

LAND TO THE EAST OF DOWNEND ROAD, PORTCHESTER, FAREHAM BOROUGH

S78 APPEAL AGAINST THE DECISION BY FAREHAM BOROUGH COUNCIL TO
REFUSE PLANNING PERMISSION FOR DEVELOPMENT DESCRIBED AS:

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT
THE MEANS OF ACCESS) FOR RESIDENTIAL DEVELOPMENT, DEMOLITION OF
EXISTING AGRICULTURAL BUILDINGS AND THE CONSTRUCTION OF NEW
BUILDINGS PROVIDING UP TO 350 DWELLINGS; THE CREATION OF NEW
VEHICULAR ACCESS WITH FOOTWAYS AND CYCLEWAYS; PROVISION OF
LANDSCAPED COMMUNAL AMENITY SPACE, INCLUDING CHILDREN'S PLAY
SPACE; CREATION OF PUBLIC OPEN SPACE; TOGETHER WITH ASSOCIATED
HIGHWAYS, LANDSCAPING, DRAINAGE AND UTILITIES.

LPA REFERENCE: P/20/0912/OA

STATEMENT OF COMMON GROUND PLANNING MATTERS

(TRANSPORT, HOUSING LAND SUPPLY AND HRA ARE SUBJECT TO SEPARATE
SoCG)

LPA: FAREHAM BOROUGH COUNCIL
APPELLANT: MILLER HOMES

Signed on behalf of the Appellant:



Jacqueline Mulliner MRTPI, Managing Director, Terence O'Rourke Ltd

Date: 30 June 2021

Signed on behalf of the LPA:



Richard Wright MRTPI, Principal Planner, Fareham Borough Council

Date: 30 June 2021

1.0 The Appeal

1.1 This Statement of Common Ground (SoCG) has been prepared by Terence O'Rourke Limited on behalf of Miller Homes (the appellant) to be agreed with Fareham Borough Council regarding the appeal against the decision of Fareham Borough Council to refuse planning permission for the residential development of land to the east of Downend Road, Portchester.

1.2 The description of the appeal proposal is:

"Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings; the creation of new vehicular access with footways and cycleways; provision of landscaped communal amenity space, including children's play space; creation of public open space; together with associated highways, landscaping, drainage and utilities."

1.3 The proposals do not trigger the need for an Environmental Impact Assessment. FBC screened the proposal on 13 June 2017 (APP4 of the Appellants SoC) and concluded that:

"Taking into account the criteria set out within Schedule 3 of the Regulations, the scale and characteristics of the development, the location of the development and relationship with the surrounding natural environment are such that the Local Planning Authority is of the view that the proposals do not represent EIA Development and therefore no further assessment under the EIA regulations is required."

Further,

"Notwithstanding, the significant effects of the proposed developments are set out with particular regard to the key issues identified by the PPG of the physical scale of the development, the potential increase in traffic, emissions and noise. The Local Planning Authority concurs with the assessment in the applicant's screening opinion paragraphs 4.20 – 4.63 and the conclusions drawn in paragraphs 4.64 – 4.65"

Paragraphs 4.64 & 4.65 stated:

"Having examined the scale, nature and location of the proposed development in the context of the prevailing environmental conditions on, and surrounding the site, this review has worked through the screening process and concluded that:

- *The development is of type described in schedule 2*
- *The development site is not within a sensitive area*
- *The development exceeds the relevant threshold / criteria*

- *The development is not considered likely to have significant environmental effects.*

Whilst the decision will rest with FBC, this screening request concludes that the proposed development should not require EIA, as it is concluded it is unlikely to result in significant environmental effects.”

