



Appeal Decision

Site visit made on 24 February 2022

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 8 April 2022

Appeal Ref: APP/C3810/W/21/3275040

**Nursery Fields, Land to the North of Chalcraft Lane, West Bersted
PO21 5TS**

- 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 Landform Bersted Ltd against the decision of Arun District Council.
 - The application Ref BE/148/20/OUT, dated 8 December 2020, was refused by notice dated 1 April 2021.
 - The development proposed is up to 225 residential units, with associated infrastructure, open space and vehicular and pedestrian access.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access at Nursery Fields, Land to the North of Chalcraft Lane, West Bersted PO21 5TS in accordance with the terms of the application, Ref BE/148/20/OUT, dated 8 December 2020, subject to the conditions in the Schedule to this decision.

Preliminary Matters

2. The application was made in outline with all matters reserved apart from 'access'. 'Access' is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) in the context of reserved matters as "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made". In other words, it goes much further than the details shown on drawing ITB14224-GA-009 Rev B which relates to the proposed junction with Chalcraft Lane and the proposed road into the southwestern portion of the site. I have therefore considered the proposals with 'access' as dealing only with the details shown on that drawing, and the conditions have been drafted with this in mind.
3. While the proposal does affect a public right of way, that does not relate to the development of the site itself. I have therefore deleted reference to that from the description of development.
4. During the consideration of the application by the Council a number of drawings were amended. These amended drawings formed the basis of the Council's decision and I too will use them.

5. The appeal was accompanied by a Planning Obligation dated 7 September 2021 under Section 106 of the Town and Country Planning Act 1990 (as amended) by way of Unilateral Undertaking to Arun District Council (the Council) and West Sussex County Council (the County Council). I will discuss this later in this decision.
6. Among the various drawings for consideration are a number of drawings which include "parameters plan" in their title. They include the "Land Use and Access Parameters Plan"¹, which is effectively replicated in the Planning Obligation but entitled "Plan 2 S106 Access Road Phasing Plan"² but with additional information. As this additional information is pertinent to this decision, I have used it where necessary.
7. The Council refused the application for three reasons, with the second relating to the effect on the Pagham Harbour Special Protection Area (SPA) and Ramsar site. The Council indicated that the completed Planning Obligation overcame this reason for refusal. However, as I am now the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) I will consider this further below.

Main Issues

8. The main issues are:
 - whether there is sufficient information to ascertain that the local road network would not result in severe cumulative residual effects as a result of the proposal, and if so, whether such effects would occur; and
 - whether the proposal makes appropriate provision for affordable housing and infrastructure.

Reasons

Policy background

9. The development plan for the area includes the Arun Local Plan (ALP) (2018) and the Bersted Neighbourhood Plan (BNP) (2014), which predates the ALP and the allocations contained within.
10. Under the terms of the BNP the site is shown outside the built-up area boundary where development is not supported. However, under the ALP the appeal site (and other land) is shown as being within the built-up area boundary, with a specific allocation as discussed below. Where there is conflict between the two plans, under the terms of Section 38(5) of the Planning and Compulsory Purchase Act 2004 the later plan should prevail; in this case the ALP.
11. The application site forms part of one of three planned urban extensions to Greater Bognor Regis in the ALP. It is designated "SD3 West of Bersted" which is intended to provide 2,500 dwellings over the plan period up to 2031. Policy H SP2 in the ALP is a general policy setting out the approach to the strategic allocations. It includes amongst other key requirements that developments provide for the required infrastructure that relates to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan, and

¹ 01304 _ PP_01 Revision P4

² 01304 _ S_16 Revision P7

enables strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District. The Council has interpreted this as meaning that the proposal cannot stand alone from the wider strategic allocation.

