



Appeal Decision

Site visit made on 6 September 2017

by **Mike Hayden BSc DipTP MRTPI**

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

Decision date: 06 October 2017

Appeal Ref: **APP/Q3115/W/17/3177448**

Land east of Chalgrove, Chalgrove, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Tarvit of Wates Developments Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P16/S4062/O, dated 7 December 2016, was refused by notice dated 4 May 2017.
 - The development proposed is described as '*outline planning application for the erection of up to 120 residential dwellings and space for a community facility (Use Class D1/D2) with associated highways, landscaping and open space, with all matters reserved except access*'.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 120 residential dwellings and space for a community facility (Use Class D1/D2) with associated highways, landscaping and open space on land east of Chalgrove, Chalgrove, Oxfordshire in accordance with the terms of the application, Ref P16/S4062/O, dated 7 December 2016, subject to the conditions set out in the schedule at the end of this decision and the S106 agreement referred to below.

Procedural Matter

2. The application which is the subject of this appeal was submitted in outline with matters relating to layout, scale, appearance and landscaping reserved for subsequent approval. Whilst an indicative masterplan was submitted, the appellant confirmed this was for illustrative purposes only. Access is the only detailed matter fixed for determination as part of the appeal. I have dealt with the appeal on this basis.

Development Plan

3. The statutory development plan for this appeal comprises the adopted South Oxfordshire Core Strategy (2012) (SOCS) and the saved policies of the South Oxfordshire Local Plan (2006) (SOLP). The SOCS covers the period to 2027.
4. Paragraph 216 of the National Planning Policy Framework (the Framework) establishes that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of policies with the Framework. A new Local Plan is being prepared for South Oxfordshire to replace the SOCS and SOLP. It proposes a strategic allocation for housing

development at Chalgrove and at the time of writing this decision the draft plan had reached the publication stage. However, there are unresolved objections to its proposals for Chalgrove. Given this and that the plan has still to undergo independent examination and, therefore, may be subject to modification, I can attach little weight to its policies for the purposes of this appeal.

5. A neighbourhood plan (NP) is also being prepared for Chalgrove Parish. The NP has completed the pre-submission stage and proposes the development of around 200 homes at Chalgrove, with a preferred site to the west of the village. However, the NP has yet to be submitted to the Council and it is not known whether objections to its proposals have been resolved. For those reasons, given the uncertainty over its final content, as with the emerging local plan, I can attach little weight to the policies of the NP for the purposes of this appeal.

Main Issues

6. The application the subject of this appeal was refused for three reasons. The second and third reasons concerned the absence of a completed legal agreement to secure affordable housing and on and off site infrastructure to meet the needs of the development. However, the Council advised in its appeal statement that on receipt of a completed S106 agreement providing for these matters, it would withdraw reasons for refusal 2 and 3.
7. A completed legal agreement under S106 of the 1990 Act was submitted by the appellant, dated 18 August 2017. The agreement comprises planning obligations to provide 40% of the proposed dwellings as affordable housing and public open space on site and financial contributions towards public transport improvements, travel plan monitoring, recycling and street naming and numbering. The agreement has been executed as a deed, signed and sealed by the District and County Councils and signed by the land owner and appellant. I am satisfied that the agreement, for the reasons I explain below in relation to its various provisions, meets the necessary legal and policy tests set out in paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). On this basis and in the absence of any statement from the Council to the contrary, I have taken it as read that the second and third reasons for refusal have been withdrawn by the Council and are no longer at issue between the main parties.
8. The Council has confirmed that it is unable to demonstrate a 5 year supply of deliverable housing sites. Accordingly, paragraph 49 of the Framework states that the relevant policies for the supply of housing should not be considered up to date. In these circumstances, the fourth bullet point of paragraph 14 of the Framework makes clear that the presumption in favour of sustainable development means granting permission for the proposed development, unless any adverse impacts significantly and demonstrably outweigh its benefits or specific policies in the Framework indicate development should be restricted.
9. I have seen no evidence to suggest there are specific policies in the Framework that indicate the proposed development should be restricted. In view of this, and having regard to everything else I have read and seen, therefore, the main issues in this appeal are whether any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits, having particular regard to:

- The effect of the proposed development on the character and appearance of the appeal site and its surroundings and on the landscape setting of Chalgrove;
- The relationship of the site to Chalgrove and its accessibility to the village services and facilities; and
- The contribution of the proposal to meeting the shortfall in the supply of market and affordable housing.