- 1.4 Both parties consider that the screening opinion remain valid and is unaffected by subsequent minor amendments to the regulations.
- 1.5 The application was submitted in August 2020 and registered with the reference P/20/0912/OA on the 17 August 2020.
- 1.6 The application was submitted with the following plans and documents:
 - Application drawings:
 - Site location plan (drawing number: 2495-01/PP-002)
 - Parameter Plan: Landscape parameter plan (drawing number: 2495-01/RS-PP-001)
 - Detailed access proposals: site access arrangement–ghost island, drawing number: ITB12212-GA-014 Rev D
 - In addition to the application drawings, the application comprised:
 - Planning application forms and certificated, including agricultural holding certificate.
 - It was also supported by:
 - Design and Access Statement (prepared by Terence O’Rourke Limited)
 - Planning Supporting Statement (prepared by Terence O’Rourke Limited)
 - Statement of Community Engagement update note (prepared by Terence O’Rourke Limited)
 - Landscape and Visual Appraisal (prepared by Terence O’Rourke)
 - Flood Risk Assessment, incorporating surface water and foul drainage strategy (prepared by Odyssey)
 - Heritage Statement (prepared by RPS)
 - Transport Assessment (prepared by i-Transport)
 - Framework Travel Plan (prepared by i-Transport)
 - Arboricultural Impact Assessment (prepared by ACD Environmental)
 - Air Quality Assessment (prepared by Ensafé)
 - Noise and Vibration Impact Assessment (prepared by Ensafé)
 - Qualitative Odour Assessment (prepared by Ensafé)
 - Updating Phase 1 Ecology Survey Report (prepared by Ecosupport)
 - Geo-Environmental Desk Study and supporting letters dated 18 October 2017 (prepared by Geo-Environmental)

- Agricultural Land Assessment (prepared by Geo-Environmental)
- Utilities and Services Appraisal (prepared by Odyssey)
- Habitat Regulations Assessment update note including Nitrogen Neutrality calculations (prepared by Terence O'Rourke)
- Illustrative Masterplan (ref. 2495-01/RS-SK-004 Rev B)

1.7 During the determination of the application, the following additional information was provided:

- Updated Phase 1 Ecological Assessment (Ecosupport)
- Revised Highway plans, comprising:
 - Site access arrangement – Ghost Island (ref. ITB12212-GA-014 Rev E)
 - Proposed Signal Arrangement with Footway Intervisibility Plan (ref. ITB12212-GA-049 Rev F)
 - Proposed Signal Arrangement with Footway General Arrangement (ref. ITB12212-GA-051 Rev D)
 - Proposed Signal Arrangement with Footway (General Arrangement) Vehicle Tracking – Articulated Vehicle (ref. ITB12212-GA-052 Rev D)
 - Proposed Signal Arrangement with Footway (General Arrangement) Vehicle Tracking – Large Refuse (ref. ITB12212-GA-053 Rev B)
 - Proposed Signal Arrangement with Footway (General Arrangement) Vehicle Tracking – Bus (ref. ITB12212-GA-054 Rev B)
 - Proposed Signal Arrangement with Footway (General Arrangement) Vehicle Tracking – 10m Rigid (ref. ITB12212-GA-055 Rev B)
 - Proposed Signal Arrangement with Footway (General Arrangement) Vehicle Tracking – Dimensions (ref. ITB12212-GA-056 Rev B)
 - Proposed Signal Arrangement with Footway Pedestrian Visibility Splay (ref. ITB12212-GA-061 Rev A)
 - Proposed Signal Arrangement with Footway 160m Visibility Splay to Signal Head (Southbound) (ref. ITB12212-GA-062 Rev A)
 - Proposed Signal Arrangement with Footway 120m Visibility Splay to Signal Head (Southbound) (ref. ITB12212-GA-063 Rev A)

1.8 To clarify, the application drawings to be considered at the appeal are:

- Site Location Plan (drawing number: 2495-01/PP-002)
- Landscape parameter plan (ref. 2495-01/RS-PP-001)
- Site access arrangement – Ghost Island (ref. ITB12212-GA-014 Rev E)
- Proposed Signal Arrangement with Footway Intervisibility Plan (ref. ITB12212-GA-049 Rev F)
- Proposed Signal Arrangement with Footway General Arrangement (ref. ITB12212-GA-051 Rev D)

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1.9 It is agreed that minor amendments to the plans, submitted prior to determination, are acceptable under *Wheatcroft* principles.

