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## Appeal Decision

Inquiry held on 7/8 August and 18 September 2014

Site visit made on 18 September 2014

**by Anthony Lyman BSc(Hons) DipTP MRTPI**

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

**Decision date: 12 November 2014**

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**Appeal Ref: APP/J3720/A/14/2215042**

**Land to the rear of Fairlea, Barton Road, Welford-on-Avon, Stratford-upon-Avon, CV37 8EY**

- 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 planning permission.
  - The appeal is made by Banner Homes Midlands Limited against Stratford-on-Avon District Council.
  - The application Ref 13/02054/FUL is dated 16 August 2013.
  - The development proposed is the erection of 18 houses.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 18 houses at land to the rear of Fairlea, Barton Road, Welford-on-Avon, Stratford-upon-Avon, CV37 8EY in accordance with the terms of the application, Ref 13/02054/FUL dated 16 August 2013, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. The Inquiry sat for three days on 7-8 August 2014 and on 18 September 2014. An accompanied visit to the site and the surroundings was made on 18 September 2014, in addition to an unaccompanied visit on 6 August 2014.
3. The application was made originally for the erection of 17 houses. Subsequently, during the application process and following discussions between Banner Homes Midlands Ltd and the local planning authority, the number of dwellings was increased to 18. At the Inquiry, both parties confirmed that the appeal should proceed using the plans and description for 18 houses. I have determined the appeal on that basis.
4. The appeal is against the failure of the Council to determine the application within the prescribed period. Subsequently, the Council resolved to defend the appeal on the basis of the heritage impact of the proposal.
5. A completed Section 106 Agreement between the landowner, the appellants, Stratford-on-Avon District Council and Warwickshire County Council was submitted to the Inquiry. I refer to this later in my Decision.
6. The Statement of Common Ground (SoCG) included a list of twenty five plans on which the appeal was based. However, it was agreed at the Inquiry that a

number of other plans had been omitted from the list, including the tree constraints plan, the tree protection plan and the landscape proposals plans. I have had regard to these plans in determining this appeal.

### **Main Issues**

7. The main issues are, i) the effects of the proposed development on the significance of heritage assets, ii) the effect of other considerations including, potential public benefits, the housing land supply situation and sustainability, on the planning balance.

### **Reasons**

#### *Background*

8. The appeal site is an overgrown, disused field of approximately one hectare fairly centrally located within the village of Welford-on-Avon. The field forms the southern part of an enclosed strip of land which runs behind the rear boundaries of properties largely fronting onto the historic High Street to the east. To the west, the site is contained by C20th housing development on Headland Close and Headland Rise and an individual property known as Greenways. To the south there is a row of detached mostly C20th dwellings fronting onto Barton Road. One of these bungalows, Fairlea, has been demolished to provide highway access from Barton Road to the appeal site by enabling the existing track which serves Greenways to be widened. Planning permission has been granted for a replacement dwelling on the remainder of the Fairlea site.
9. Public footpaths, known locally as the Limey and the Alley, separate the southern and eastern boundaries of the appeal site from the rear garden boundaries of the properties on Barton Road and High Street. A footpath also runs along part of the western side of the site behind a line of trees. The public footpaths provide a safe pedestrian alternative route to the local roads and are well used by residents accessing village facilities, including the school. The rear boundaries of the surrounding properties adjacent to the paths mostly comprise dense, high hedges with trees and/or close boarded fencing. Consequently, from the appeal site, little built development can be seen other than glimpses of the roofs of two substantial modern houses, Oak Tree House and Pear Tree House, built relatively recently, close to the eastern boundary of the site within the rear curtilage of an historic High Street property known as The Yews.
10. The appeal site, other than the proposed access, is within the Welford-on-Avon Conservation Area, the boundary of which was extended in 1993 to incorporate the appeal field and the rest of the strip of land to the rear of the High Street properties. The conservation area contains many listed buildings, including four Grade II properties near to the appeal site, known as The Ashes, Magpie Cottage, Cider Mill House and Low Thatch.
11. The proposal is to erect eighteen dwellings including six affordable homes mostly arranged around a central, landscaped open green space. The development would incorporate a variety of different houses ranging from five bedroom detached dwellings to two bedroom semi-detached and terraced properties.