Reasons

Character and Appearance

10. The appeal site comprises an arable field located on the eastern side of Chalgrove. It is bounded to the north-west by residential development at Farm Close and Chiltern Close, and to the south-west by The Grange, which form the south-eastern urban edge of the village. Along the south-eastern boundary of the site is a semi-mature tree belt, which partially screens views of the site from the south and east.
11. The north-eastern boundary of the site is more open. It is formed by a post and wire fence running along the B480, beyond which to the north-east is open countryside. The surrounding landscape is largely open and flat, consisting of fields broken up by hedgerows and copses of trees. The site has a gentle gradient down to its south-western boundary beyond which is the Chalgrove Brook which runs through The Grange and the village. A public footpath also runs along this boundary providing access from Chalgrove into the countryside to the south-east.
12. Policy CSEN1 of the SOCS and saved Policies G2, G4 and C4 of the SOLP seek to protect the district's distinct landscape character and the landscape setting of settlements from adverse development. Although these policies play a role in restricting housing development in the district, they are not relevant policies for the supply of housing adopting the 'narrow view' established in the Suffolk Supreme Court judgement¹. They are consistent with paragraph 17 of the Framework which recognises the intrinsic character and beauty of the countryside. Accordingly, the weight of these policies is not diminished by the absence of a 5 year housing land supply in this case.
13. The supporting text to Policy C4 regards the relationship between settlements and their surrounding countryside as significant to the character of the area. In assessing proposals for development which would affect the landscape setting of a settlement, it states that reference will be made to the South Oxfordshire Landscape Character Assessment (SOLCA). The SOLCA includes the appeal site within the Clay Vale landscape character area, which is described a semi-enclosed rural landscape. The development of 120 homes, with roads, street lights and a residential community within this context would inevitably have an urbanising effect on the appeal site and cause some erosion of the rural landscape of the area.
14. However, the site is not within a protected landscape and does not contribute to the setting of the Chalgrove Conservation Area or any listed buildings. The Council's own Landscape Capacity Assessment (LCA) of sites with potential for

¹ *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37*

development characterises the appeal site as having only medium/low landscape and visual sensitivity. This recognises the fact that, although it has some intervisibility with open land to the north-east and is visible from both the B480 and the public footpath to the south-west, the site is otherwise enclosed on three sides and views across it are influenced by the urban fringe of Chalgrove. This is supported by the conclusions of the Landscape and Visual impact Assessment submitted by the appellant.

15. Significantly, the LCA recommended that the site be considered as an option for development on landscape and visual grounds. It suggests a developable area which retains open views along the footpath and the B480, to reduce the impact on the approach to Chalgrove and soften the edge to the village. The indicative masterplan submitted with the appeal suggests that the proposed development would be capable of achieving this, even at a density of 120 dwellings, subject to the inclusion of open space and landscaping mitigation measures, which could be secured by condition and/or legal agreement. This would be consistent with the SOLCA, which recognises the vulnerability of landscapes on the fringes of settlements to change and seeks to create strong landscape edges to reduce the urbanising influence of development on the adjacent countryside.
16. Therefore, whilst the proposed development would have an adverse effect on the rural character and appearance of the appeal site and its surroundings, given the medium to low sensitivity of the site in both landscape and visual terms and the relatively localised effects of the proposed development, the harm would not be significant. The existing tree belt would be retained to screen the development from the south and east. Further, the inclusion of landscaping and open space along the north-eastern and south-western boundaries of the site would mitigate views from the adjacent B480 and the public footpath and help to soften the current hard urban edge to Chalgrove on this side of the village.
17. Accordingly, the proposal would be contrary Policies CSEN1 of the SOCS and saved Policies G2, G4 and C4 of the SOLP, which seek to protect the district's distinct landscape character and countryside and the landscape setting of the settlements. However, the conflict would not be serious and the proposal has the potential to enhance the landscape setting of Chalgrove, which is one of aims of Policy CSEN1.