1.10 The application was refused by decision notice dated 25 November 2020. The decision notice provides the following reasons for refusal of the application as follows:

“The development would be contrary to Policies CS5 of the adopted Fareham Borough Core Strategy 2011 and Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan, and Paragraphs 109 and 110 (c) of the National Planning Policy Framework, and is unacceptable in that:

- *The proposal would result in a material increase in vehicular and pedestrian movements along Down End Road across the road bridge over the railway line. The works to the bridge as shown on drawing no. ITB12212-GA-051D (titled “Downend Road Bridge – Proposed Signal Arrangement With Footway General Arrangement”) would unacceptably affect the operation of the highway because of the vehicle queuing and driver delay that would arise and would result in unacceptable harm to the safety and convenience of users of the highway. Furthermore the application does not make acceptable pedestrian crossing provision on Down End Road for future residents of the development.”*

2.0 The Appeal Site and Surroundings

- 2.1 The appeal site lies on the northern edge of the settlement of Portchester. It is approximately 1.5km from Portchester Railways Station (to the east) and 3km from the centre of Fareham (to the south east).
- 2.2 Existing residential development lies immediately to the east of the site. There is also residential development to the south, separated from the site by the railway line. The site is well contained and separated from the wider countryside to the north by the M27 motorway. To the north west of the site is an open-air waste / composting facility currently used as a storage site for recycling containers. There are a handful of small commercial and residential properties to the west of the site, but still on the eastern side of Downend Road.
- 2.3 The site comprises agricultural fields and horse paddocks. There is a small cluster of agricultural sheds associated with the farm and a grassed bund which dissects the arable land. Electricity pylons and cables run north to south near the entrance to the site.
- 2.4 There are no other prominent natural or manmade features within the site. A line of an old hedgerow crosses the northern part of the site, though no hedgerow remains. A small area of apple trees is located near the farm buildings. The topography rises noticeably from south to north.
- 2.5 Vehicle and pedestrian access to the site is achieved off Downend Road to the west. There is a further access route primarily for pedestrians and cyclists into the site to the south west over Cams Bridge from The Thicket and the potential for a further pedestrian access route linking to Upper Cornaway Lane to the north east of the site.
- 2.6 Outline planning permission for improvements to Cams Bridge and the approaches to enable use by pedestrian and cyclist and continued vehicle access to the workshop was granted by Fareham Borough Council on 3 May 2019 (Application reference: P/18/0001/OA).
- 2.7 There are no public rights of way or formal footpaths across the site. There is a public right of way (route 117) that runs off Dore Avenue/Upper Cornaway Lane to the east of the site. This provides a route from the south up to Portsdown Hill Road to the north, across the bridge that extends over the M27.
- 2.8 The site is not designated for its nature conservation, landscape or heritage value. It is not at risk of flooding and does not fall within green belt.
- 2.9 The adopted Fareham Core Strategy (August 2011) identifies Portchester as a *“sizeable settlement, with good facilities including a district centre, local doctors and dentists, primary school and two secondary schools and a community centre”* (paragraph 2.11).