12. Initially the proposal was recommended for approval in the planning officer's reports to committee. The development also was supported by the Parish Council and organisations such as the Campaign to Protect Rural England (CPRE). However, following the receipt of observations from English Heritage and the subsequent concerns of a Council conservation officer about the impact on heritage assets, the applicants were advised that the proposal could not be supported. The Parish Council and CPRE subsequently withdrew their support and objected to the proposal. Nevertheless, the SoCG confirms that, subject to conditions, other matters including, access, neighbouring amenity, ecology, archaeology, energy conservation, drainage, flood risk, landscape, open space provision and local infrastructure were all agreed between the parties. From the evidence before me I have no reason to disagree with this accord on these matters.

*Policy approach to development*

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72(1) of the Act sets out that, with regard to conservation areas, special attention shall be paid to preserving or enhancing their character or appearance.
14. The development plan for the area comprises the saved policies of the Stratford-on-Avon District Local Plan Review 1996-2011 (July 2006) (the Local Plan). Saved Policies EF.13 and EF.14 are the main policies of relevance in considering the potential effect of development on heritage assets. Policy EF.13 states that development proposals which do not preserve or enhance the character or appearance of a conservation area or its setting will not be permitted. Policy EF.14 seeks to secure the preservation of listed buildings and their settings through a number of criteria, including ensuring that, amongst other things, development on adjoining land will not have an adverse impact on the special qualities of such buildings or their settings.
15. Policy DEV.1 of the Local Plan sets out a number of criteria which should be taken into account to ensure that development contributes to the character and quality of the local area through the layout and design of new buildings. Policy PR.1 requires all development proposals to respect and, where possible, to enhance the quality and character of an area.
16. The Council's Proposed Submission Core Strategy (CS) was the subject of a further round of consultation in June and July 2014, with the aim of submitting it to the Secretary of State this year. Draft Policy CS.8 seeks to protect and enhance the historic environment including the setting of designated heritage assets. The Council accepted however, that, given the emerging status of the CS, little weight can be given to its draft policies. Nevertheless, Welford-on-Avon is identified in the CS as a Category 2 Local Service Village wherein draft Policy CS16 advocates some new housing being located.
17. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of

a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional.

18. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.
19. The heritage assets relating to this appeal are the Welford-on-Avon Conservation Area and the nearby listed buildings within the setting of which the Council argue the proposed development would be built. I will consider the effect of the proposal on the significance of each of these heritage assets.

#### *Welford-on-Avon Conservation Area*

20. The Welford-on-Avon Village Design Statement (VDS), entitled "*Helping to manage long term change – not prevent it*", was prepared by local residents, and was adopted as Supplementary Planning Guidance (SPG) in 1998. The document, recognises, amongst other things, the importance of open community spaces in the village, and highlights the various small paddocks, including the appeal site, with their associated hedges and trees which, it states, provide landscape buffers to large blocks of development. The VDS highlights, amongst other things, the importance of the footpaths throughout the village including those that border the appeal site, and also advocates that new house designs should avoid monotonous repetition by the inclusion of subtle variations.
21. The Welford-on-Avon Conservation Area Study (CAS) dates from 1992. According to the appellant the document is not readily publicly available, has never been adopted by the Council or channelled through the appropriate statutory processes. Nevertheless, it identifies the principal features within the historic core which define the conservation area's special character. The CAS formed the basis of the extension of the conservation area boundary in 1993.
22. Picturesque thatched timber frame cottages dominate in parts although elsewhere they are largely concealed in large well landscaped gardens. However, the village has a considerable variety of building styles and character and, throughout the conservation area, there are buildings of diverse architectural forms, from each of the last four centuries with much red brick, painted brick and render with Welsh slate and clay tiled roofs in evidence. Towards either end of High Street, two village greens form a distinctive feature of the conservation area, with the southern green containing the historic maypole. A relatively high density, albeit small development of C20th brick houses, immediately adjacent to the north-east corner of this historic village green, demonstrates the continuously evolving character of the conservation area over time. The public footpaths which traverse the conservation area, including the Limey and the Alley adjacent to the appeal site are an important and distinctive characteristic of the area.

