

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