12. Policy H SP2a states that SD3 will need to meet key design and infrastructure requirements including, insofar as relevant to this appeal, (d) a Community Hub for shops, health care and library, and (f) improvements to the A259 between Bersted and Drayton (essentially the single carriageway section of this road between Bognor Regis and a section of dual-carriageway leading to the Chichester by-pass to the north). The Community Hub facilities would be accommodated in two hubs in the north and south areas of the main part of the SD3 allocation outside the appeal site.
13. Policy INF SP1 explains how planning obligations and financial contributions would be used to provide off-site infrastructure to mitigate development impacts. The explanatory text refers to the Arun Transport Study of 2016 which apportions identified impacts to the developments which would generate trips at the junctions where 'severe' impacts or safety risks would occur and where mitigation is proposed, including estimates of costs. Policy H SP2 at (k) requires proposals to address the off-site capacity requirements that relate to that particular allocation "identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network". I have been directed to the Arun Apportionment Study of 2020 as the latest version of this document.
14. The Land at West Bersted Framework Masterplan (FMP) was endorsed by the Council in September 2020. The FMP was developed and brought forward by the two largest landowners, the Church Commissioners for England and Landlink Estates, in collaboration with other landowners within the site allocation and the Council. It indicates at paragraph 2.3.1 that all landowners will need to accord with the principles established in the FMP.

The effect on the local road network

15. The appellant and the County Council as local highway authority have completed a Transport Statement of Common Ground. This agreed that, subject to conditions and legal agreements, the proposal represents sustainable development, and that safe and suitable access to, from and within the site for all users can be provided. Furthermore, it states that the cumulative traffic aspects have been robustly assessed in accordance with the national Planning Practice Guidance (the PPG) and the County Council's Transport Assessment Methodology. Consequently, it is common ground that these parts of the network would not experience a 'severe residual cumulative impact' in line with paragraph 111 of the National Planning Policy Framework (the Framework).
16. However, the Council makes the case that the Transport Assessment (including its Addendum) does not undertake a cumulative assessment of the traffic impacts of the remainder of the SD3 allocation on local highway junctions, and therefore the Council does not have sufficient information to judge whether the proposal in combination with the remainder of the SD3 allocation would have a severe residual cumulative impact.

17. The point is made that without that wider assessment of the proposal in combination with the remainder of the SD3 allocation, it has not been possible to identify if there are effects elsewhere on the local network that would require mitigation. The cost of providing for those mitigations would then have to be provided from the remainder of the SD3 allocation rather than the whole of the SD3 allocation. This could prejudice the delivery of affordable housing or other infrastructure required as part of the overall development.
18. The PPG gives guidance on Transport evidence bases in decision taking and on Travel Plans, Transport Assessments and Statements. The PPG emphasises³ that "it is important to give appropriate consideration to the cumulative impacts arising from other committed development (ie development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years)". Within the same paragraph the PPG continues "At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval".
19. It seems to me that this paragraph needs to be read as a whole. A Transport Assessment should not just consider the effects from committed development (as defined) but also those from adopted Local Plan allocations where they are material even if they may not be developed in the next three years. Therefore, the effects of the remainder of the SD3 allocation also need to be considered at this stage as well as the effects of this specific proposal.
20. Some traffic from the remainder of the SD3 allocation will clearly travel to the south and utilise some of the same parts of the highway network. Not to consider the whole of the SD3 allocation could result in effects of the wider allocation not being properly considered so that appropriate mitigation can be identified.
21. As the PPG makes clear, Transport Assessments need to be proportionate⁴. For this reason, I consider that the Council's approach of not requiring an assessment for the whole of the SD3 site for the two other sites, Chalcraft Nurseries for 22 dwellings and at New Barn Lane for 50 and 90 dwellings was reasonable. The New Barn Lane site was also at a different point in the development plan process where different weight would have been applied in that regard.
22. It is therefore necessary to look at the junctions or highways that may be affected by the proposal. It is generally accepted practice, and the appellant seems to accept this, that where a Ratio of Flow to Capacity (RFC) at a junction exceeds 0.85 then that junction will cease to operate efficiently since it will pass its theoretical capacity and is likely to lead to congestion and delays. Whether these are 'severe' is a matter of judgement.
23. Focus has been placed on a double mini-roundabout at the junction of North Bersted Street, Chalcraft Lane and Chichester Road. The arms of the through Chichester Road (the B2259) are annotated 'east' and 'west'.