Location and Accessibility

18. The appeal site lies adjacent to the existing village envelope, close to the eastern end of the High Street. Chalgrove has a range of services and facilities including a primary school, village hall, convenience store, post office, pharmacy, public houses and an employment area located along or just off the High Street. All would be within easy walking distance of all of the proposed development. The existing public footpath along the south-western edge of the site would be upgraded to provide pedestrian and cycle access to Monument Road at the eastern end of the High Street. Zebra crossings are proposed over the green on Monument Road, creating a safe and convenient pedestrian and cycle route via the High Street into the village centre. Whilst I note the concerns about the safety of this access at the junction with Monument Road, I have seen little evidence to support those concerns. Furthermore the highway authority has raised no objections to the proposed access plans.

19. Vehicular access to the site would be via a new roundabout junction onto the B480. I do not regard this access as leading out of the village, since it would also provide a second pedestrian link into the village via the northern end of Monument Road, past existing residential streets and properties. This would also offer an alternative access for pedestrians and cyclists into the village in the event of the footpath/cycleway along the south-west boundary being flooded from the Chalgrove Book to the west.
20. In terms of public transport accessibility, bus services from Chalgrove stopping on Monument Road and the High Street provide regular connections to Oxford and other surrounding villages. There is also a school bus service from the village to the local secondary school in Watlington. Financial contributions within the S106 agreement of £130,000 towards the enhancement of bus service frequency and infrastructure would improve the accessibility of the development and the village by public transport.
21. On this basis, I find that proposed development would be well related to the existing services and facilities in Chalgrove, and easily accessible by all modes of transport. The proposed enhancements to pedestrian and cycle access and bus services for existing and future residents would help to connect and integrate the proposed development with the existing community. As such the proposal would be consistent with Policy CSQ3 of the SOCS in ensuring ease of use by all modes of transport, accessibility to local services and integration with existing development. It would also satisfy the design aims of paragraphs 58 and 61 of the Framework in ensuring the development will function well and address the connections between people and places.

Housing Need and Supply

22. Whilst it is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites, the extent of the shortfall in the housing land supply is not agreed between the main parties. The *Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)* judgement establishes that, in carrying out the planning balancing exercise, the weight given to a proposal's benefit in increasing the supply of housing will depend on, for example, the extent of the shortfall, how long the deficit is likely to persist, what steps the local planning authority is taking to reduce it, and how much of it the proposed development would meet.
23. The Council's latest assessment of housing land supply, dated May 2017, records 4.1 years of housing land supply. This is based on a deliverable supply of 4,809 dwellings compared to a 5 year housing requirement of 5,903 dwellings. This amounts to a shortfall of 1,094 dwellings. That assessment was tested in a recent appeal decision (ref. APP/Q3115/W/16/3161733), issued in August 2017. In that case the Inspector established the deliverable supply to be 4,089 dwellings against a 5 year requirement of 6,814 dwellings, amounting to supply of 2.99 years and a shortfall of 2,725 dwellings. Either way the shortfall in the supply of deliverable housing sites is significant, amounting to between 1,094 and 2,725 dwellings.
24. In terms of affordable housing, the Oxfordshire Strategic Housing Market Assessment (2014) (SHMA) estimates a net need for 386 additional affordable dwellings per year in South Oxfordshire over the period 2013-2031. This represents a significant proportion of the overall annual housing requirement of the district and reflects the affordability problems within the local housing market.

