides the required amenity and public open space for future residents. Overall, this would result in a distinctive development which responds to site specific constraints and opportunities whilst also being reflective of the wider character of the area. The proposal therefore accords with Policy CS.9 of the CS, which amongst with other things aims to secure local distinctiveness and high-quality design.
29. For the above reasons, the proposal would not harm the character and appearance of the area and I find no conflict with policies CS.9 of the CS, and BE3, BE5, BE6 and CLW4 of the SuANDP. The proposal also accords with Policy CS.5 of the CS which aims to maintain and enhance the landscape character and quality of the District, and the design aims of SuANDP policies BE1 which requires new developments to create a strong sense of place and BE2, in that the proposal responds positively to the local character.

*Suitability of the location for housing*

30. Policy CS.15 of the CS states that the distribution of development in Stratford-on-Avon District over the plan period 2011-2031 will be based on a pattern of balanced dispersal, in accordance with the distinctive character and function of the wide range of sustainable locations across the District. This includes: 'E. Large Rural Brownfield Sites', stating that, to encourage the effective use of previously developed land, development will take place on Large Rural Brownfield Sites in accordance with Policy AS.11 of the CS.
31. The supporting text to Policy AS.11 recognises that the consideration of large-scale developments on brownfield sites raise a wide range of issues that need to be balanced out carefully. The overarching approach is that development or redevelopment of these sites should be principally for uses that are not and could not be provided for in more sustainable locations in the District, such as within or on the edge of Stratford-upon-Avon or a Main Rural Centre. Adding that because such sites tend to be in locations that are some distance away from existing centres of population and activity, they are often not the most sustainable in terms of access and linkages. Consequently, development on them has to be justified on the basis of overriding benefits in order for a proposal to be acceptable.
32. Policy AS.11 of the CS requires proposals for the redevelopment of such sites be assessed against a number of criteria, which I have considered.
33. At a local level redevelopment of the appeal site accords with the aims of Policy CS.15, which seeks to encourage the effective use of previously developed land. This is also consistent with the aims of the Framework.
34. Although the Council has secured considerable new housing delivery over the plan period and also has more than a 5-years supply of deliverable housing land, the Council's housing requirements are set as minima. Therefore, the delivery of 62 dwellings would provide additional dwellings for the District in

- accordance with the targets set out under Policy CS.16 of the CS. This would also positively support the Government's objective of significantly boosting the supply of homes.
35. In particular, the proposed housing provision would include affordable housing. Even if I accept that the Council has a strong track record of delivering affordable housing, the provision of an additional 22 affordable homes, albeit required to make the development acceptable in planning terms, would still support a strong unmet demand for affordable housing in the District.
  36. Accordingly, the proposed level of affordable housing would positively contribute to the Council's strategic objective for delivering affordable homes and is a significant benefit of the proposal, which would address the needs of a group with specific housing requirements, to which I attach moderate weight.
  37. There would also be significant social and economic benefits associated with a development of this scale. Further, the improvements to the site's accessibility is likely to reduce reliance on private car use. This, and the additional landscaping and associated biodiversity improvements would therefore provide some environmental benefits. As such, redevelopment of the appeal site would be in the national and local interest.
  38. I acknowledge that the site offers some visual amenity to the area; subject to the retention of the majority of existing landscaping and proposed new planting, the site would continue to provide this. The site also affords the SBTP a degree of amenity and outlook. However, there is no specific planning requirement for this. Therefore, the delivery of new dwellings at the site and associated benefits outweigh the current condition and use of the site.
  39. Based on my findings in respect of the first main issue, the scale and nature of impacts arising from the proposal would not unacceptably affect the local area and community.
  40. On the information before me, there are no features that are statutorily protected or of local importance within the site. The site is located within Flood Zone 1, which has the lowest risk of flooding and subject to a satisfactory surface water drainage scheme, development at the site would not be liable to flooding.
  41. Most notably, the appeal site is about 600m from the edge of Stratford-upon-Avon. As the largest settlement in the District, Stratford-upon-Avon supports an extensive range of shops and services for its size, due to tourism associated with the town. The submitted Accessibility Plan shows that almost the entirety of the urban area of Stratford upon Avon is within a distance of about 5km from the site.
  42. In particular, a number of existing bus services go past the appeal site. The proposal includes a Bus Service Contribution to fill gaps in the existing bus services, which would comprise two trips in the morning and two trips in the afternoon to and from Stratford-upon-Avon town centre.
  43. Although the proposed funding for bus service improvements would only be secured for the first 5 years from the occupation of the development, there is nothing to suggest that the use of these services in association with the residential development and the SBTP would not support its future viability.