³ Reference ID: 42-014-20140306

⁴ Reference ID: 42-007-20140306

24. The Transport Assessment only utilises the appellant's limited definition of "committed development", that is development consented or allocated where development is likely to come forward in the next 3 years. However, even using that limited definition in looking at the situation in 2031 for the B2259 Chichester Road (east) access to the North Bersted Street/ Chichester Road mini-roundabout has an RFC of 0.85 in the evening peak, and the Chichester Road/ Chalcraft Lane mini-roundabout has an RFC of 0.86 in the evening peak for the B2259 Link East.
25. When complete, some of the traffic from the remainder of the SD3 allocation will also use this double mini-roundabout. Because an analysis of this has not been completed it is not possible to identify precisely the effects; some traffic will utilise other routes. However, as the remainder of the SD3 allocation is over 10 times the size of the current proposal it is inevitable that had it been assessed correctly the additional traffic in this area would result in a further worsening of traffic conditions. In my view this would result in severe residual effects on this junction.
26. There has also been discussion relating to the existing roundabout at the junction of the A259 with Chichester Road, and potentially the interaction between this roundabout and the double mini-roundabout to the south. However, as the junction of the A259 with Chichester Road would require substantial modification to accommodate an additional arm linking directly with the remainder of the SD3 site, its capacity can be assessed as part of that design process. This should ensure that it could facilitate the additional traffic volumes without causing severe effects on the network. I consider that any assessment of this can proportionately be left to the transport assessment for the remainder of the SD3 allocation.
27. No other junctions or highways were identified by the Council as potentially having a capacity issue. In a case where insufficient information is asserted as a reason for refusal, it must be incumbent on a local planning authority to identify as a minimum where those potential severe effects might take place.

The 'Spine Road'

28. Policy H SP2a under the SD3 allocation indicates that development proposals will need to meet various key design and infrastructure requirements. Point (e) states: "provide a road/pedestrian/cycle link between the A259 and Chalcraft Lane including facilitating the cycle route to Pagham and enhancing the A259 cycle route". This is shown in the FMP as a cross-site spine road proposal.
29. This cross-site spine road would provide an alternative route for traffic between the southwest of Greater Bognor Regis and the A259 avoiding the North Bersted Street/ Chalcraft Lane/ Chichester Road double mini-roundabout. This would reduce the potential for increased traffic congestion on this part of the network. However, it was not assessed as part of the Transport Assessment.
30. The spine road is an integral part of the site allocation as a whole. All development within the wider site would benefit from its provision. It is therefore only fair that contributions towards its provision should be made from every part of the allocation on a proportionate basis. It would not be reasonably related in scale to require its provision on any one smaller site, whether that was the first or last to be developed. It would thus directly relate to the proposed development.

31. I therefore conclude that it is necessary for this proposal should make a contribution towards the cost of the spine road. The Planning Obligation makes provision for a contribution should I, as Inspector, specifically conclude that it is necessary; I do so conclude.
32. The next question relates to the quantum of the contribution since any contribution needs to fairly and reasonably relate in scale and kind to the development.
33. It seems to me that to develop the remainder of the SD3 site would require access roads and the provision of these would not relate to the development of the appeal site. The costs of these should therefore be borne by the developers of the remainder of the SD3 site.
34. The whole SD3 allocation is for 2,500 dwellings with the appeal proposal being for up to 225 dwellings or 9% of the total. The only costs which would fairly and reasonably relate to the appeal proposal are those associated with the enhancement of the road from being only a development access road to additionally a through road.
35. The appellant in the Planning Obligation makes provision for a contribution of £163,401 on the basis that this represents 9% of the cost of the uplift from use as a development access road to a through road. No alternative figures have been submitted for the cost of changing the status of the spine road from being, effectively, a road just used to access the development to one facilitating cross site journeys avoiding the double mini-roundabouts and complying with part (e) of Policy H SP2a of the ALP.
36. In the absence of any other costings, I therefore conclude that the £163,401 provided for in the Planning Obligation is an appropriate contribution.
37. Provided that this contribution towards the cost of the spine road is secured, which it is, I can be certain that in the longer term, when the whole development is complete, the double mini-roundabout is likely to be able to operate within capacity. Consequently, there would be no severe residual impacts on the network.

A259 Bersted to Drayton

38. Criteria (f) of SD3 within Policy H SP2a indicates development proposals will need to make improvements to the A259 between Bersted and Drayton. The implication is that this is likely to be provided by contributions towards works to be completed.
39. The Council has referred to the County Council's "Updated County Mitigation requirements for West Bersted" of November 2020. Included within this are contributions towards improvements to the A259 between Bersted and Drayton. This indicates a cost estimate of "£50 million total scheme cost (further refinement following feasibility study starting 2021). West Bersted to contribute 15% of total cost". The information source for this contribution is said to derive from the County Council's response to the draft ALP consultation in February 2017, and its 'Major Road Network and Large Local Major Scheme Pre Strategic Outline Business Case'.
40. I have not been advised that the feasibility study has been completed, nor any recommendations derived. In addition I have not been specifically directed to

any highway safety or severe residual cumulative impacts along this route that may result from either the appeal proposal or the development of the whole of the SD3 site which need to be resolved and to which the appeal proposal should make a proportional contribution. From this I cannot be sure that any contribution is necessary to meet any planning objection.

