

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:** FW: 3299739 - Appeal Site at Land East of Newgate Lane East, Fareham  
**Attachments:** Draft Conditions - revisions 06.10.2022 - tracked changes version.docx; Draft Conditions - revisions 06.10.2022 - clean version.docx; Inspectors note re conditions - responses 06.10.2022.docx

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**From:** Trevor Moody  
**Sent:** 06 October 2022 16:12  
**To:** Brown, Kerr  
**Cc:** Peter Kneen Jeremy Gardiner  
**Subject:** RE: 3299739 - Appeal Site at Land East of Newgate Lane East, Fareham

Dear Kerr

Further to the Inspector's recent note on conditions, and Mr Kneen's email below, please find attached a revised set of conditions ('clean' and tracked changes versions) to be read in conjunction with the responses to the Inspector's queries (see blue text on Inspector's note).

We trust that this will help to narrow down the matters for discussion at the conditions round table session.

Regards

Trevor

**Trevor Moody**

Associate Planner

[E trevor.moody@pegasusgroup.co.uk](mailto:trevor.moody@pegasusgroup.co.uk)  
[M 07787 552573](tel:07787552573) | [DD 023 8254 2783](tel:02382542783) | [EXT 1513](tel:015131513) | [T 023 8254 2777](tel:02382542777)  
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**From:** Peter Kneen  
**Sent:** 06 October 2022 15:27  
**To:** Brown, Kerr  
**Cc:** Trevor Moody  
**Subject:** 3299739 - Appeal Site at Land East of Newgate Lane East, Fareham

Dear Kerr

### **Appeal 3299739 – Land East of Newgate Lane East, Fareham Response to Inspectors Queries on Conditions**

With regard to the above, I have received a list of updated conditions and comments from the appellant with regard to the various comments and questions raised by the Inspector to next weeks Public Inquiry.

The appellant will provide the Inspector with the updated list of conditions in due course. The Council and Appellant are in agreement with the proposed changes to the conditions and explanations.

In respect of Item 2, regarding the timeframe limitation for the submission of reserved matters, this is sought in respect of deliverability of the site. The 1 year limitation is to ensure the delivery of the site in the short term, in accordance with Policy DSP40, criteria iv, which states:

iv) It can be demonstrated that the proposal is deliverable in the short term.

As with all other DSP40 sites, and in order to ensure that the works commence on site in the short term, a reduced timeframe for implementation is required. This is accepted by the appellant in this case, and was set out in their Planning Statement submitted with the application that they would seek to deliver 250-300 houses within a five year period, with an immediate commencement if permission was granted. This position was reflected in the Council's Update Report to the Planning Committee in June 2022.

If you have any queries, please let me know.

Kind regards  
Peter

Peter Kneen  
Principal Planner (Development Management)  
Fareham Borough Council  
01329824363



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## Draft Conditions – 6<sup>th</sup> October 2022

(nb. supersedes conditions set out in Planning Statement of Common Ground dated 13<sup>th</sup> September 2022)

### Proposed Residential Development at Land East of Newgate Lane East, Fareham

PINS Ref: APP/A1720/W/22/3299739

- 1. Timing** Application for approval of the reserved matters in each phase shall be made to the Local Planning Authority not later than one year from the date of this permission. The development hereby permitted shall commence not later than one year from the date of approval of the last of the reserved matters.

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. Reserved matters** Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development within each phase takes place and the development shall be carried out as approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3. Phasing** The development may be carried out on a phased basis. No development shall commence until a Phasing Plan of construction for the housing, highway works, and associated open space (such areas hereinafter termed "a Phase or Phases" for the purposes of reserved matters submissions) has been submitted to and approved in writing by the Local Planning Authority. Applications for the approval of reserved matters may be submitted in respect of any of the phases of development within the site in any order.

REASON: This information is required prior to the commencement of development in each phase to secure the proper development of the site in an orderly manner.