25. In order to address the housing needs of Chalgrove and South Oxfordshire, I recognise that the District Council and the Parish Council are bringing forward new plans, with allocations proposed for Chalgrove on other sites. However, these plans are still some way off from being adopted and made. Any allocated sites which are ultimately agreed following consultation and examination will take time to deliver. In the meantime there remains a shortfall in both market and affordable housing, which needs to be addressed. I note that planning permission was recently granted for 200 homes on the site at the western end of Chalgrove. However, the evidence above demonstrates a significant outstanding need for both market and affordable housing in the district beyond this.
26. Paragraph 47 of the Framework expects local planning authorities to boost significantly the supply of housing, by amongst other things identifying a rolling 5 year supply of deliverable housing sites. The proposed development would deliver up to 120 homes, of which 48 would be affordable both for rent and shared ownership, and which could be delivered in the next 5 years. On this basis, the proposal would make an important contribution to reducing the shortfall in both market and affordable housing in South Oxfordshire over the next 5 years. This would accord with Policies CSH1 and CSH3 of the SOCS in respect of the overall housing requirements of the district and the provision of affordable housing. Consequently it would also accord with paragraph 47 of the Framework.

Other Matters

27. Concerns have been raised about the risk of increased flooding in Chalgrove as a result of the proposed development, given a history of flooding events in the village and the fact that the appeal site lies upstream of the village on the Chalgrove Brook. A Flood Risk Assessment (FRA) was submitted with the appeal. The FRA records that existing surface water run-off from the site flows into the Chalgrove Brook via a culvert in the south-west corner of the site, which has sufficient capacity for the proposed development, taking account of the effects of climate change.
28. However, the increase in hard surface area resulting from the proposed development would increase the rate of run-off and have the potential to cause capacity issues in the Brook at times of high rainfall and saturated ground, unless mitigated. Accordingly, the proposal includes a sustainable drainage strategy (SUDS) to ensure that the rate of run-off post development is no greater than the existing. This would be achieved through a combination of permeable surfaces, attenuation basins and swales to store surface water run-off during storm events and manage its release into the Chalgrove Brook. The details of the SUDS could be controlled by condition for subsequent approval. Subject to this, the proposed development should not increase the risk of flooding within Chalgrove. This would accord with the requirements of paragraph 103 of the Framework.
29. I have considered the proposals for vehicular access to the site via a roundabout onto the B480 and pedestrian/cycle access via the upgraded path and Zebra crossings onto Monument Road. I note that the highway authority raised no objections to these arrangements, which could be secured by condition. On this basis, I am satisfied that safe and suitable access for all people could be achieved to the proposed development, in line with Policy T1 of the SOCS and paragraph 32 of the Framework. Concerns have been raised

about the potential increase in the volume of traffic on local roads and through other nearby villages. Whilst I acknowledge that there would be an increase in traffic resulting from an additional 120 dwellings, the Transport Assessment submitted with the appeal demonstrates that there would be sufficient capacity on the existing road network and at affected junctions. Paragraph 32 of the Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe.

30. The proposal would result in the loss of 7.45 hectares (ha) of agricultural land. Paragraph 112 of the Framework advises that development should seek to use areas of poorer quality agricultural land (Grades 3b, 4 and 5) rather than the best and most versatile land (Grade 3a). The site comprises land in both Grades 3a and 3b. As such the proposal would lead to the loss of some best and most versatile agricultural land, contrary to the aims of the Framework in this regard, albeit the area of land concerned is small and therefore the harm would be limited.
31. Concerns have been expressed about the effect of the proposed development on local wildlife and ecology. A phase 1 ecological appraisal was submitted with the appeal. This records that the ecology of the site is dominated by its agricultural use and that there are no ecological designations or evidence of the site offering habitats for protected species. There is the potential for biodiversity enhancement as part of the proposed development, by appropriate native planting, protection of the tree belt, limited lighting and measures to encourage nesting birds and insects. Accordingly, subject to suitable conditions to this effect, I am satisfied that the proposal would not cause harm to the ecology of the area and could enhance biodiversity. As such it would meet with the expectations of paragraph 118 of the Framework.
32. Whilst the site does not contain any designated heritage assets, it is located within an area of archaeological interest and the archaeological field evaluation submitted with the appeal recorded features from Iron Age and Roman periods. A programme of archaeological investigation is recommended prior any development taking place. This could be secured by condition and would meet with the minimum requirements of Policy CON13 of the SOLP.
33. Local residents and the Chalgrove Neighbourhood Development Plan Committee have expressed concerns about the potential impact of a further 120 dwellings on existing infrastructure and services within Chalgrove, in particular on school places and the doctors surgery. The evidence from the local education authority indicates that the primary school in Chalgrove has capacity to accommodate the pupil numbers generated by the development, but that there would be a need for additional secondary school places. I have not been provided with any evidence of the needs of the local GP's practice. The Council's Regulation 123 list confirms that improvements to education and health infrastructure are to be funded from the Community Infrastructure Levy (CIL). The proposed development would be liable to a CIL charge, which would contribute to any secondary school or surgery expansion required as a consequence of the proposed development. This would mitigate the impact of the development on education and health care infrastructure and services in line with Policy CSI1 of the SOCS.
34. Beyond this the submitted S106 agreement would secure the on-site provision of open space and play areas within the proposed development, including a