41. It is also the case that a contribution towards the A259 between Bersted and Drayton cannot be said to relate to local highway issues; the A259 forms part of the wider network. It would therefore have been included within the wider acceptance of the proposal by the County Council as set out in the Transport Statement of Common Ground. If the County Council had considered that a contribution was necessary then it could have indicated as such, or equally indicated that the Transport Assessment did not cover this aspect adequately.
42. While there may be a policy requirement for improvements, without a scheme of improvements in place it is not possible to state what elements, if any, are necessary. Therefore, it cannot be said that improvements are necessary to make either this specific proposal or the wider SD3 allocation acceptable.
43. In relation to all the highway aspects of the appeal proposal, I conclude that the Transport Assessment did not appropriately consider matters and that from the evidence submitted the concerns related to the double mini-roundabouts. However, with the contribution towards enhancements of the spine road secured in the Planning Obligation the proposal would not result in any severe residual impacts. No contribution has been justified in respect of works to the A259 between Bersted and Drayton. I therefore conclude that the proposal would comply with the highway aspects of Policies H SP2 and H SP2a of the ALP.

Affordable housing and infrastructure

44. In the Council's Statement of Case, it set out a list of contributions towards transport, SPA mitigation, education and for the provision of affordable housing, self-build housing, on-site play areas, and enhancements to the public rights of way crossing the site. All but two were agreed between the parties; these being those relating to the cost of the Spine Road and the A259 Bersted to Drayton improvements discussed above. In light of my conclusions on these matters I consider the contribution to the former as secured is appropriate and I do not consider that the latter contribution is necessary. I will consider SPA mitigation below.
45. As part of the Planning Obligation provision is made for an area of land in the northwestern part of the site adjacent to the boundary with the remainder of the SD3 allocation to allow for an access through to that site in the event that the approved scheme for that site provides a road suitable for adoption to the boundary. This would facilitate direct access between the two sites should this be required. I consider this to be a necessary part of this proposal. This would also potentially provide an alternative route for occupiers of the appeal site to the new spine road thereby by-passing the double mini-roundabouts.
46. For the remainder of the matters, I am satisfied that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. As such they meet material development plan policies, the tests

set out in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) and paragraph 57 of the Framework.

Other matters

47. The site lies within the 5 km Zone of Influence of the Pagham Harbour Ramsar site and SPA. This forms part of a wider mosaic of European sites within the national sites network along the South Coast to the west.
48. Policies ENV DM2, W SP1 and H SDP2a SD3 (g) of the ALP all indicate that development needs to protect the integrity of European sites by making contributions towards the strategic approach to access management at Pagham Harbour.
49. Having reviewed the information on the potential effects on populations of Brent Geese I am able to 'screen out' likely significant effects leading to a direct loss of supporting habitat or functionally-linked land.
50. The proposed development would result in an increase in the number of people living in proximity to the SPAs/Ramsar site. It is not in dispute that this proposal, in combination with other plans and projects, is likely to have a significant effect on the SPAs/Ramsar site through increased recreational activity and increased nutrient load. As the proposal is not directly connected with or necessary for the management of the SPAs/Ramsar site it is therefore necessary for me to undertake an appropriate assessment of the implications of the proposal for the SPAs/Ramsar site in view of their conservation objectives. I can only grant planning permission if I ascertain in that appropriate assessment the integrity of the sites would not be adversely affected.
51. In terms of recreational disturbance, the Planning Obligation makes provision for a contribution towards Strategic Access Monitoring and Management in line with the Council's agreed approach. This would mitigate the effects of the additional population and its increase in recreational disturbance and has been found through empirical research to be effective on levels of disturbance.
52. Turning to nutrient load, it is agreed by the parties that provided that the foul water is directed away from the Pagham Waste Water Treatment Works (WWTW) and to the Ford WWTW then the proposal would not have an adverse impact on the integrity of the SPAs/Ramsar site. This is because the Ford WWTW discharges to sea through a long sea outfall about 3 km off-shore and it can be concluded, with the appropriate level of scientific rigour, that there is no hydrological connection between the appeal proposal and the SPAs/Ramsar site or other European sites. I am satisfied that this can be achieved by a suitably worded planning condition.
53. Similarly, in respect of surface water, subject to appropriate planning conditions relating to construction methodologies and management, land remediation and sustainable drainage systems (SuDS) the proposal would ensure there would be no adverse effects on the integrity of the European sites.
54. Pursuant to Regulation 63 of the Habitats Regulations I have consulted the relevant nature conservation body, in this case Natural England. Natural England supports the contribution calculation and I am satisfied that the agreement and conditions provide the necessary mitigations.