44. In addition, the proposal includes the provision of a bus turning facility within the site and a new bus stop outside it. This combined with the availability of a range of shops, services and facilities within and near Stratford-upon-Avon Town is likely to provide a strong incentive to encourage the use of the bus services.
45. Furthermore, to improve accessibility to and from the site via walking and cycling, the proposal includes improvements to the footpath opposite the site through the creation of a combined footway/cycleway between the site and the BUAB of Stratford-upon-Avon. Despite the 50mph along this part of the A422, a dedicated footway/cycleway is likely to give pedestrians and cyclists greater confidence to use this and motorists would also have a better awareness of this. The route of the proposed footway/cycleway is straight and relatively short. Therefore, despite this being along an incline when travelling towards the town, this is unlikely to deter pedestrians and cyclists from using it.
46. As such, the site would be developed to provide a range of alternative sustainable forms of travel. In particular, given the extensive range of services available within the urban area of Stratford upon Avon, this type of arrangement is likely to encourage linked trips. Therefore, occupiers of the development would not be heavily reliant on the private car to meet their day-to-day needs. Accordingly, the proposal would minimise the need to travel and promotes the use of transport other than the private car.
47. Moreover, on the information before me, I cannot be certain that there are any specific available sites elsewhere, within or on the edge of Stratford-upon-Avon or a Main Rural Centre, where the form and scale of the proposed development in terms of housing delivery, including affordable housing and public open space could reasonably be provided.
48. Based on the above reasons, the proposal performs positively when assessed against Policy AS.11 of the CS. As such, the delivery of housing on this Large Rural Brownfield Site is supported and consistent with the overall development strategy of the CS. Therefore, and because the proposed residential use would be compatible with the mainly office use associated with SBTP, and there is nothing to suggest that the satisfactory remediation of the site could not be secured through the suggested conditions, the proposal is also consistent with Policy H4 of the SuANDP, which supports the reuse of brownfield land.
49. Consequently, the appeal site is in a location suitable for housing and also accords with the aims of Policies CS.15 and CS.16 of the CS. The proposal also complies with Policy H1 of the SuANDP which supports development outside a BUAB where this accords with Policy H4 of the SuANDP.
50. Although the Council's first reason for refusal refers to Policy AS.10 of the CS, this Policy is not applicable to land covered by Policy AS.11 of the CS and therefore is not relevant to the proposal before me.

*Provision for affordable housing, infrastructure, services and community facilities*

51. The completed S106 Agreement, includes a covenant agreeing that 35% (22) of the dwellings authorised by the planning permission shall constitute affordable housing in accordance with Policy CS.18 of the CS. The affordable housing scheme would also secure the required mix of units and tenures.

52. The provision of an additional 62 dwellings in this location would result in an increase in the local population, with subsequent impacts on schools, social infrastructure such as libraries, health and recreation facilities. To this end, the S106 Agreement includes obligations for financial contributions towards secondary school and post 16 education, library services, improvements to rights of way within the vicinity of the development and medical care facilities.
53. Schedule 2 of the S106 Agreement includes requirements for the provision and transfer of the public open space including the play area and other associated infrastructure, along with a financial contribution for the maintenance of the open space and play area.
54. Other obligations include a financial contribution to provide the 550m footway/cycleway on the north side of the A422 to the A4390 roundabout, a bus diversion contribution to fund the existing gap in bus services to and from the site, a public transport financial contribution for bus shelters and 'real time information' displays and a contribution to support local highway safety initiatives. There is also a requirement for s278 agreement to secure the necessary highway works and an obligation to provide sustainability packs for the occupiers of the development to promote sustainable travel.
55. In addition, a monitoring fee would be payable to cover the reasonable and proper administrative costs of monitoring compliance with the obligations.
56. Having regard to the evidence before me, in particular the Council's delegated report and from discussions at the event, it has been demonstrated that the obligations in the submitted S106 Agreement are necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended). I have taken these factors into account when determining the appeal.
57. The proposal therefore makes appropriate provision for affordable housing, infrastructure, services and community facilities which are necessary to make the development acceptable in planning terms and therefore accords with CS Policy CS.27 which requires funding for infrastructure and community facilities necessary to accommodate growth and to mitigate impacts. The submitted S106 Agreement also meets the requirements of CS policies: CS.25 which aims to secure infrastructure, services and community and recreation facilities including open space and CS.26 which amongst other things requires the provision of transport infrastructure.