23. The paddocks and fields, including the appeal site, to the rear of the High Street properties were also identified in the CAS as important features of the conservation area, providing a landscape buffer to the large blocks of C20th development to the west. Historically, many of these fields were used for orchards, with fruit farming said to be a significant agricultural activity in the area. The Council argued that the appeal site and the adjoining paddocks to the north are fragments of the historic setting to the developed streets and show the relationship between dwellings and the settlement to the wider countryside beyond. As such the Council considered that the appeal site is *a key feature of the historic area having its own intrinsic value as well as contributing to rural identity and interest of the village as a whole by maintaining the rural, agricultural, historic setting of the built heritage assets fronting the High Street*. Notwithstanding this view, the Council acknowledged that the historic core's original connection with the countryside setting has been severely eroded by piecemeal, modern, high density developments abutting its edge.
24. I consider that the contribution that the appeal site makes to the rural identity of the village and the historic significance of the conservation area is limited. The field has been divorced from the wider countryside for approximately the last half century by the substantial residential development immediately to the west. Consequently, the appeal site is no longer seen within a rural context as it is surrounded on three sides by developments which are mostly C20th. Furthermore, the recently erected, substantial detached houses, Pear Tree House and Oak Tree House have substantially separated the appeal site from the historic buildings on High Street with which there is very little inter-visibility. At the Inquiry, local residents suggested that the appeal site and the other fields were important to the historic context of the conservation area as there were agricultural links between the former orchards and some of the listed properties. However, the evidence is not conclusive and any possible historic links have been largely severed by more recent developments.
25. The other fields of the strip, immediately to the north are not so contained by C20th development and are still largely adjacent to the rear gardens of historic High Street properties. These fields are visually separated from the appeal site by a slight ridge along the northern boundary which is said to be the highest point of the village. This differentiation is recognised in the Council's Landscape Sensitivity Assessment for Villages published in June 2012. With regard to Welford-on-Avon the assessment considers that the majority of these fields should be retained in perpetuity but that there may be an opportunity in the southernmost field (the appeal site), for some housing provided the footpaths are retained, the skyline is not breached and there is substantial tree planting.
26. The Council argued that the proposal would cause substantial harm to the significance of the conservation area due to the loss of the open space and the inappropriate design and layout, which the Council claimed, would not respond to the characteristic historic pattern and density of local development and would not reflect the local vernacular.
27. The development would have a density of about 18.5 dwellings to the hectare, significantly more than the 10 dwellings to the hectare density of the large dwellings to the east of the site referred to by the Council. Nevertheless, as I saw on my site visit, there are other parts of the conservation area with

relatively higher densities. Therefore, I do not consider that the proposed density is a harmful feature of the scheme. Furthermore, the layout incorporates an open green space, reflecting an identified characteristic of the conservation area. The houses vary in size and layout and although, not surprisingly, they do not replicate the vernacular thatched cottages, their designs nevertheless, successfully adopt themes from building styles and materials in the conservation area, and incorporate subtle variations in accordance with the requirements of the VDS.

28. The Council and local residents considered that the site provides a welcome open aspect within the conservation area when viewed from the two public footpaths, which are heavily enclosed elsewhere by tall fences and hedges throughout most of their lengths. However, the appellant argued that there would be nothing to prevent the existing landowner growing hedges along the boundaries or erecting fences which would remove that open aspect, with which I agree. The proposal includes enhancements to these footpaths.
29. PPG confirms that, in general terms, substantial harm is a high test and may not arise in many cases. I conclude that the proposed development sited around a new green would be read as a well designed, C21st infilling that would successfully reflect aspects of the conservation area to which it would make a positive contribution. It would continue the long evolutionary development of the village and preserve (that is, not harm) both the character and appearance of the conservation area as a whole. There would be no harm to the significance of this designated heritage asset. The proposal would accord with the objectives of Local Plan Policies EF13, DEV1 and PR1 and section 72(1) of the Act. In reaching this conclusion I have attached no weight to the current overgrown appearance of the site.

#### *Setting of the Grade II Listed Buildings*

30. The Framework describes the setting of a heritage asset as the surroundings in which it is experienced. The extent of the setting is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. The setting itself is not a heritage designation but is a material consideration.
31. The listed buildings within the vicinity of the appeal site mostly sit in relatively extensive gardens which are screened by dense peripheral vegetation. Cider Mill House is the only one of the four listed properties to have a boundary adjacent to the appeal site, (albeit separated by the Alley footpath). However, given the dense boundary planting, the building and its extensive rear garden, are not discernable from the site or the footpaths. Low Thatch and Magpie Cottage are further from the appeal site to which they have no physical or sufficiently proven historical direct connection. It is not possible to see either of these properties from the appeal site, and Magpie Cottage is now separated from the field by the remaining garden of The Yews, and the new property Pear Tree House. In these circumstances I am not convinced that the site falls within the setting of Low Thatch or Magpie Cottage. The Ashes is well screened and there is no discernable functional link between this property and the appeal site. It is a listed building, although the more historic elements of the structure are separated from the Alley by significantly later additions.