- 4. Approved Plans** The development hereby permitted shall be carried out in accordance with the following approved plans: P20-3154\_01 Rev C; ITB10353-GA-102 Rev E.

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

- 5. General Accordance with the Illustrative Masterplan** The development hereby permitted shall be carried out in general accordance with plan ref. P20-3154\_03 Rev C.

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

- 6. Storey Heights** The buildings hereby permitted shall be limited to no more than two storeys.

REASON: To avoid any doubt over what has been permitted and to ensure an appropriate scale of development.

- 7. Site Access** No dwelling hereby permitted shall be occupied until the access has been constructed in accordance

with plan no. ITB10353-GA-102 Rev E or a subsequent plan approved in writing by the Local Planning Authority (LPA) and made available for use unless an alternative construction access arrangement has been approved in writing by the LPA and has been implemented. Where an alternative construction access arrangement has been approved by the LPA, the development may commence, but the dwellings shall not be occupied prior to completion of the access in accordance with drawing ITB10353-GA-102 Rev E.

REASON: To ensure a safe and satisfactory means of access.

8. **Ecological Mitigation and Enhancement** No development shall commence within any phase until a Landscape and Ecological Management Plan (LEMP) for that phase 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; and
  - 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. 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 loss of habitat once development starts.

9. **Surface Water Drainage** No development hereby permitted shall commence until a detailed surface water drainage strategy for the site, based on the principles within the Flood Risk Assessment, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:
- a) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
  - b) 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;
  - c) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;

- d) Detailed hydraulic calculations for all rainfall events, including those listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the watercourse. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the drainage layout;
- e) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow;
- 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; and
- h) The condition of the existing watercourse(s) within the application site should be investigated and any required improvement should be carried out. Evidence of this, including photographs should be submitted before any connection is made.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure satisfactory disposal of surface water from the site. 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 of inadequate drainage.

10. **SuDS Scheme** Prior to commencement of development, details of the maintenance and management of the sustainable drainage scheme approved by condition 9 shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include a timetable for its implementation, and a management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime. The sustainable drainage system shall be managed and maintained in accordance with the approved details for the lifetime of the development.

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.

11. **Foul Drainage** Prior to commencement of development, a scheme for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation and details of the measures which will be undertaken to protect the public sewers and shall be carried out in accordance with the approved scheme.

REASON: To ensure satisfactory disposal of foul 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.

12. **Archaeology** Prior to commencement of development, the developers shall secure the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority. The assessment should take the form of trial trenches located across the site to ensure that any archaeological remains encountered within the site are recognised,

characterised and recorded. Prior to commencement, the developer shall secure the implementation of a programme of archaeological mitigation based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority. Following completion of archaeological fieldwork, a report will be produced in accordance with the approved programme submitted by the developer and approved in writing by the Local Planning Authority setting out and securing post-excavation assessment, specialist analysis and reports, publication and public engagement.

**REASON:** It is considered that the area is of archaeological interest and should be protected from damage due to development work. 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. **CEMP** No development shall take place within any phase until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to, and approved in writing by the Local Planning Authority. The CEMP for each phase shall provide for:

- a. the parking of vehicles of site operatives and visitors and turning provision on the site;
- b. loading and unloading of plant and materials;
- c. the routing of lorries, and details for construction traffic access to the site;
- d. programme of construction;
- e. storage of plant and materials used in constructing the development;
- f. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g. wheel washing facilities including measures for cleaning Newgate Lane East to ensure that it is kept clear of mud or other debris falling from construction vehicles;
- h. measures to control the emission of dust and dirt during construction;
- i. delivery and construction working hours;
- j. a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use;
- k. a scheme of work detailing the extent and type of piling proposed;
- l. temporary lighting;
- m. a construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site; and
- n. safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The approved CEMP shall be adhered to throughout the construction period for the development.

