

**Land east of Posbrook Lane, Titchfield**

**PINS Ref: 3254389**

**Suggested draft conditions – Final Agreed Schedule**

*21<sup>st</sup> December 2021*

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.
2. 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.

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.

3. 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.

4. The residential development hereby permitted shall comprise no more than 57 dwellings.
5. The development shall be carried out in accordance with the following plans:

- (i) Site Location Plan No. 16.092.01
- (ii) Proposed Access Drawing 19-241/003B

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

6. The development hereby permitted shall be carried out in general accordance with the details shown on Parameters Plan No. 16.092.21 (ID14)

REASON: To ensure the reserved matters application is consistent with the parameters considered the outline stage.

## **Prior to commencement**

7. No development shall commence until details of the width, alignment, gradient and type of construction proposed for the internal roads, footways and access, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of the surface water, and details of a programme for the making of roads and footways have been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard. 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 the potential impacts described above.

8. No development hereby permitted shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the principles set out within the Flood Risk Assessment and Drainage Strategy (Project No. 19-241) Dated October 2019 and shall include:
  - a) Detailed drainage layout drawings at an identified scale (minimum 1/500) indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
  - b) Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the main river. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical results during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should use the same descriptions as the drainage layout.
  - c) Management of exceedance flows including a plan showing areas of the site that will be allowed to flood and conveyance of flood waters.
  - d) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway).

The development shall be carried out strictly in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority. The surface water drainage system shall be maintained in accordance with the approved details thereafter.

REASON: In order to ensure satisfactory disposal of surface water. 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 adverse impacts of inadequate drainage.

9. No development shall commence until a minerals recovery method statement has been submitted to and approved by the local planning authority in writing.

The method statement shall include:

- a) Details of how minerals that can be viably recovered during the construction process will be recovered and put to beneficial use;
- b) Details of how the quantity of recovered minerals to be reused on site or offsite will be recorded and how this data will be reported to Hampshire County Council as the mineral planning authority.

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

REASON: To ensure that the potential for the recovery of minerals from the site is adequately considered. 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 the potential impacts described above.

10. No development shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall specifically address the archaeological potential relating to the prehistoric period (in particular the Mesolithic) at the site and the impact of the development on this potential should be addressed. The scheme of investigation should also secure an appropriate level of archaeological recording prior to or during the relevant stages of development to ensure that archaeological evidence is recognised and recorded. No development shall be carried out until the findings of the scheme of investigation have been submitted to and approved in writing by the Local Planning Authority. Where, in the opinion of the Local Planning Authority, the findings of the scheme of investigation identify a need for mitigation works to be carried out, details of such works shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of the development. The approved mitigation works shall be carried out in accordance with the approved details.

REASON: In order to ensure that the site, which is located in an area where there is potential for archaeological discovery, is adequately investigated prior to 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 the potential impacts described above.

11. No development hereby permitted shall commence until an intrusive site investigation and risk assessment 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, 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 the development on the site to ensure adequate mitigation against land contamination on human health.

12. No development hereby permitted shall commence until details of the internal finished floor levels of all the proposed buildings 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 to assess the impact on nearby residential properties. 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 the potential impacts described above.

13.No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but shall not be limited to, the following details in relation to:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) The routing of lorries during construction;
- d) Storage of plant, materials and chemicals used in the construction of the development;
- e) Measures to control the emission of dust and dirt during construction  
Measures to prevent chemical and/or fuel run-off from construction into nearby watercourses;
- f) Measures to avoid noise/visual/vibrational impacts on SPA birds;
- g) A risk assessment of potentially damaging construction activities;
- h) Identification of “biodiversity protection zones”, including the location and timing of sensitive works to avoid harm to biodiversity features including nesting birds;
- i) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- j) The times during construction when specialist ecologists need to be present on site to oversee works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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 the potential impacts described above.

14.No development shall commence on site until a scheme of lighting designed to minimise impacts on wildlife and habitats, particularly bats, and to mitigate adverse effects on the setting of the adjacent Grade II\* Listed Buildings has been submitted to and approved in writing by the local planning authority. Those elements of the approved lighting scheme relating to the construction of the development shall be implemented as agreed during the construction period. Prior to the first occupation of any of the dwellings hereby permitted the elements of the approved lighting scheme intended to be permanent features of the development shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter throughout the lifetime of the development unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site; In order to mitigate the impacts on the setting of the adjacent Grade II\* Listed Buildings. 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 the potential impacts described above.

15.No development shall commence until full details of all necessary ecological mitigation, compensation and enhancement measures in relation to dormice, reptiles, badgers (CDA.18, section 6.7 on pages 30/31), nesting birds (CDA.18, section 6.4.3 on page 30), has been submitted to and approved by the Local Planning Authority in the form of a Mitigation and Enhancement Strategy, along with relevant drawings showing the location of each mitigation/enhancement feature and the phasing of the proposed mitigation/enhancement works. Such details shall be in accordance with the outline ecological mitigation measures detailed within the submitted Reptile Mitigation Strategy (CDA.21), Dormouse Mitigation Strategy (CDA.20) and Bird Conservation Area Proposals (Tetra Tech) (Nov 20201) (CDAA.6). The development shall be carried out in accordance with the approved details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

**Prior to development proceeding beyond dpc level**

16.No development hereby permitted shall proceed beyond damp proof course (dpc) level 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, 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 and relevant charging points installed and made available for use prior to the occupation of the dwellings they are intended to serve.

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.

### **During construction**

17. 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 occupiers of nearby residential properties against noise and disturbance during the construction period.

### **Prior to occupation**

18. 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

19. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP relates to that part of the application site excluding the Bird Conservation Area.

The content of the LEMP shall include the following:

- a) A planting and phasing scheme for landscape mitigation screening and ecology mitigation and enhancement areas
- b) A work schedule (including an annual work plan)

- c) The aims and objectives of landscape and ecological management and appropriate management options for achieving the stated aims and objectives
- d) Details of the persons, body or organisation responsible for implementation of the plan
- e) Details of a scheme for ongoing monitoring and remedial measures where appropriate
- f) a biodiversity net gain assessment based on the latest DEFRA metric to show the landscape proposals, management and habitat condition monitoring is appropriate to achieve a minimum 10% net gain.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

20. The Inspector raised the issue about the potential need for a condition in relation to the Bird Conservation Area ("BCA"). The Appellant and Council have discussed and are content that the matter is adequately addressed through the UU. As such, neither party is advocating a condition to deal with the BCA. However, the Inspector is free to add such a condition if it is deemed necessary.

21. The Inspector also raised the possibility of a condition in relation to building heights. Again, the parties have discussed and are content that the RM process can adequately deal with this issue such that a condition is not required.

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