neighbourhood equipped area for play (NEAP). This would ensure the development complies with Policies R2 and R6 of the SOLP in meeting the recreational needs of its future residents. The NEAP would also provide a recreational facility which could serve the wider settlement.

35. With regard to the space for a community facility, whilst this forms part of the appeal proposal, there is no provision in the S106 agreement to secure the transfer of land for the facility. On the face of it this appears to be a missed opportunity. However, whilst it remains a desire of the local community, it is not a development plan requirement and I note from evidence that the community facility could be provided on an alternative site. On this basis, the transfer of the land for the community facility would not be necessary for the grant of planning permission. Accordingly, its absence from the S106 does not weigh against the appeal proposal, but by the same token it diminishes the weight that can be given to the space for a community facility as a benefit which might arise from the grant of planning permission.

Planning Balance and Conclusion

36. Paragraph 49 of Framework says housing applications should be considered in the context of the presumption in favour of sustainable development. At this appeal the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Therefore, relevant policies for the supply of housing are out of date and, accordingly, the fourth bullet point of paragraph 14 of the Framework of the presumption in favour of sustainable development is engaged as the basis for the decision in this case. There are two indents to consider under the fourth bullet point of paragraph 14. Under the second indent, I have established that there are no specific policies in the Framework which indicate the development should be restricted in this appeal. Accordingly, the 'tilted balance' in the first indent applies. Under this it is necessary to consider whether the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
37. I have concluded that the development of up to 120 dwellings, including 48 affordable homes, would make an important contribution to addressing the shortfall in market and affordable housing in Chalgrove and South Oxfordshire over the next 5 years. I attach significant weight to this as a benefit given the extent of the shortfall in the 5 year housing land supply and the pressing need for affordable housing in the district.
38. The proposal would also provide enhancements to local bus services and infrastructure in Chalgrove and would include a NEAP. Both would bring benefits to the local community, to which at least moderate weight should be given. The development of 120 homes would provide jobs during the construction period and the additional expenditure of the households occupying the development would help to sustain local shops, services and businesses. I attach moderate weight to these economic benefits in the tilted balance, in line with the scale of the development overall.
39. In terms of adverse impacts, the proposal would result in the loss of a small amount of the best and most versatile agricultural land and cause harm to the existing rural character and appearance of site, the surrounding countryside and the setting of Chalgrove. However, I have concluded that none of these would be significant and in the case of the landscape setting, the proposal

offers potential enhancements to the current hard urban edge on the south east side of the village. Accordingly, I attach no more than moderate weight to the adverse impacts of the proposal.

40. With regard to other matters, the effects on transport and highway safety, flood risk, drainage, ecology, heritage and education and health care infrastructure would all be mitigated as part of the development proposed. Accordingly, these are all neutral factors in the tilted balance.
41. Taking everything into account including all other material considerations, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole. Therefore, the proposal represents sustainable development.
42. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with s.38(6) Planning and Compulsory Purchase Act 2004. I recognise that the proposal would not comply with the overall strategy for housing set out in Policies CSS1 and CSR1 of the SOCS. Although it would support and enhance Chalgrove as a local service centre, the site is located outside of the village envelope and is not allocated in the development plan. However, due to the lack of a 5 year housing land supply, as policies relevant to the supply of housing Policies CSS1 and CRS1 are out of date. Whilst this does not render them irrelevant, it significantly reduces their weight in the determination of this appeal. The presumption in favour of sustainable development in paragraph 14 of the Framework is a material consideration, which, in this case, warrants a decision other than in accordance with the development plan.
43. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified below and the S106 agreement.