3.0 Relevant Planning Policy

The Development Plan

3.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan at the time of this appeal and relevant to the appeal proposals comprises:

- Local Plan Part 1: Core Strategy, adopted 4 August 2011
- Local Plan Part 2: Development Sites and Policies adopted 8 June 2015

3.2 The following local plan policies are most important to the determination of the appeal:

- DPS40: Housing Allocations
- CS5: Transport strategy and infrastructure

3.3 A number of other policies are relevant, insofar as they set out the overarching spatial strategy for development in the district and requirements for affordable housing etc. These policies are:

- CS2: Housing Provision
- CS4: Green Infrastructure, Biodiversity and Geological Conservation
- CS6: The Development Strategy
- CS14: Development Outside Settlements
- CS17: High Quality Design
- CS18: Provision of Affordable Housing
- DSP5: Protecting and Enhancing the Historic Environment
- DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries
- DSP13: Nature Conservation
- DSP15: Recreational Disturbance on the Solent Special Protection Areas

National Planning Policy Framework (NPPF)

3.4 The NPPF was updated in February 2019. The updated version is the only version relevant to the determination of this appeal. Paragraphs 109 and 110 (c) are most important to the appeal.

National Planning Practice Guidance (NPPG)

3.5 Sections of the National Planning Practice Guidance (NPPG) are relevant to the appeal proposals.

Emerging Fareham Local Plan 2037

3.6 The Reg 19 Local Plan 2037 was published for consultation 18 June – 30 July 2021. The appeal site is allocated for residential development; Draft policy HA4

suggests the site has an indicative yield of “350 dwellings”. The draft policy states:

“Proposals should meet the following site-specific requirements:

- a) The quantum of housing proposed shall be broadly consistent with the indicative site capacity; and*
- b) A design and layout that takes account of the site’s constraints and context, in particular the site’s landscape setting on Portsdown Hill, the Downend Chalk Pit SSSI and the potential presence of Palaeolithic archaeological remains; and*
- c) Primary highway access shall be focused on Downend Road; and*
- d) A network of interconnecting green and public access corridors throughout the site incorporating existing ecological and archaeological features and allowing only minimal highway cross over points (kept minimal in width); and*
- e) The provision of pedestrian and cycle connectivity from the site to Downend Road, The Thickett and Upper Cornaway Lane; and*
- f) Buildings heights limited to a maximum of 2.5 storeys, except for buildings which front onto the site access or perimeter, where heights will be limited to a maximum of 2 storeys; and*
- g) Proposals should ensure a buffer is designed to protect the SSSI at Downend Quarry and the creation and enhancement of ecological corridors; and*
- h) The design of the development should take into account the close proximity to the waste transfer station with potential for odour; and*
- i) A robust archaeological survey of the site to determine the Palaeolithic potential at the site, with areas identified as having high potential being designed within areas of open space or green corridors; and*
- j) A Minerals Assessment will be required prior to any development in accordance with the Hampshire Minerals and Waste Plan; and*
- k) A Neighbourhood Equipped Area of Play (NEAP) on-site within an accessible location; and*
- l) Highway improvements to facilitate the development, including:*
 - i. A pedestrian footway or footbridge over the existing Downend Road bridge and connections and improvements to wider pedestrian and cycle networks at The Thickett and Upper Cornaway Lane; and*
 - ii. Provision of pedestrian and cycle links to the A27 Bus Services and future Rapid Transit connecting Fareham Town Centre and railway station, Portchester, Portsmouth and local employment hubs; and*

iii. *Improvements to the Downend Road, A27 and Shearwater Avenue junction*

m) Infrastructure provision and contributions including but not limited to health, education and transport shall be provided in line with Policy TIN4 and NE3, including contributions towards improvements at Delme Roundabout.”

- 3.7 The Reg 19 plan is supported by a ‘Sustainability Appraisal and Strategic Environmental Assessment’ (May 2021) which confirms that the HA4 site is:

“Selected - accessible edge of urban area site with low landscape sensitivity”

- 3.8 Policy HA4 is also supported by a document from Mayer Brown, ‘Fareham Borough Council Technical Support for the Local Plan HA4 Downend Road East Highway Review’ (November 2020) (attached to Appellant SoC, as Appendix 3), the conclusions of which were accepted in confirming the allocation.