32. PPG confirms that the extent and importance of setting is often expressed by reference to visual considerations and that, views of or from an asset, will play an important part in the experience of an asset in its setting. However, PPG also advises that the experience can be influenced by other environmental factors or by an understanding of the historical relationship between places.
33. In this case, the listed buildings and other local historic properties cannot be seen from the footpaths and the site. Anyone walking the paths who was not familiar with the area would not be aware of the significance of these assets on the other side of dense boundary treatments, particularly as the only developments which can be glimpsed from the footpaths adjacent to the site are the recent modern developments within the former curtilage of The Yews. There are no other environmental factors which enable the assets to be appreciated and enjoyed from the appeal site.
34. I conclude, therefore, that the proposed development of the appeal site would not harm the contribution that the setting makes to the significance of the listed buildings and other historic properties on the High Street. The development would accord with the objectives of Local Plan Policy EF14 and draft CS Policy CS.8. In reaching this conclusion, I have had regard to the judgements referred to by both parties, regarding Forge Fields<sup>1</sup> and the Barnwell Manor case<sup>2</sup> in relation to the weight to be given to the setting of listed buildings.

#### *Other matters*

35. The access road to the development from Barton Road would narrow to little more than a single vehicle width in the vicinity of the Limey footpath, due to restrictions in land ownership. Residents expressed concern that the crossing of the carriageway would be dangerous for users of the footpath, particularly children on their way to and from school, due to the lack of visibility. This was a matter to which I paid particular attention on my site visit. I note that the highway authority made no objection to the proposed arrangement and I am satisfied that, with the introduction of safety barriers or 'hoops' which could be secured by condition, the crossing would be acceptable.
36. At the Inquiry the parties agreed that the Council cannot demonstrate a five year supply of deliverable housing land. The lack of a five year supply of housing land affords significant weight in favour of the proposal. Nevertheless, the Council argued that the Policies referred to in paragraphs 14 and 15 above, are not relevant to the supply of housing and, therefore, are not out-of-date by reason of paragraph 49 of the Framework. I agree with the Council, although I have found no conflict with those Policies. Paragraph 14 of the Framework advocates that proposals for sustainable development that accord with the development plan should be approved without delay unless material considerations indicate otherwise. As I have concluded that there would be no harm to the heritage assets, footnote 9 in the Framework, referred to by the Council is not engaged.
37. Welford-on-Avon has a number of facilities including a school, shops, public houses, church and a village hall. It is recognised in the emerging CS as a sustainable location for residential development. The proposal would generate

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<sup>1</sup> [2014] EWHC 1895 (Admin)

<sup>2</sup> [2014] EWCA Civ 137

economic gains through the financial investment in the local economy during construction, and likely long term support for local businesses from future occupants of the development. The provision of a mix of market and affordable housing, in an area of need and undersupply in previous years, would produce significant social benefits. The provision of public open space, the proposed improvements to the footpaths and increased landscaping would all generate environmental gains. Taking these public benefits together, I am satisfied that the proposal would represent sustainable development, for which the Framework confirms there to be a presumption in favour.

38. At the Inquiry, a copy of the pre-submission draft of the Welford-on-Avon Neighbourhood Plan was submitted. However, given the relatively early stage of its preparation, I afford this document little weight in this appeal.
39. A Section 106 Obligation, by way of an Agreement between the landowners, the appellants, the Council and Warwickshire County Council, and dated 8 August 2014, was submitted at the Inquiry. The Obligation relates to the provision of the affordable houses, the future management arrangements for the public open space, and financial contributions to mitigate the impact of the development on local services and facilities. These include education, ecological off-site mitigation, footpath improvements, library enhancement, off-site open space enhancement, travel packs and monitoring/administrative costs. From the evidence before me, I am satisfied that the proposed contributions satisfy the requirements of the Community Infrastructure Levy Regulations, Regulation 122, and the Framework, in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably relate in scale and kind to the proposal.