**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. **Floor/Site Levels** No development shall commence within any phase until details of the internal finished floor levels of all of the proposed buildings in that phase and proposed finished external ground levels in relation to the existing 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.

15. **Water Efficiency** No dwelling shall be occupied within any phase until details of water efficiency measures to be installed in each dwelling in that phase 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 an average of 110 litres 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.

16. **Nitrogen Neutrality** No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated [TBC] between (1) William Northcroft Butler and James Nicholas Butler (2) HN Butler Farms Limited (3) Bargate Homes Limited and (4) Miller Homes Limited.

**REASON:** To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

17. **Sustainability** No development shall take place within any phase beyond damp proof course level until details of the specification of Electric Vehicle charging points to be provided in that phase have been submitted to and approved by the Local Planning Authority, including how and where Electric Vehicle charging points shall be provided at the following level:

- a. At least one Electric Vehicle charging point per dwelling with allocated parking provision; and
- b. At least one Electric Vehicle charging point in shared/unallocated parking areas per 10 dwellings with no allocated parking provision.

The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

**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.

18. **Arboriculture** The reserved matters to be submitted for each phase shall be accompanied by a detailed Arboricultural Impact Assessment and Tree Protection Method Statement to be approved in writing by the Local Planning Authority. The arboricultural works must be carried out in accordance with the approved details and may

only be fully discharged on the subject to satisfactory written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. 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.

19. **Noise Mitigation** The reserved matters to be submitted shall be accompanied by a Noise Mitigation Scheme following the principles established in the Noise Assessment (January 2022) prepared by Tetra Tech including how mitigation will be maintained for the lifetime of the development. Prior to the construction of any dwelling, the submitted Scheme shall have been approved in writing by the Local Planning Authority and no dwelling shall be first occupied until the relevant mitigation measures in respect of that dwelling have been provided in full, in accordance with the approved Scheme.

REASON: To prevent avoidable disturbance to residents from highway noise.

20. **Contamination** Works shall cease on the site, if during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an investigation and risk assessment of the identified material/ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the Local Planning Authority prior to the occupation of the unit(s).

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.



## Draft Conditions – 6<sup>th</sup> October 2022

(nb. supersedes conditions set out in Planning Statement of Common Ground dated 13<sup>th</sup> September 2022)

### Proposed Residential Development at Land East of Newgate Lane East, Fareham

PINS Ref: APP/A1720/W/22/3299739

- 1. Timing** Application for approval of the reserved matters in each phase shall be made to the Local Planning Authority not later than one year from the date of this permission. The development hereby permitted shall commence not later than one year from the date of approval of the last of the reserved matters.

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REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3. Phasing** The development may be carried out on a phased basis. No development shall commence until a Phasing Plan of construction for the housing, highway works, and associated open space (such areas hereinafter termed "a Phase or Phases" for the purposes of reserved matters submissions) has been submitted to and approved in writing by the Local Planning Authority. Applications for the approval of reserved matters may be submitted in respect of any of the phases of development within the site in any order.

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REASON: To ensure a safe and satisfactory means of access.

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  - 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. 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 loss of habitat once development starts.

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  - c) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features,

manhole cover and invert levels and pipe diameters, lengths and gradients;

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- h) The condition of the existing watercourse(s) within the application site should be investigated and any required improvement should be carried out. Evidence of this, including photographs should be submitted before any connection is made.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure satisfactory disposal of surface water from the site. 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 of inadequate drainage.

10. **SuDS Scheme** Prior to commencement of development, details of the maintenance and management of the sustainable drainage scheme approved by condition 9 shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include a timetable for its implementation, and a management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime. The sustainable drainage system shall be managed and maintained in accordance with the approved details for the lifetime of the development.

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REASON: To ensure satisfactory disposal of foul 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.