Conditions and Planning Obligations

44. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance and the list of conditions supplied by the main parties. A number of the conditions are pre-commencement as the details they require to be submitted and approved by the local planning authority are fundamental to the development being permitted.
45. I have attached conditions limiting the life of the permission in accordance with the requirements of the Act and specifying the approved plans in the interest of certainty. A condition specifying the details of the reserved matters to be submitted for approval is necessary to ensure control over the impact of the development on the character and appearance of the surrounding area in terms of its appearance, landscaping, layout and scale. As such a separate condition for landscaping is not necessary. I have also specified the need for an appropriate housing mix, external materials, landscaping maintenance and cycle parking facilities to be submitted as part of the reserved matters rather than as separate conditions. A condition restricting the development to 120 dwellings is necessary as all of the application assessments have been based on this number, to ensure an appropriate density and to allow room on site for open space and landscape mitigation to enhance the setting of Chalgrove.

46. A condition to ensure trees on site are protected during construction is required to preserve the existing boundary landscaping as part of the landscape character of the area. Conditions requiring a biodiversity enhancement strategy and a scheme of archaeological investigation are necessary to ensure there is no net loss of biodiversity and that the site's archaeological interest is recorded.
47. A construction method statement and separate controls over hours of construction and site work are necessary and reasonable to safeguard the amenities of the occupiers of nearby properties and ensure highway safety. Conditions requiring details of foul and surface water drainage to be submitted and approved are necessary to ensure the site is sustainably drained and does not increase flood risk.
48. A condition requiring details of levels to be approved is necessary to ensure a satisfactory relationship with adjoining properties. Details of refuse and recycling storage are needed to ensure adequate provision for waste management within the development.
49. Conditions to ensure the proposed roundabout, vehicular access and pedestrian/cycleway improvements are provided in accordance with the approved details are necessary in the interests of highway safety. An updated travel plan is required to ensure measures to encourage future occupiers to use sustainable transport modes.
50. I have also agreed that a condition requiring fire hydrants to be provided is reasonable and necessary to meet the infrastructure needs of the development in accordance with Policy CSI1 of the SOCS. Finally, controls over external lighting are both necessary and reasonable to protect the amenities of adjoining residential occupiers and the character of the countryside.
51. The permission is also subject to the signed and sealed S106 agreement, dated 18 August 2017. It includes provisions to secure 40% of the proposed dwellings as affordable housing and public open space and play areas on site and financial contributions towards public transport improvements, travel plan monitoring, recycling and street name plates and numbering. The obligations in the agreement are all related to requirements of the development plan, which are set out in detail in the Council's SPD on Planning Obligations (2016). As such they are justified as necessary to make the development acceptable in planning terms. They are also directly related to the development and fairly and reasonably related in scale and kind to it. Accordingly, the deed meets the tests set out in paragraph 204 of the Framework and in regulation 122 of the CIL Regulations 2010. There is also no conflict with CIL Regulation 123(3).

M Hayden

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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 approved plans: 227_PLN_001 Rev A; ITB12041-GA-001 Rev G; and ITB12041-GA-012.
- 5) The development hereby permitted shall comprise no more than 120 dwellings.
- 6) The details to be submitted in compliance with condition 1 shall include:
 - i) A layout which provides an appropriate market housing mix;
 - ii) Samples of all materials to be used in the external construction and finishes of the development;
 - iii) A maintenance schedule and a long term management plan for any soft landscaping works;
 - iv) Details of cycle parking facilities.

The development shall be implemented in accordance with the approved details.