- 3.9 The programme for local plan production (published June 2021) is:

Summer 2021	Consultation on Publication Local Plan (Reg 19)
Autumn 2021	Submission of the plan to Secretary of State
Winter 2021 / Spring 2022	Examination
Autumn / Winter 2022	Adoption

- 3.10 It is agreed that there is no reason to consider the appealed application premature with reference to NPPF paras 49 & 50.

4.0 Matters considered not to be in dispute

- 4.1 The following matters are considered to not be in dispute between the Appellant and Local Planning Authority (LPA).

Previous Appeal Decision

- 4.2 The conclusions of Inspector Grahame Gould (appeal 3230015, dated 5 November 2019) are accepted by the parties.

NPPF Paragraph 11

- 4.3 It is agreed that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.4 It is agreed that the NPPF is a material consideration. It is agreed that paragraph 11 'for decision-taking' is in play.
- 4.5 It is agreed that if the Inspector concludes that the appeal scheme complies with the development plan then planning permission should be granted under NPPF paragraph 11 (c), without delay.
- 4.6 In any event, if the Inspector concludes conflict with the most important policies DSP40 and/or CS5 and/or paragraph 109 and/or 110 of the NPPF, then paragraph 11 (d) is engaged. This is the effect of NPPF footnote 7 given that a five-year housing land supply cannot be demonstrated in Fareham. In these circumstances, planning permission should only be withheld if any adverse impacts of the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 4.7 It is agreed that there is no restriction on the development of this site, as proposed, as a consequence of NPPF footnote 6. It is agreed that the first limb of 11 (d) is not engaged. This is because the site is not within a protected area, as listed in footnote 6. Also, with respect to ecology / habitats, NPPF paragraph 177 allows for the presumption in favour of sustainable development to remain engaged if an Appropriate Assessment (if one is needed – as is the case in this appeal) has concluded that the project will not adversely affect the integrity of the habitats site (see below para 4.11). Further, with respect to designated heritage assets, the test at NPPF para 196 is passed. The tilted balance is engaged.
- 4.8 In both cases (NPPF 11 (c) & (d ii)), a decision in to depart from an up to date development plan can be taken, if material considerations indicate the plan should not be followed (i.e. either under the normal or tilted planning balance).

Location

- 4.10 The north-eastern corner of the Appeal Site abuts the defined urban settlement boundary adjacent to the residential park homes at Northfield Park. Along the

southern edge of the Appeal site the urban settlement boundary, as defined by the local plan, lies to the immediate south of the railway line which forms that southern boundary. The sustainability of the location was summarised by the Inspector in the previous appeal (application ref. P/18/0005/OA):

“This development would be close to many other dwellings in Portchester and the accessibility to local services and facilities would be similar to that for many of the existing residents of the area. Given the existing pattern of development in the area, I consider there would be few opportunities for new housing to be built in Portchester on sites that would be significantly more accessible than the appeal site” (paragraph 79 Appeal ref. APP/A1720/W/19/3230015).

- 4.11 In respect of accessibility the officer’s report confirmed:

“The Inspector concluded that the development would accord with Policy CS5 of the Core Strategy and Policy DSP40 of the DSP because it would not be situated in an inaccessible location and it would be well related to the existing urban settlement boundary for Portchester.”

The Inspector did however find conflict with Policy DSP40 in respect of highways matters (paragraphs 73 & 97).

Highways

- 4.12 A separate Statement of Common Ground will be agreed between the Council and the Appellant in regard to transport matters.

Education

- 4.13 There is no reason to refuse planning permission, and no specific reference in the refusal reasons, with regard to education provision. No objection was raised by the County Education Authority subject to a financial contribution towards off site primary school provision to mitigate the impact of the development.

Archaeology

- 4.14 Hampshire County Council has no objection to the proposals subject to securing appropriate mitigation through condition. There is no reason for refusing planning permission, or specific reference in the refusal reasons, which relates to archaeological impacts.

Flood Risk and Drainage

- 4.15 There is no reason for refusing planning permission, or specific reference in the refusal reasons, which relates to flood risk or drainage. Hampshire County Council, as Lead Local Flood Authority, is in agreement with the principles of the strategy and that further details can be agreed at a later stage.