55. Consequently, I am able to make as an appropriate assessment so as to be satisfied to the appropriate level of certainty that the proposal with the mitigations secured will not adversely affect the integrity of the European sites and their relevant qualifying features. Therefore, this issue does not represent an impediment to the grant of planning permission. There would thus be compliance with the material development plan policies set out above.

Planning Balance

56. The appeal site forms part of an allocated site for residential development, the principle of which was decided in the process leading to the adoption of the ALP. The principle of developing the site therefore accords with the terms of the development plan.
57. The appellant has suggested that Policy H SD2a may be out-of-date due to the agreed lack of a five year housing land supply. The lack of such a supply adds to the case in favour of granting planning permission as part of the Government's aim of boosting the supply of housing. However, to my mind Policy H SD2a is the most important policy for determining the application, is clearly not out-of-date of itself and should nonetheless be given full weight. I have concluded above the proposal complies with this policy.
58. The proposal complies with the provisions of the development plan when assessed against the plan taken as a whole. Therefore, in accordance with Section 38(6) of the Planning Act 2008 (as amended) planning permission should be granted unless there are material considerations that indicate otherwise. Paragraph 11 c) of the Framework also indicates that in this circumstance planning permission should be granted without delay. The lack of such material considerations indicating against determining the proposal in accordance with the development plan means that the appeal should be allowed and planning permission granted.

Conditions

59. No conditions were put forward by the Council in the event that I was minded to allow the appeal. However, the appellant provided a schedule and the Council had opportunity to comment upon them. I have also referred to the officer report where a small number of additional conditions were recommended by consultees at the application stage. I have considered all these conditions against the requirements of the PPG and the Framework. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with.
60. I have rationalised some of the conditions so that they are included within a single condition rather than more than one.
61. As noted near the beginning of this decision, details of 'access' have only been supplied for the junction with Chalcraft Lane and the road immediately therefrom. I have therefore re-worded the standard reserved matters condition (1) to deal with this.
62. In addition to the standard timescale conditions (2, 3), I have imposed a condition specifying the relevant drawings as this provides certainty (4). Given the plan in the Planning Obligation showing the potential link through to the remaining part of the SD3 allocation, I consider that the parameters plans can

- be included. In order that development takes place in accordance with the parameters plans I have imposed a condition to that effect (5), and to allow the development to take place in phases, a phasing condition (6)
63. In order to protect the living conditions of adjoining occupiers and in the interests of highway safety I have imposed a condition requiring a Construction Method Statement to be submitted and approved (7). To ensure that protected species and the best and most versatile agricultural land are properly considered during the construction period I have imposed a condition relating to a Construction Environmental Management Plan (8). In order to ensure the health and wellbeing of the proposed occupiers of the site I have imposed a condition relating to the survey, investigation and remediation, if necessary, of contaminated land (9).
64. In order to ensure that any archaeological remains on the site are fully recorded a scheme of investigation needs to be submitted, approved and implemented (10).
65. To protect the living conditions of the occupiers of 98 Chalcraft Lane and those within the development on the Chalcraft Nurseries site I have imposed a condition relating to noise assessment and mitigation (11).
66. To ensure that the site is properly drained, both in relation to foul and surface water, I have imposed a series of conditions relating to these matters. As set out above this includes conditions to ensure that in respect of nutrients the proposal does not affect the European sites (12, 13, 14). I have made specific reference to the need to drain towards the Ford WWTW.
67. To comply with paragraph 174 of the Framework and relevant development plan policies, I have imposed a condition requiring Biodiversity Net Gain (15).
68. To ensure that, in the event of fire, residents and properties on the site can be protected, I have imposed a condition requiring a scheme for fire hydrants to be agreed and installed (16). To comply with development plan policies relating to employment and training I have imposed a condition requiring such a Plan to be agreed and implemented (17).
69. In order to protect trees on and adjoining the site I have imposed a condition relating to arboricultural matters (18) and to minimise the need for energy from non-renewable sources, in line with development plan policies, I have imposed a condition requiring that at least 10% of the energy is secured from decentralised, renewable or low-carbon technologies unless construction methods would achieve an equivalent result (19).
70. Conditions 6 to 19 are all pre-commencement conditions as they need matters to be resolved prior to works commencing on site in order to fulfil their objectives.
71. So that appropriate records are provided of the surface water drainage system for future maintenance I have imposed a condition requiring the submission of the 'as built' drawings (20).
72. In order to ensure that any occupier has an appropriate access to the public highway I have imposed a condition requiring that access is to be provided before any dwelling is first occupied (21). To maximise the use of sustainable