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programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority. The assessment should take the form of trial trenches located across the site to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded. Prior to commencement, the developer shall secure the implementation of a programme of archaeological mitigation based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority. Following completion of archaeological fieldwork, a report will be produced in accordance with the approved programme submitted by the developer and approved in writing by the Local Planning Authority setting out and securing post-excavation assessment, specialist analysis and reports, publication and public engagement.

REASON: It is considered that the area is of archaeological interest and should be protected from damage due to development work. 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.

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- b. loading and unloading of plant and materials;
- c. the routing of lorries, and details for construction traffic access to the site;
- d. programme of construction;
- e. storage of plant and materials used in constructing the development;
- f. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g. wheel washing facilities including measures for cleaning Newgate Lane East to ensure that it is kept clear of mud or other debris falling from construction vehicles;
- h. measures to control the emission of dust and dirt during construction;
- i. delivery and construction working hours;
- j. a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use;
- k. a scheme of work detailing the extent and type of piling proposed;
- l. temporary lighting;
- m. a construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site; and

n. safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The approved CEMP shall be adhered to throughout the construction period for the development.

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.

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REASON: In the interests of preserving water quality and resources.

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REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

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18. **Arboriculture** The reserved matters to be submitted for each phase shall be accompanied by a detailed

Arboricultural Impact Assessment and Tree Protection Method Statement to be approved in writing by the Local Planning Authority. The arboricultural works must be carried out in accordance with the approved details and may only be fully discharged on the subject to satisfactory written evidence of contemporaneous supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. 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.

19. **Noise Mitigation** The reserved matters to be submitted shall be accompanied by a Noise Mitigation Scheme following the principles established in the Noise Assessment (January 2022) prepared by Tetra Tech including how mitigation will be maintained for the lifetime of the development. Prior to the construction of any dwelling, the submitted Scheme shall have been approved in writing by the Local Planning Authority and no dwelling shall be first occupied until the relevant mitigation measures in respect of that dwelling have been provided in full, in accordance with the approved Scheme.

REASON: To prevent avoidable disturbance to residents from highway noise.

20. **Contamination** Works shall cease on the site, if during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an investigation and risk assessment of the identified material/ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the Local Planning Authority prior to the occupation of the unit(s).

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

APPEAL REF: APP/A1720/W/22/3299739

Land east of Newgate Lane East, Fareham

## Note from the Inspector

### CONDITIONS

This note provides initial comments from the Inspector on the draft suggested conditions set out in section 8 of the Planning Statement of Common Ground dated 13 September 2022. The note is designed to help make the forthcoming round table session on planning conditions more efficient. It does not mean that the Inspector will not have any additional comments on conditions.

The Inspector would like the parties to jointly consider the points below and respond jointly in advance of the proposed session. These comments are set out without prejudice.

The conditions should be ordered to follow PPG guidance. This order should be:

- Standard time limit;
- Details and drawings subject to the permission;
- Any pre-commencement conditions;
- Any pre-occupancy or other early stage conditions;
- Conditions relating to post-occupancy monitoring and management

There is a need for a condition setting out the standard time limit. This should be the first condition.

[Agreed - we have re-ordered the conditions.](#)

The following references relate to the conditions as numbered in the suggested list in the Statement of Common Ground. Their numbers will change in the final list and references to other conditions numbers will need to be checked at final stage.

2) ([now 1](#)) Why does the reserved matters application have to be submitted within one year from the date of the approval of the outline? What is the reason for this? What does the set-out reason mean when it refers to a 'review'?

Peter – I suggest that the Council is better placed to respond on the Inspector's queries on this condition.

We have added a new condition (no. 3) to allow for the development to be carried out on a phased basis. This is to recognise that the site is controlled by two developers who may wish to bring forward development at different timescales. Other relevant conditions have been amended as appropriate to allow for phasing.

3) (now 4) Are these two plans the only two to which the permission would relate?

Yes – Plan P20-3154\_01 Rev C (Site Location Plan) identifies the extent of the application site and Plan ITB10353-GA-102 Rev E (Proposed Roundabout to Newgate Lane East – General Arrangement) sets out the site access arrangements which is a detailed matter being applied for as part of the current application. All other plans are illustrative/for information.