- 4.16 Network Rail had some questions about the location of the attenuation ponds in relation to the railway line but have agreed that these details can be secured by planning condition.

Noise

- 4.17 There is no reason for refusing planning permission, or specific reference in the refusal reasons, which relates to noise impacts. FBC Environmental Health team has no concerns subject to planning conditions being secured.

Air Quality

- 4.18 There is no reason for refusing planning permission, or specific reference in the refusal reasons which relates to air quality impacts. FBC Environmental Health team has no concerns subject to planning conditions being secured.

BMV Agricultural Land

- 4.19 There is no reason for refusing the application on the ground of the loss of the best and most versatile agricultural land. The Agricultural Land Assessment submitted with the application demonstrates that the site has limiting factors which mean it is very likely to be grade 3b or 4, which would mean it is not best and most versatile agricultural land.

Ecology

- 4.20 There is no reason for refusing the application due to impact on ecology. Consultation response from Natural England and Hampshire Council confirm that provided the appropriate mitigation is secured the proposed development is acceptable.

Built Heritage

- 4.21 While the proposed development affects the setting of one Grade I listed building (which is also scheduled) and two Grade II* listed buildings (one of which is also scheduled) any impacts will remain low in magnitude. As such any potential harm will remain less than substantial and, specifically, at the lowest end of this spectrum.
- 4.22 The public benefits, including the delivery of housing, are considered to outweigh the harm, even in giving the harm considerable weight.

Policy DSP40

- 4.23 Policy DSP40 is engaged because the Council is unable to demonstrate a five-year housing land supply. The Council considers the proposal fails to comply with the following criterion of this policy:

v) The proposal would not have any unacceptable environmental, amenity or traffic implications.

Policy CS5

- 4.24 The Council considers the proposal fails to comply with the following criterion of this policy:

“3. The Council will permit development which:

- contributes towards and/or provides necessary and appropriate transport infrastructure including reduce and manage measures** and traffic management measures in a timely way;*
- does not adversely affect the safety and operation of the strategic and local road network, public transport operations or pedestrian and cycle routes;*
- is designed and implemented to prioritise and encourage safe and reliable journey's by walking, cycling and public transport.”*

Benefits

- 4.25 The parties agree that the benefits of the appeal proposal include:

- Delivery of housing would boost the supply, delivering a mix of housing to widen opportunities for home ownership and further the sustainability and inclusivity of the local community
- Delivery of affordable housing at a provision of 40% and providing a mixture of dwelling types, sizes and tenures reflecting the identified housing needs of the local population
- Economic benefits including the creation of construction jobs in the short term, investment in the locality and increased spending in local shops and services in the long term

- 4.26 The Appellant also considers there to be benefits arising from enhancements to the local pedestrian and cycle facilities arising from highways improvements

5. Matters in dispute

5.1 The following matters are in dispute:

- I. The compliance of the development with adopted policies CS5 (part 3) and DSP40 criteria v) and NPPF paragraphs 109 and 110.
- II. The weight to be given to conflict with the above policies in the event the Inspector finds there to be harm to the operation of the highway and safety of highway users. The Council considers such conflict attracts the greatest weight in the planning balance weighing very heavily against granting planning permission. The Appellant considers that the weight to be given to the conflict, if the Inspector finds harm, will be affected by the nature and scale of that harm, considered with reference to the evidence and NPPF para 109.

6. Planning Conditions

- 6.1 The following conditions have been discussed and were attached to the officer report. Further review of these conditions will take place through the appeal process, but in principle it is agreed that the scope of conditions cover relevant and necessary matters.