modes of transport, I have imposed a condition requiring the approval and implementation of a Travel Plan (22).

73. To accord with development plan policies I have imposed conditions relating to the provision of public works of art and to ensure that high speed broadband is delivered (23, 24).

74. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance, particularly in respect of those matters which could be agreed in writing outside the formal conditions approval mechanism as this could lead to uncertainty.

Conclusion

75. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, with the exception of the details shown on drawing No. ITB14224-GA-009 Rev B entitled "Site Access Arrangement", 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:
 - Location Plan 01: Drawing No. 01304_S_11 Rev P1
 - Land Use and Access Parameter Plan: Drawing No. 01304_PP_01 Rev P4
 - Green Infrastructure Parameter Plan: Drawing No. 01304_PP_02 Rev P2
 - Building Heights Parameter Plan: Drawing No. 01304_PP_03 Rev P2
 - Site Access Arrangement: Drawing No. ITB14224-GA-009 Rev B
- 5) The development (including all reserved matters and other matters submitted for approval pursuant to the conditions attached to this permission) shall conform to the parameters identified by the parameter plans approved under condition 4) above.
- 6) No development shall commence on site until a plan showing how the implementation of the development will be phased including the site access required by condition 21) below has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved plan.
- 7) No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - (i) details of the arrangements for public engagement/ consultation both prior to and continued liaison during the construction works;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel washing facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) a scheme for recycling/ disposing of waste resulting from construction works; and
 - (ix) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall include provision relating to:
- (i) measures to ensure that the effects on bats, dormice, reptiles and nesting birds are mitigated by the use of surveys and buffer strips around trees and hedgerows, including details of protective fencing, and the use of appropriate lighting within the site;
 - (ii) a survey to assess whether badgers are using the site. If badgers are using the site, then appropriate measures shall be included to mitigate the effects on badgers, including how construction operations are to take place on site;
 - (iii) measures to protect hedgehogs, including when and how works are to take place, including measures for relocation if necessary; and
 - (iv) a 'Soils Resources Plan' to seek the re-use of soils found within the site.

The development shall take place in accordance with the approved Construction Environmental Management Plan.

- 9) No development shall commence on site until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:
- (i) a 'Preliminary Risk Assessment' which has identified:
 - all previous (historical) uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site;
 - (ii) a 'Site Investigation Scheme', based on (i) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - (iii) based on the 'Site Investigation Scheme' (ii) above and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - (iv) a 'Verification Report' in a form submitted to and approved in writing by the local planning authority that demonstrates that the remediation measures and methodology approved under (iii) above have been successfully undertaken. The Report shall include results of sampling and monitoring carried out in accordance with the approved Site Investigation Scheme to demonstrate that the site remediation criteria have been met. The Report shall also include a 'Long-term Monitoring and Maintenance Plan' for longer-term monitoring of pollutant

linkages, maintenance and arrangements for contingency action, as identified in the Site Investigation Scheme, and for the reporting of this in writing to the local planning authority.

- 10) No development shall commence on site until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by the local planning authority. Thereafter the approved programme of archaeological work shall be fully implemented in accordance with the scheme.