### **Conditions**

40. A list of suggested conditions, agreed between the parties was attached to the Statement of Common Ground. I have considered these conditions, modifying and/or merging them where necessary, having regard to the advice in the Framework and PPG. In addition to the standard commencement condition it is important that the development shall be undertaken in accordance with the approved plans for the avoidance of doubt. In the interests of public health and safety, conditions will secure the provision of drainage works and fire hydrants. To protect the amenity of local residents and the environment a construction method statement will be required. Samples of all external materials to be used, detailed drawings of key design features of the development, details of hard and soft landscaping, tree protection measures, a scheme for external lighting and the location of meter cupboards will be secured by conditions in the interests of the character and appearance of the area and local amenity.
41. A programme of archaeological investigation will be required in the interests of the local history of the area, and a scheme to investigate potential contamination on the site will be secured to protect the environment and the health of neighbours and future occupants of the development. In the interests of pedestrian safety a condition will require the adjacent footpaths to be kept open during construction and will secure the pedestrian chicane shown on the approved drawings. In the interests of sustainability, conditions will secure the provision of appropriate waste recycling and water storage facilities, renewable



energy systems, compliance with the code for sustainable homes and 'lifetime homes' standards.

42. In the interests of highway safety, visibility splays at the access with Barton Road will be required before development commences and turning areas and parking facilities provided on site. Also in the interests of highway safety and the character and appearance of the area, conditions will secure the retention of all parking spaces including in garages.

### **Planning Balance and Conclusion**

43. The proposal would represent sustainable development in a settlement acknowledged as having some growth potential. The provision of 18 market and affordable houses, in an area where there is an agreed lack of an adequate supply of housing land and a demonstrated unmet need, carries significant weight in favour of the proposal. The other identified public benefits add further weight. The development would inevitably result in change. However, that change would not harm the significance of the relevant heritage assets.
44. Therefore, for the reasons given and having regard to all other matters raised, including another appeal Decision<sup>3</sup> referred to me by the Council after the close of the Inquiry, the appeal is allowed and planning permission is granted.

*Anthony Lyman*

INSPECTOR

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<sup>3</sup> APP/J3720/A/14/2215757

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Roger Ground of Counsel

He called

Robert Parker-Gulliford  
BA(Hons) Dip Urban  
Design & Conservation  
MRTPI IHBC

Conservation Officer, Stratford-on-Avon District  
Council

Phillipa Jarvis BSc(Hons)  
DipTP MRTPI

PJPC Ltd (Planning Consultancy)

### FOR THE APPELLANT:

Paul Cairns of Counsel

He called

Roy Vallis DipTP MSc  
MRTPI

Harrison Vallis Gilbert Ltd

Matt Jackson

Group Architectural Director, Banner Homes  
Midlands Ltd

Paul McCann BSc Dip TP  
MRTPI

Group Planning Director, Banner Homes Midlands  
Ltd.

### INTERESTED PERSONS:

Councillor Peter Barnes

Stratford-on-Avon District Council

Simon Carter

Chairman, Welford-on-Avon Parish Council

Sarah Fox

Local resident

Brad Plimmer

Local resident/Welford Local History Society

Carolyne Johnston

Local resident

John Harris

Local resident

Andrew Clarke

Local resident

Nicholas Butler

Campaign to Protect Rural England (CPRE)

Freda Cleaver

Local resident

## **DOCUMENTS**

1. Opening Statement on behalf of the Appellants
2. Letter of Notification dated 12 June 2014
3. Submissions of Simon Carter on behalf of Welford-on-Avon Parish Council
4. Submissions of Brad Plimmer
5. Submissions of Carolyne Johnston
6. Submissions of Andrew Clarke

7. Submissions of John Harris
8. Submissions of Nicholas Butler – CPRE
9. Parish Council response to Banner Homes Development Proposal
10. Statement from Welford-on-Avon Parish Council dated 4 March 2014
11. Email from Gary Moss, Stratford-on-Avon District Council to Paul McCann
12. Map of Welford Historic Landscape Character
13. Extract from Proposed Submission Core Strategy – May 2014
14. Extract from The London Gazette – 1 November 1993
15. Footpath survey results by Freda Cleaver
16. Preface to the Conservation Area Study
17. High Court Judgement re Forge Fields - [2014] EWHC 1895 (Admin)
18. Schedule of numbers on school roll in Welford-on-Avon
19. Minutes of the Scrutiny Committee – re School numbers
20. Committee report re planning application for 2 dwellings in Tysoe
21. Committee report re application for 20 dwellings in Cleeve Prior
22. Section 106 Agreement dated 8 August 2014
23. Summary of s106 Obligations
24. CIL Compliance statement re Obligations
25. Closing submissions for Stratford-on-Avon District Council
26. Closing Statement on behalf of the Appellants
27. Pre-submission draft of the Welford-on-Avon Neighbourhood Development Plan