- 7) No development or site clearance work shall take place until an arboricultural method statement to ensure the satisfactory protection of retained trees and hedges during the construction period has been submitted to and approved in writing by the Local Planning Authority. The matters to be encompassed in the arboricultural method statement shall include the following:-
 - (i) A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities;
 - (ii) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees and hedges to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection;
 - (iii) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
 - (iv) The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees and hedges;
 - (v) The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and hedges and how these relate to existing ground levels;

- (vi) The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.
- (vii) Provision for the supervision of ANY works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

- 8) A Biodiversity Enhancement Strategy, informed by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority in support of and at the same time that any reserved matters application in pursuance to condition 1 is submitted. The strategy should demonstrate how the development can achieve a no net loss of biodiversity overall compared to the biodiversity value of the site prior to development. The strategy should include both habitat and species enhancements and should use a suitable form of biodiversity accounting to prove that no net loss can be achieved. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 9) No development shall take place until an Archaeological Written Scheme of Investigation relating to the application site area, prepared by a professional archaeological organisation acceptable to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Following the approval of the Written Scheme of Investigation and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
- 10) No development shall take place, including any 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 complied with throughout the construction period, and shall provide details of the following:
 - 1. A construction traffic management plan;
 - 2. Vehicle parking facilities for construction workers, other site operatives and visitors;
 - 3. Site offices and other temporary buildings;
 - 4. Loading and unloading of plant and materials;

5. Storage of plant and materials used during construction;
 6. Vehicle wheel washing facilities;
 7. Measures to control the emission of dust and dirt;
 8. A scheme for recycling and/or disposing of waste materials arising from the demolition and construction works;
 9. Installation and maintenance of security hoarding/fencing.
- 11) Demolition or construction works in connection with the implementation of this permission shall take place only between 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank Holidays or Public Holidays.
 - 12) No development shall take place until surface water drainage details, based on the JNP Group Flood Risk Assessment and Drainage Assessment reports dated December 2016, have been submitted and approved in writing by the Local Planning Authority. All drainage works shall be carried out in accordance with the approved scheme. The drainage scheme shall include the following:
 1. Full details of a sustainable surface water drainage system based on ground permeability tests and a full consideration of groundwater flooding issues including historic events;
 2. Design calculations related to greenfield and developed site runoff with appropriate climate change allowance, storage / attenuation areas sizing, and suitable off-site drainage outfalls;
 3. Full Suds proposals based on the above;
 4. Exceedance flood flow routing;
 5. Timescale for the works including phasing.
 6. A full future management and maintenance plan for the Suds features, including arrangements for any off-site watercourses which are required to ensure the efficient functioning of the on-site Suds.
 - 13) No development shall take place until a detailed scheme for the foul water drainage of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any new building.
 - 14) No development shall take place until detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site, 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.
 - 15) No development shall take place until details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved and retained thereafter.
 - 16) Prior to the use or occupation of the new development, the roundabout vehicular access on the B480 hereby approved and shown on approved drawing number ITB12041-GA-001 REV G, shall be provided.

- 17) Prior to the use of the new roundabout vehicular access, visibility splays shall be provided in both directions measuring 2.4 metres by 43 metres on Monument Road and 2.4m x 160m on the B480. Such splays shall be designed to ensure there is no obstruction to vision above 0.9 metre in height relative to the centre line of the adjacent carriageway over the whole of each visibility splay area. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.
- 18) Prior to the use or occupation of the new development, the cyclist/pedestrian link, associated lighting and zebra crossing provision hereby approved and shown on approved drawing number ITB12041-GA-012, shall be provided.
- 19) Prior to the use of the development hereby permitted an updated Residential Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority.
- 20) Unless otherwise agreed in writing by the Local Planning Authority fire hydrants shall be provided in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to the commencement of any part of the development. Thereafter the fire hydrants shall be provided in accordance with the approved details prior to the first occupation of any part of the development and thereafter retained.
- 21) Cycle parking facilities shall be provided prior to the occupation of the development hereby approved, in accordance with details to be submitted as part of the reserved matters under condition 1.
- 22) External lighting will only be permitted in accordance with a lighting scheme to be approved in writing by the Local Planning Authority. Any such lighting shall be directed downwards to prevent nuisance to adjoining residential occupiers from light spillage.