- 11) No development shall commence on site before an impact assessment of the noise from the construction of the development on existing nearby residential properties at 98 Chalcraft Lane and any dwellings built and occupied pursuant to the planning permission dated 23 March 2021 (Reference: BE/81/20/OUT) has been undertaken and submitted to and approved in writing by the local planning authority. The assessment shall seek to achieve a maximum difference between the measured 'rating' level and the measured 'background' level of at least 5 dB(A).

Where measures are identified as necessary, construction work shall not commence until a scheme for the protection of residential amenity in respect of the noise impact from construction noise has been submitted to and approved in writing by the local planning authority

All construction works shall be carried out in accordance with the approved mitigation scheme and testing regime.

- 12) No development shall commence on site, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design proposed should follow the hierarchy of preference for different types of surface water drainage disposal and the recommendations of the SuDS Manual produced by CIRIA. The design of any infiltration drainage shall be supported by winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the details contained in the approved scheme.
- 13) No development shall commence on site until full details of the maintenance and management of the surface water drainage system, which has been set out in a site-specific maintenance manual, has been submitted to and approved in writing by the local planning authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completion of the construction of the surface water drainage system, the system shall be maintained in accordance with the approved details.
- 14) No development shall commence on site until details of the proposed means of foul water disposal system have been submitted to and approved in writing by the local planning authority. Such measures shall ensure that all sewage from the site is directed to the Ford Wastewater Treatment Works. No dwelling hereby approved shall be occupied until works for the disposal of

sewage have been fully implemented in accordance with the approved details.

- 15) No development shall commence on site until a scheme has been submitted to and approved in writing by the local planning authority showing how the approved development will result in Biodiversity Net Gain as demonstrated through operation of the Defra Biodiversity Metric 3.0 (or later). The development shall be carried out in accordance with these approved details.
- 16) No development shall commence on site until a scheme showing the proposed location of fire hydrant(s) or stored water supply has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the relevant fire hydrant in the approved scheme has been installed and is fully commissioned and shall thereafter be maintained.
- 17) No development shall commence on site until an Employment and Skills Plan to identify opportunities to improve local employment and training in the construction phase of the development has been submitted to and approved in writing by the local planning authority. The approved plan shall thereafter be implemented for the duration of the construction period.
- 18) No development in any phase as defined in a phasing plan approved pursuant to condition 6) shall take place on site until an Arboricultural Impact Assessment, which shall include:
 - a Tree Survey Schedule;
 - a Root Protection Area Schedule;
 - a Tree Constraints Plan;
 - an Arboricultural Method Statement; and
 - a Tree Protection Plan

has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Arboricultural Impact Assessment.

- 19) No development in any phase as defined in a phasing plan approved pursuant to condition 6) shall commence on site until a scheme providing for that at least 10% of the energy supply of the development is to be secured from decentralised and renewable or low carbon energy sources, unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. This shall include details and a timetable of how this is to be achieved for each phase of development, including details of physical works on site, and shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme and timetable and shall thereafter be retained as operational.
- 20) Immediately following completion of the approved surface water drainage system and prior to occupation of any part of the development in any phase as defined in a phasing plan approved pursuant to condition 6), there shall be provided to the local planning authority a set of as-built drawings of the implemented scheme together with a completion report that confirms that the scheme was built in accordance with the approved drawing(s).

- 21) No residential units hereby permitted shall be occupied until the vehicular site access onto Chalcraft Lane has been provided in accordance with the phasing plan approved pursuant to condition 6) above and in accordance with the details shown in the Site Access Arrangement drawing reference ITB14224-GA-009 Rev B.
- 22) No residential units hereby permitted shall be occupied until a Travel Plan has been submitted to, and approved in writing by, the local planning authority. The Travel Plan shall be based on the Framework Travel Plan reference DS/AI ITB144224-013. The implementation of measures contained within the approved Travel Plan shall commence upon first occupation of the development and be continued thereafter in accordance with its terms.
- 23) No residential units hereby permitted shall be occupied until a scheme for the installation, retention and maintenance of public works of art on the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for installation to be completed on any phase prior to the first occupation of the last market housing unit to be constructed on that phase. Thereafter, the permitted public art shall be maintained and retained in accordance with the agreed scheme.
- 24) No residential units hereby permitted shall be occupied until a strategy for the provision of the highest available headline speed of broadband to future occupants of the site has been submitted to and approved in writing by the local planning authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24 Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. The development thereafter shall be maintained in accordance with the approved strategy.

End of Schedule