## **CONDITIONS**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the attached schedule.
3. No development shall take place until a scheme for all drainage works, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The drainage works shall be carried out in accordance with the approved details and timetable.
4. No development shall take place until a scheme for the provision of a water supply and fire hydrants, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details and timetable and thereafter retained.
5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. No development shall take place until detailed drawings of the design of the eaves, string courses, verges, window heads and cills, porches, external doors and windows and chimneys have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details and thereafter retained.
7. No electric or gas meter boxes shall be fixed to the front elevation of dwellings.
8. No development shall take place until details of hard and soft landscaping, including boundary treatments and an implementation timetable have been submitted to and approved in writing by the local planning authority. The hard and soft landscaping works shall be carried out in accordance with the approved details and timetable and thereafter retained. Any planting that is removed, uprooted, severely damaged, destroyed or dies within five years of the date of planting shall be replaced by the approved type planting by the end of the first available planting season.
9. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
10. The adjacent footpaths shall remain free of obstruction for the duration of the works. No dwellings shall be occupied until the pedestrian chicane has been provided in accordance with approved drawing No. 060100/3/PL.22.
11. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology that has previously been submitted to and approved in writing by the local

planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved plans before development commences. If during the course of development any contamination is found which was not identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the additional measures. If ground remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing by the local planning authority prior to the first use or occupation of any part of the development hereby approved.

12. Prior to the first occupation of any dwelling hereby permitted, the developer shall provide 3 bins for the purpose of refuse, recycling and green waste for that dwelling.
13. No development shall take place until a scheme for the provision of energy from on-site renewable sources sufficient to replace a minimum of 10% of the predicted carbon dioxide emissions from the total energy requirements of the development, together with an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable, and thereafter shall be retained.
14. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
15. A minimum of 50% of all new dwellings hereby approved shall be designed and built to meet all relevant specifications of the Joseph Rowntree Foundation's 'Lifetime Homes' standards.
16. No dwelling shall be occupied until it has been provided with a 190 litre water butt as a minimum, and fitted with a child proof lid and connected to a downpipe. The water butts shall thereafter be retained.
17. No development shall take place until a scheme for the external lighting of the development, including an implementation timetable has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timescale and thereafter retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external illumination of the development.
18. No development shall take place on the appeal site until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4

metres and a 'y' distance of 70 metres to the near edge of the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

19. The construction of the dwellings shall not commence until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and to re-enter the public highway in forward gear.
20. The garages and car parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
21. No development shall take place, including works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in the construction of the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - A scheme for recycling/disposing of waste resulting from demolition and construction works
  - Delivery times
  - Hours of working
  - A scheme for the protection of all retained trees and hedgerows on site during the construction period.

## **Schedule of Approved Plans**

- Site location plan – drawing 060100/3/PL.18
- Site layout – drawing 060100/3/PL.01 Rev C
- Plots 1-2 Floor plans & elevations – drawing 060100/3/PL.02
- Plots 3-5 Floor plans & elevations – drawing 060100/3/PL.03
- Plot 6 Floor plans & elevations – drawing 060100/3/PL.04
- Plot 7 Floor plans & elevations – drawing 060100/3/PL.05
- Plot 8 Floor plans & elevations – drawing 060100/3/PL.06
- Plot 9 Floor plans & elevations – drawing 060100/3/PL.07
- Plots 10-11 Floor plans – drawing 060100/3/PL.08
- Plots 10-11 Elevations – drawing 060100/3/PL.09
- Plot 12 Floor plans & elevations – drawing 060100/3/PL.10
- Plot 12a Floor plans & elevations – drawing 060100/3/PL.11
- Plots 14-15 Floor plans – drawing 060100/3/PL.12
- Plots 14-15 Elevations – drawing 060100/3/PL.13
- Plot 16 Floor plans & elevations – drawing 060100/3/PL.14
- Plots 17-18 Floor plans – drawing 060100/3/PL.15
- Plots 17-18 Elevations – drawing 060100/3/PL.16
- Street Scenes – drawing 060100/3/PL.17
- Context Plan - drawing 060100/3/PL.19
- Density of Adjacent Areas – drawing 060100/3/PL.20 Rev A
- Pedestrian Chicane Details – drawing 060100/3/PL.21
- Highway Details - drawing 060100/3/PL.22 Rev D
- Site Services – drawing 060100/3/PL.23
- Hit and Miss fencing details – drawing BHSD 7014
- Post and Rail Fence details – drawing BHSD 7017 Rev A
- Tree Constraints Plan – BAN18133-01
- Tree Protection Plan – BAN181133-03A
- Landscape Proposals – BAN18133-11B Sheets 1 & 2

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