1. No development shall take place until details of the appearance, scale and layout of buildings and the landscaping of the site (hereafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than twelve months from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of this permission, or before the expiration of one year from the date of the approval of the last of the reserved matters to be approved, whichever is later.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following drawings and documents:
- a) Site Location Plan (drawing number: 2495-01 PP-002);
 - b) Landscape parameter plan(drawingnumber:2495-01/RSPP-001 dated 30/07/20);
 - c) Detailed access proposal: site access arrangement (drawing number: ITB12212-GA-014 rev E)

REASON: To avoid any doubt over what has been permitted.

3. No development shall take place on site until a Development Parcel Plan has been submitted to and approved by the local planning authority in writing. The plan shall identify which phase of development shall relate to which part of the site (referred to as development parcels).

REASON: To allow the development to be carried out in phases and to enable the timely delivery of the development.

4. No development hereby permitted shall commence in any development parcel, as shown on the Development Parcel Plan approved pursuant to Condition 3 above, until a Written Scheme of Investigation (WSI) for that development parcel has been submitted to and approved in writing by the Local Planning Authority.

The submitted WSI shall:

a) recognise, characterise, record and delimit areas of potentially significant Palaeolithic deposits to establish a “Development Exclusion Zone” and an “Area of Restricted Impact” in order to protect areas of potentially national significance from any impact of the development;

b) recognise, characterise and record Holocene colluvium and negative archaeological features dating from the later prehistoric period onwards in the form of a series of trial trenches located across the whole of the application site.

No development hereby permitted shall commence in any development parcel, as shown on the Development Parcel Plan approved pursuant to Condition 3 above, until an archaeological mitigation strategy for that development parcel, based on the results of the approved WSI has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved mitigation strategy.

Following completion of all archaeological fieldwork a report will be produced setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement. That report shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings hereby permitted.

REASON: In order to assess the extent, nature and date of any archaeological deposits that might be present, the impact of the development upon these heritage assets and to secure appropriate mitigation. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid potential adverse impacts.

5. No development hereby permitted shall commence in any development parcel, as shown on the Development Parcel Plan approved pursuant to Condition 3 above, until a detailed surface water drainage strategy for that development parcel has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

a) The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDs Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features;

b) An assessment of local geology to determine risks to saturating the railway cutting face located to the south of the site, the likely change to rate of water infiltration into the cutting and the adequacy of the current track to accommodate any additional infiltration;

c) Identification of any proposed amendments to the principles detailed within the Flood Risk Assessment and Drainage Strategy rev D;

d) A summary of surface run-off calculations for rate and volume for pre and post development;

e) Evidence of sufficient attenuation on site for a 1 in 100 year plus climate change event;

f) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;

g) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753;

h) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element, evidence that those responsible/adopting bodies are in discussion with the developer and evidence of measures taken to protect and ensure continued operation of drainage features during construction;

The development shall be carried out strictly in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

REASON: To ensure satisfactory disposal of surface water from the site; to ensure no adverse effects on the integrity of designated sites for nature conservation purposes. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid potential adverse impacts.

6. No development hereby permitted shall commence in any development parcel, as shown on the Development Parcel Plan approved pursuant to Condition 3 above, until an intrusive site investigation and risk assessment for that development parcel has been carried out, including an assessment of the risks posed to human health, the building fabric and the wider environment such as water resources. Where the site investigation and risk assessment reveal a risk to receptors, no development shall commence until a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use has been submitted to and approved by the local planning authority in writing.

The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the local planning authority. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the Local Planning Authority. The approved scheme for remediation works shall be fully implemented before the permitted development is first occupied or brought into use.

On completion of the remediation works and prior to the occupation of any properties on the development in that development parcel, the developers and/or their approved agent shall confirm in writing that the works have been completed in full and in accordance with the approved scheme.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid potential adverse impacts.