### **Other Matters**

58. There is no strong technical evidence to suggest that the additional traffic arising from the proposed development would unacceptably affect traffic using the A422 and the two bridges into Stratford-Upon-Avon-Town. Requests to reduce the speed limit along the A422 would be a matter for the relevant Highway Authority.
59. Although the submitted scheme contrasts with a development previously permitted for 10 dwellings under planning permission 12/02712/OUT at the site, that scheme was considered under different planning policies. Therefore, the previously permitted scheme does not influence my findings on the

proposal before me, which I have determined on its planning merits. Similarly, any other applications for housing in the countryside would be determined on their merits and my decision does not set a precedent for other sites in the area.

### **Conditions**

60. In imposing conditions, I have had regard to the Framework and the Planning Practice Guidance. I have proposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans as this provides certainty.
61. I have specified conditions requiring details of the external facing materials, hard landscaping, and any utility sub-stations / services, along with details of finished floor levels, in the interest of the appearance of the development.
62. Conditions relating to the protection of trees, a landscaping scheme and the future maintenance of the landscaping are necessary in the interests of protecting landscaping and safeguarding the appearance of the area. Conditions requiring the detailed specifications for the Public Open Space and its maintenance are necessary in the interests of safeguarding the appearance of the public realm and accessibility.
63. It is also reasonable to require electric vehicle charging points and water efficiency measures to be provided within the development to promote sustainable forms of development. In the interests of safeguarding future occupants, conditions for the provision of adequate water supplies and fire hydrants necessary for firefighting, and to deal with on-site contamination are necessary.
64. Conditions requiring the timely construction of the estate roads serving the development and footways, verges and footpaths, and the provision of vehicle parking, turning areas and Bus Stop Infrastructure are necessary to ensure accessibility and safety of highway users. A condition to minimise the disruption caused by construction activity on the highway by requiring a Construction Management Plan is also necessary in the interests of highway safety.
65. To protect and enhance biodiversity, I have imposed conditions requiring that the development is carried out in accordance with recommended mitigation measures contained in the submitted ecological survey, the requirement for a habitat management plan, and measures to reduce the risk of common amphibians being trapped within the new road drainage system.
66. A condition relating to foul drainage details is necessary to avoid local pollution. In addition, a condition requiring specific details in regard to surface water drainage, sustainable urban drainage systems (SuDS) is necessary in the interests of securing satisfactory drainage of the site and managing flood risk.
67. To ensure essential infrastructure for domestic waste management is provided, I have specified a condition requiring refuse, recycling and green waste bin specifications.
68. The only notable noise source in the area is the A422. In this case the proposed dwellings would be setback from this by an intervening landscape buffer and I have not been provided with any strong reasons why the proposed dwellings

would require any noise mitigation measures over and above building control requirements. Therefore, a condition requiring noise mitigation measures is not necessary.

69. As any habitats are likely to be in the proposed public open space, I have set out the requirement for a Habitat Management Plan under conditions relating to the public open space.
70. Conditions 3,4,5,6, 8,9,10,11, 12 and 13 which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance

### **Conclusion**

71. For the above reasons, I conclude that the appeal should be allowed.

*M Aqbal*

INSPECTOR

### **Schedule of Condition**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. This permission relates to the following approved plans:

Location Plan Dwg. No. LP-01 Rev. B  
Site Layout Dwg. No. 7635-P-01 Rev. B  
External Works Layout Dwg. No. 7635-P-02 Rev. B  
Landscape Strategy Dwg. No. 7635-P-03 Rev. A  
Arden Semi-Detached Plans Dwg. No. 7635-P-04  
Arden Semi-Detached Elevations Dwg. No. 7635-P-05  
Arden Terraced Plans Dwg. No. 7635-P-06  
Arden Terraced Elevations Dwg. No. 7635-P-07  
Alnmouth Semi-Detached Plans Dwg. No. 7635-P-08  
Alnmouth Semi-Detached Elevations Dwg. No. 7635-P-09  
Alnmouth Terraced Plans Dwg. No. 7635-P-10  
Alnmouth Terraced Elevations Dwg. No. 7635-P-11  
Danbury Semi-Detached Plans Dwg. No. 7635-P-12  
Danbury Semi-Detached Elevations Dwg. No. 7635-P-13  
Charnwood Detached Plans and Elevations Dwg. No. 7635-P-14  
Charnwood Cr Detached Plans and Elevations Dwg. No. 7635-P-15  
Whinfell Semi-Detached Plans Dwg. No. 7635-P-16  
Whinfell Semi-Detached Elevations Dwg. No. 7635-P-17  
Greenwood Detached Plans Dwg. No. 7635-P-18  
Greenwood Detached Elevations Dwg. No. 7635-P-19  
Whiteleaf Detached Plans Dwg. No. 7635-P-20  
Whiteleaf Detached Elevations Dwg. No. 7635-P-21  
HQI 50 Maisonette Plans Dwg. No. 7635-P-22  
HQI 50 Maisonette Elevations Dwg. No. 7635-P-23  
HQI 65 Semi-Detached Plans Dwg. No. 7635-P-24  
HQI 65 Semi-Detached Elevations Dwg. No. 7635-P-25  
HQI 65-65-79 Terraced Plans Dwg. No. 7635-P-26  
HQI 65-65-79 Terraced Elevations Dwg. No. 7635-P-27  
HQI 73 Semi-Detached Plans Dwg. No. 7635-P-28  
HQI 73 Semi-Detached Elevations Dwg. No. 7635-P-29  
HQI 83 Semi-Detached Plans Dwg. No. 7635-P-30  
HQI 83 Semi-Detached Elevations Dwg. No. 7635-P-31  
HQI 83 Terraced Plans Dwg. No. 7635-P-32  
HQI 83 Terraced Elevations Dwg. No. 7635-P-33  
HQI 102 Semi-Detached Plans Dwg. No. 7635-P-34  
HQI 102 Semi-Detached Elevations Dwg. No. 7635-P-35  
Garages 1 Plan and Elevations Dwg. No. 7635-P-36  
Garages 1 Plan and Elevations Dwg. No. 7635-P-37  
Swept Path Analysis Dwg. No. 05118-DR-0111 Rev. P02  
Access Junction Plan Dwg No. 05118-DR0100 Rev P01

3. No demolition, site clearance or building operations shall commence, or equipment, machinery or materials be brought onto site until a scheme for the protection of all existing trees and hedges has been submitted to and approved in writing by the local planning authority. The tree protection measures shall include:

- a) The submission of a Tree Protection Plan and an Arboricultural Method Statement in accordance with BS5837:2012 Trees, in relation to design, demolition and construction – Recommendations,
- b) Details of the erection of protective fencing in accordance with British Standard BS5837:2012, Clause 6.2,
- c) Fencing shall be shown on the Tree Protection Plan to the extent of the tree Root Protection Area (RPA) as defined in BS5837:2012.

Thereafter, the tree protection measures shall be implemented in accordance with the approved details and retained until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

No equipment, machinery or structure shall be attached to or supported by a retained tree.

No mixing of cement or use of other contaminating materials or substances shall take place within, or close to RPA.

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.

4. No development shall commence until a scheme for foul drainage and effluent disposal has been submitted to and approved in writing by the local planning authority. Thereafter the foul drainage and effluent scheme shall be implemented in accordance with the approved scheme. No dwelling shall be occupied until a foul drainage connection for it has been completed.
5. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The surface water scheme shall include the following:
  - Demonstrate that the enhanced surface attenuation basin is designed in accordance with 'The SuDS Manual', CIRIA Report C753, providing a cross-section of the enhanced feature.
  - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm to the QBar Greenfield runoff rate of 42 l/s for the site.
  - 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.
  - 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.

Thereafter the development shall be completed in accordance with the

approved surface water drainage scheme.

6. No development shall commence until clauses (a) and (b) of this condition have been complied with:
  - (a) A detailed site investigation shall be carried out and a Site Investigation Report submitted to and approved in writing by the local planning authority. The Report shall detail all investigative works and sampling on site, together with results of analysis and risk assessment to any receptors.
  - (b) Where unacceptable risk is identified by the Site Investigation Report, a proposed Remediation Strategy (including a Quality Assurance Scheme) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
7. Prior to occupation of any dwelling hereby approved, clauses (a), (b) and (c) of this condition shall be complied with:
  - (a) All remediation work approved under the Remediation Strategy in Condition 5 above shall be completed and carried out under the Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed, and an appropriate remediation scheme and timescales shall be submitted to and approved in writing by the local planning authority.
  - (b) A Completion Report shall be submitted to and approved in writing by the local planning authority. The Completion Report shall include details of the remediation works and Quality Assurance certificates to verify that the works have been carried out in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included together with the necessary waste transfer documentation detailing the waste materials that have been removed from the site.
  - (c) A certificate signed by the developer shall be submitted to the local planning authority confirming that the appropriate works have been undertaken as detailed in the Completion Report.
8. No development shall commence until a Construction Management Plan ('CMP') has been submitted to and approved in writing by the local planning authority. The CMP shall provide details of the following:
  - a) areas for the parking of vehicles of site operatives and visitors,
  - b) areas for loading and unloading of plant and materials, including the times of such loading, and unloading,
  - c) areas for the 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.
- f) measures to control the emission of dust and dirt during construction,
- g) a scheme for recycling/disposing of waste resulting from construction works,
- h) the hours of 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 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,
- l) management of surface water run-off,
- m) details of external lighting required during construction,
- n) measures to prevent degradation of the public highway by construction vehicles.
- o) contact telephone number(s) and email address(es) of the site manager(s)

Thereafter, the development shall be undertaken in accordance with the requirements of the approved CMP.

9. Prior to the construction of any dwelling hereby permitted, an Open Space Specification for the area of land identified as Public Open Space on Dwg No. 7635-P-50A shall be submitted to and approved in writing by the local planning authority. The Public Open Space Specification shall include:
- a) the design specification for the hard and soft landscaping elements of the Public Open Space, including ecological/habitat areas, associated play area and equipment.
  - b) a plan showing the exact location and dimensions of the elements of the Public Open Space required in a) above.
  - c) the following additional details:
    - i. planting plans,
    - ii. a written description of the works of cultivation and other operations associated with tree, plant, and grass establishment.
    - iii. a schedule of plants noting species, plant sizes and proposed numbers/densities.
    - iv. existing landscape features such as trees, hedges, and ponds to be retained accurately plotted.
    - v. existing landscape features such as trees, hedges, and ponds to be removed accurately plotted
    - vi. 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).

- vii. the means of accommodating changes in level (e.g., steps, retaining walls, ramps where appropriate)
  - viii. details of hard surfacing materials, including manufacturer, type, design, colour and bonding pattern where appropriate.
  - ix. the position and design of all site enclosures and boundary treatments including heights and materials.
  - x. pedestrian areas,
  - xi. minor artefacts and structures (e.g., street furniture, play equipment, refuse areas, signage, lighting etc.).
10. Prior to the construction of any dwelling hereby permitted, an Open Space/Landscape Maintenance scheme shall be submitted to and approved in writing by the local planning authority. The Open Space/Landscape Maintenance scheme shall include:
- a) Long term design objectives including a Habitat Management Plan.
  - b) Management responsibilities, maintenance schedules, details of the nature and frequency of maintenance for the Open Space Works as described in the Open Space/Landscape Specification.
  - c) Measures to repair or replace any equipment (including play equipment), facilities, paths or hard standing that become damaged, and to replace any trees, shrubs, flowers, or turf which may die or become diseased.

Thereafter the Open Space /Landscape shall be maintained in accordance with the approved scheme.

11. Prior to the construction of any dwelling hereby permitted, details of any utility service sub-stations and underground services shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
12. Prior to the construction of any dwelling hereby permitted, samples and trade descriptions of the external facing, roofing, boundary walls and paving (including slab and block paving) to be used in the construction of the development shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved materials.
13. Prior to the construction of any dwelling hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:
- a) planting plans,
  - b) written specifications including cultivation and other operations associated with tree, plant, and grass establishment,
  - c) a schedule of plants noting species, plant sizes and proposed numbers/densities,
  - d) details of existing landscape features such as trees, hedges, and ponds to be retained accurately plotted,
  - e) details of existing landscape features such as trees, hedges, and ponds to be removed accurately plotted,
  - f) details of 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 timetable for the implementation of the landscaping scheme.

If within a period of five years from the date of the planting pursuant to this condition being undertaken, any planting is removed, uprooted, or destroyed, or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, this shall be replaced by planting as originally approved, unless the local planning authority gives its written approval to any variation. The replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction, or death of the original plant(s).

14. Notwithstanding the submitted details of external works, prior to the creation of any works for the foundations of the approved dwellings, details of the hard landscaping shall be submitted to and approved in writing by the local planning authority. The hard landscaping scheme shall include:
- a) details of existing and proposed finished levels (to include details of grading and earthworks where appropriate),
  - b) the means of accommodating change in levels (e.g., steps, retaining walls, ramps where appropriate),
  - c) details of surfacing materials including, type, design, colour, finish and bonding pattern where appropriate,
  - d) the position and design of all site enclosures,
  - e) car parking layout,
  - f) other vehicular and pedestrian areas,
  - g) minor artefacts and structures (e.g., street furniture, play equipment, refuse areas, signage, lighting etc.),
  - h) a timetable for the implementation of the hard landscaping scheme.
15. Any dwelling incorporating a downpipe, shall not 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.
16. No dwelling hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points (EVCPs) has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the siting, numbers, design, rating, and appearance of the EVCPs.

Prior to the first occupation of an individual dwelling the car parking facility for that dwelling shall be fitted with an EVCP in accordance with the approved details and the following requirements:

- 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: and
- for each home with more than 3 bedrooms, at least one dedicated parking space with an EVCP rated at a minimum of 32 amps.

Prior to the occupation of all dwelling hereby approved, 20% of any communal or visitor parking spaces shall be provided with 32-amp EVCPs; and all other communal or visitor parking spaces shall be provided with cabling to allow installation of 32-amp EVCPs in future.

17. No dwelling shall be occupied until 3 bins for the storage of refuse, recycling and green waste have been provided for it, in accordance with the Council's bin specifications.
18. The development hereby permitted shall not 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.
19. The development hereby permitted shall not be occupied until Banbury Road (A422) has been improved to provide Bus Stop Infrastructure in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
20. The construction of the estate roads serving the development, including footways, verges, and footpaths, shall be constructed in accordance with specifications that have been submitted to and agreed in writing with the local planning authority.
21. No dwelling shall be occupied until the road, including footways serving that dwelling have been constructed in accordance with specifications to be submitted to and approved in writing by the local planning authority.
22. Prior to the occupation of a dwelling, the vehicle parking and turning area serving that dwelling shall be completed in accordance with details to be submitted to and approved in writing by the local planning authority.
23. The development hereby permitted shall be carried out in accordance with the recommended mitigation measures, as set out under section 4 of the ecological survey addendum 2020 by Cotswold Wildlife Surveys (version 02) dated 21st September 2020.
24. Prior to the installation of any drainage, details of measures such as wildlife kerbs, to reduce the risk of toads and other common amphibians being trapped within the new road drainage system, shall be submitted to, and approved in writing by the local planning authority. Thereafter, the measures shall be implemented in accordance with the approved details.

## **APPEARANCES**

### FOR THE APPELLANT

Hannah Alexander  
Satnam Choongh QC  
Peter James Frampton  
Tim Jackson  
Keith Nye  
James Stacey

Robert Lunn and Louth Solicitors  
Counsel for appellants  
Framptons  
FPCR  
FPCR  
Tetlow King Planning

### FOR THE LOCAL PLANNING AUTHORITY

John Careford  
Ross Chambers  
Louise Koelman

Stratford-Upon-Avon District Council  
Stratford-Upon-Avon District Council  
Stratford-Upon-Avon District Council

### DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Copy of signed and completed S106 Agreement, dated 14 December 2021.
2. Public Open Space Plan – Drawing number 7635-P-50 Rev A.