4) (now 7) This condition states that the development shall not commence until the access has been constructed. However, access is not reserved and so is part of the development which would be permitted as part of this permission. What is the condition trying to achieve? Does it mean the construction of the houses? The internal roads?

This condition is intended to allow the option of bringing forward an alternative construction access (rather than using the roundabout access applied for as part of this application as the construction access), should that be preferable, through the discharge of the condition. In the event that an alternative construction access is implemented, the condition prevents the occupation of dwellings until roundabout access is completed.

The wording of the condition has been agreed with HCC Highways. However, it has been amended to be more consistent with the wording of condition 4 for the allowed appeal to the south at Brookers Lane (ref. APP/A1720/W/21/3269030), which states: *"No development shall commence on site until an amendment to The Hampshire (Various Roads Newgate Lane Area, Fareham and Gosport) (Prohibition of Driving) (Except for Access) Order 2018 has been approved in accordance with drawing ITB13747-GA-018 Rev A to allow vehicular access to the site. The development thereafter shall not commence until the access has been constructed in accordance with plan No ITB13747-GA-004 Rev F or a subsequent plan approved in writing by the Local Planning Authority (LPA), and made available for use unless an alternative construction access arrangement has been approved in writing by the LPA and has been implemented. Where an alternative construction access arrangement has been approved by the LPA, the development may commence, but shall not be occupied prior to completion of the access in accordance with drawing ITB13747-GA-004 Rev F."*

An application for the partial discharge of condition 4 (ref. P/19/1260/DP/A) of the Brookers Lane permission to allow for an alternative construction access arrangement (off Newgate Lane East rather than from Brookers Lane) is currently with FBC for determination.



5) The illustrative masterplan is not one of the approved plans. What do the parties mean by 'general conformity'?

The illustrative masterplan shows how the site could be developed following a landscape led approach to deliver a significant amount of green infrastructure. This is considered to be an important principle that should be carried through to the reserved matters applications. The requirement for the development to be carried out in general accordance with the illustrative masterplan refers to the general disposition of land uses across the site including housing parcels and green infrastructure.

6) What is the reason for limiting houses to two storey? This is referred to in the planning statement, but it is not clear if it was an 'offer' or if it is necessary to make the scheme acceptable in planning terms in accordance with the tests.

Criterion iii of Policy DSP40 requires that "The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps". The scale of existing residential development to the east in Bridgemarky / Woodcot is predominately two storey. The limitation to two storey is therefore considered necessary to reflect the character of the neighbouring settlement. It is also consistent with the appeal decision at Brookers Lane to the south, where condition 6 limits development to no more than two storeys. It will also ensure the current appeal development reflects the character of the development to the south once it is constructed, as well as that of Bridgemarky / Woodcot.

7) Is this condition necessary as 375 units is referred to in the description of development?

Agreed that this condition is unnecessary – have deleted from revised list of conditions.

10) . 11), 12) and 13) (now 18) These condition start with 'Prior to commencement'. The commencement of what?

Have amended to read 'prior to commencement of development'.

14) (now 20) Is 'development' in 'shall cease', the right word? Should it be 'works'?

Agreed – have amended wording.

15) (now 19) The final sentence has the appearance of a 'tailpiece' condition. Why is it necessary? Doesn't it conflict with the reference earlier in the condition that mitigation will be maintained for the lifetime of the development? Indeed why is the final sentence even needed given the reference earlier in the condition?

Agreed – final sentence deleted.

19) (now 15) Why does this condition, which seeks to ensure water quality in each dwelling, need to be a pre-commencement condition? This is an outline application.

Agreed – we have revised the wording to “No dwelling shall be occupied within any phase until details of water efficiency measures... ”.

Mike Worden

INSPECTOR

3 October 2022