7. No development hereby permitted shall commence in any development parcel, as shown on the Development Parcel Plan approved pursuant to

Condition 3 above, until a Construction Environmental Management Plan (CEMP) for that development parcel has been submitted to and approved in writing by the local planning authority. The submitted CEMP shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) The measures the developer will implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The arrangements for deliveries associated with all construction works, loading/unloading of plant & materials and restoration of any damage to the highway;
- e) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- f) A scheme for the suppression of any dust arising during construction or clearance works;
- g) The measures for cleaning Down End Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles;
- h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- j) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- l) Temporary lighting;
- m) Protection of pedestrian routes during construction;
- n) No burning on-site;
- o) Scheme of work detailing the extent and type of piling proposed;
- p) A construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site;

q) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid potential adverse impacts.

8. No development hereby permitted shall commence in any development parcel, as shown on the Development Parcel Plan approved pursuant to Condition 3 above, until a reptile and great crested newt (GCN) mitigation strategy for that development parcel has been submitted to and approved by the local planning authority in writing. The strategy shall include detailed proposals for the protection of reptiles and GCNs during the construction phase, timings of the works, location of the on-site receptor site, provisions for loss of suitable habitat and enhancement/management measures to ensure the long-term suitability of the receptor site during the operational phase including a planting scheme. The development shall be carried out in accordance with the approved strategy.

REASON: To provide ecological protection and enhancement. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid potential adverse impacts.

9. No development hereby permitted shall commence in any development parcel, as shown on the Development Parcel Plan approved pursuant to Condition 3 above, until details of the internal finished floor levels of all of the proposed buildings for that development parcel and finished external ground levels in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and in the interests of residential amenity. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid potential adverse impacts.

10. No development hereby permitted shall proceed beyond damp proof course (dpc) level in any development parcel, as shown on the Development Parcel Plan approved pursuant to Condition 3 above, until an Electric Vehicle Charging Strategy has been submitted to and approved by the Local Planning Authority in writing. The strategy shall identify the nature, form and location of electric vehicle charging points that will be provided across that development parcel, including the level of provision for each of the dwellings hereby approved and the specification of the charging points to be provided. The development shall be carried out in accordance with the approved details.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

11. No work relating to the construction of any development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 08:00 or after 18:00 hours Monday to Friday, before the hours of 08:00 or after 13:00 on Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the living conditions of existing residents living nearby.

12. The development shall be carried out in accordance with the measures set out Sections 5.5.3, 5.7.3 and 5.12 in the Ecological Assessment report (Ecosa, October 2017) and Section 5.0 'Mitigation and Compensation' of the Updating Ecological Assessment report (Ecosupport, August 2020) unless otherwise agreed by the local planning authority in writing.

REASON: To ensure the protection of species that could be adversely affected by the development.

13. The development shall be carried out in accordance with the mitigation measures contained within the submitted Noise & Vibration Impact Assessment (REC Reference: AC108766-1R0 – August 2020) unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure satisfactory living conditions for future residents.

14. None of the dwellings hereby permitted shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved LEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) A description, plan and evaluation of ecological features to be retained, created and managed such as grasslands, hedgerows, attenuation ponds and treelines;
- b) Details of a scheme of lighting designed to minimise impacts on wildlife, in particular bats, during the operational life of the development;
- c) A planting scheme for ecology mitigation areas;
- d) A work schedule (including an annual work plan);
- e) The aims and objectives of landscape and ecological management;
- f) Appropriate management options for achieving aims and objectives;
- g) Details of the persons, body or organisation responsible for implementation of the plan;

h) Details of a scheme of ongoing monitoring and remedial measures where appropriate.

REASON: To ensure appropriate on-going management of new and retained habitats for wildlife and to enhance biodiversity within the site.

15. No development hereby permitted shall commence until a biodiversity enhancement strategy demonstrating a measurable net gain in biodiversity using the DEFRA Biodiversity Metric 2.0) has been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved strategy and all enhancement measures fully implemented, retained and managed in accordance with the approved details.

REASON: To ensure a net gain in biodiversity within the site.

16. No dwelling hereby permitted shall be occupied until details of water efficiency measures have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110L per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources