



---

# Appeal Decision

Inquiry (Virtual) Held on 3-5 August 2021 and 14-15 September 2021

Site Visit made on 6 July, and 20-21 September 2021

**by A J Mageean BA(Hons), BPI, PhD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> October 2021**

---

## **Appeal Ref: APP/A1720/W/21/3272188**

### **Land to the east of Downend Road, Portchester, Fareham, PO16 8TS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Miller Homes against the decision of Fareham Borough Council.
  - The application Ref P/20/0912/OA, dated 13 August 2020, was refused by notice dated 25 November 2020.
  - The development proposed is 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.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for 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, at Land to the east of Downend Road, Portchester, Fareham, PO16 8TS in accordance with the terms of the application, Ref P/20/0912/OA, dated 13 August 2020, subject to the attached Schedule of Conditions.

### **Preliminary Matters**

2. The application was submitted in outline with all matters except for means of access reserved for subsequent approval. In addition to the site location plan, the application is to be determined on the basis of a Landscape Parameters Plan<sup>1</sup> and a site access arrangement plan.<sup>2</sup>
3. Shortly before the opening of the Inquiry, the Council the evidence of its highways witness relating to the capacity of the local highway network, meaning that remaining areas of concern related to the safety of the users of the highway network, particularly pedestrians and cyclists using Downend Road Bridge.

---

<sup>1</sup> Ref: 2495-01/RS-PP-001

<sup>2</sup> Ref: ITB 12212-GA-014 Rev F

4. The Inquiry was adjourned on Friday 6 August as the Council's highways witness was unavailable. In the intervening time discussions between the appellant and Council resulted in the submission of amended details relating to the arrangements for the operation of signal controls over Downend Road Bridge. This involved incorporating a pedestrian phase into the proposed shuttle working arrangements, the details of which are set out in drawing ITB12212-GA-071B.
5. The amendments and their consequences were considered by the Council's planning committee, leading to a resolution that their acceptance by the Inquiry would result in all elements of the reason for refusal relating to highway matters being overcome. I considered that the amendments were minor, such that the nature of the proposal would not be materially altered and that their acceptance would not prejudice the interests of interested parties. The Inquiry therefore proceeded on the basis of the amended scheme.
6. A final but unsigned Unilateral Undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 was submitted to the Inquiry on 14 September 2021. This included provisions relating to the delivery of various highway improvement measures, an obligation to secure 40% affordable housing on site, the provision and maintenance of on-site public open space, a contribution towards the Solent Recreation Mitigation Strategy, a contribution towards education provision, the provision of on-site roads, footpaths and footways, and finally obligations to secure both access to and the improvement of Cams Bridge. I allowed a short time after the adjournment of the Inquiry to allow for the submission of a signed and certified copy the UU. The Inquiry was closed in writing on 4 October 2021.

### **Main Issues**

7. At the Case Management Conference it was agreed that the main issues to be considered at the Inquiry were:
  - The effect of the proposed development on the operation of the local highway network, with particular reference to vehicular and pedestrian movement across the Downend Road bridge across the railway line, and the provision for pedestrian crossing of Downend Road;
  - The effects of the proposed development on the integrity of the Portsmouth Harbour Special Protection Area and Ramsar Site, the Solent and Southampton Water Special Protection Area and Ramsar Site, the Solent and Dorset Coastal Protection Special Protection Area and the Chichester and Langstone Harbours Special Protection Area and Ramsar site (the designated habitats); and,
  - Whether the proposal conflicts with the provisions of the development plan and if so, whether there are any material considerations, including the level of housing land supply, that would outweigh that conflict.
8. As a consequence of the Council's revised position regarding highways evidence relating to capacity issues, along with the minor amendments to the crossing arrangements for Downend Road Bridge, the Council confirmed that it would withdraw its reason for refusing the application on highway matters. The evidence of the Council's highways witness related to the unamended scheme.

The acceptance of the amended scheme meant that this evidence was withdrawn in its entirety.

9. Whilst the highway matters between the main parties have been resolved, it is appropriate that I consider the concerns of interested parties, as expressed orally and in writing to the Inquiry.

## **Reasons**

### *Highway matters*

10. At the previously unsuccessful appeal relating to the same site<sup>3</sup> (the previous appeal), the Inspector referred to a number of options for the alteration of Downend Road railway bridge. Option 3 was similar to the scheme before this appeal, though using shuttle working rather than traffic signal controls. The conclusion reached on this aspect of the proposal was that it would unacceptably affect the operation of the road because of the vehicle queuing and delay that would arise. An Option 4 was also referred to which was very similar to the appeal scheme in that the Option 3 shuttle working would be replaced by traffic signal controls. However, this was discounted following Hampshire County Council's (HCC) suggestion that this would entail greater driver delay.
11. The evidence before the current Inquiry in relation to capacity and driver delay includes updated evidence relating to the effects of the amended scheme. This refers to the busiest period at the morning peak and indicates that the junction would operate within capacity. Whilst it is inevitable that signal controls would result in some delay and queuing on either side of the junction, there is no evidence before me to suggest that this would unacceptably harm the operation of the road network.
12. The existing traffic conditions on which this assessment is based are derived from a number of surveys in 2016 and 2019.<sup>4</sup> They were undertaken outside school holiday times and pre-COVID. As such there is no reason for them to be considered unrepresentative of current conditions. Furthermore, I visited the site several times during peak periods. Whilst this is clearly a busy and well-used route, I saw nothing to give particular cause for concern. There will inevitably be times when, due to issues elsewhere in the highway network, local roads may be busier than normal leading to delays. However, based on the usual operation of this road network, there is no evidence that the appeal scheme would lead to significant driver delay.
13. Furthermore, from the evidence presented, it appears to me that in reaching these conclusions reasonable assumptions have been made about the impact of car use by occupiers of the appeal scheme. I agree with the assessment made by the previous Inspector that the development would fall short of being particularly accessible for transport modes other than the private motor car. That said, I am satisfied that the facilities for pedestrians and cyclists accessing the site, along with some improvements to bus infrastructure, would support the use of sustainable transport modes. Further, the slight reduction in the F3 bus service does not materially alter the accessibility of the site.

---

<sup>3</sup> APP/A1720/W/3230015

<sup>4</sup> Summarised in Section 3.3 of the Agreed Statement on Transport Matters

14. I have also considered the potential impacts of traffic routing along local roads, including Cams Hill, St Catherines Way and The Causeway, in order to avoid the Downend Road lights. However, there is no evidence before me of this being a particular issue, nor that the development would have a significant impact in this regard.
15. The appeal proposals include measures to increase the capacity of the A27 junction with Downend Road and Shearwater Avenue,<sup>5</sup> which would be secured through the UU. The details supplied demonstrate that the efficiency of this junction would be improved overall, and that the lane width created would be able to accommodate articulated vehicles.
16. The amended scheme would assist in addressing safety issues associated with pedestrians crossing Downend Road by providing dedicated crossing time. Whilst some concerns are raised about pedestrians crossing the bridge itself, the pavement would have a minimum width of 2m with a standard kerb height, providing adequate separation from the carriageway and sufficient width for 2-way pedestrian traffic. Furthermore, as there would be additional pedestrian and cycle access points via Cams Bridge and Upper Cornaway Lane, pedestrian activity would not necessarily be concentrated on Downend Road bridge.
17. The A27 corridor is a busy route, particularly at peak times. Improvements to this route are planned, including bus priority measures to enable the delivery of the next phase of the Bus Rapid Transit (BRT) network towards Portsmouth. I understand that HCC as the Highways Authority has already secured significant funding towards delivering these improvements. Whilst the improvements have been delayed, delivery is required by 2023.
18. The appeal scheme would add to the A27 traffic volumes. Mitigation is proposed through financial contributions to help bring forward improvements at the Delme roundabout, including provisions for the BRT network. Financial contributions towards other improvement measures, including pedestrian and cycle crossing points and to local bus stops would also be made. Such mitigation measures would contribute to the overall improvement of the highway network and would support sustainable transport modes.
19. I conclude that the appeal scheme would not have a harmful effect on the operation of the highway network. In this regard there would be no conflict with Policy CS5 of the Fareham Borough Core Strategy (the Core Strategy) or Policy DSP40 of the Local Plan Part 2: Development Sites and Policies Plan (the DSP). Similarly, there would be no conflict with paragraph 111 of the National Planning Policy Framework (the Framework) in terms of highway safety. Also, the scheme would support the requirement at paragraph 112 c) of the Framework that the development should minimise the scope for conflicts between pedestrians, cyclists and vehicles.

#### *Effect on the designated habitats*

20. The provisions of Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) require that prior to deciding whether to grant planning permission for development which is likely to have a significant effect on a European Site, either individually or in combination with other developments, then the competent authority must make an appropriate

---

<sup>5</sup> CD 1.10 Transport Assessment Part 2, page 8 of 121, ITB12212-GA-026

assessment of the implications for the European site. Consent should only be granted if there are no adverse effects on the integrity of the site, unless other legal tests have been met.

21. In this case the Stage 2 Habitats Regulations Assessment screening identified that the development would be likely to have a significant effect on designated habitats. This would relate to the Portsmouth Harbour Special Protection Area (SPA) and the Solent and Southampton Water SPA (and associated Ramsar sites) through the in-combination effects of increased recreational activity, and also the effects on the Portsmouth Harbour SPA and Ramsar and the Solent and Dorset Coastal SPA arising from the potential increased risk of flooding.
22. The main parties and Natural England (NE) have agreed that these effects could be managed through the use of a number of mitigation measures. This would include a contribution to the Solent Recreation Mitigation Strategy, in accordance with the rates set out therein, to be secured through the legal agreement. It would also be necessary for the development to incorporate a sustainable drainage system (SuDS), secured through appropriate conditions. I agree that these provisions would adequately mitigate the effect of the proposal so that there would be no adverse effect upon the integrity of the designated sites.
23. A NE requirement since 2019 has been that new housing development should provide for nitrate mitigation to address the effect of wastewater from dwellings on designated habitats. In this case the appeal site would provide on-site nitrogen mitigation by virtue of taking agricultural land out of use. Additionally, in line with NE's standard nitrogen neutrality calculation, the imposition of a planning condition relating to maximum water usage of 110 litres per day would mean that nitrogen neutrality would be achieved.
24. Therefore, in the event of the appeal being allowed, I am content that subject to the obligation and conditions identified above, the integrity of the designated habitats would be safeguarded. In this respect the development would accord with Policy CS4 of the Core Strategy and Policies DSP13 and DSP15 of the DSP.

## **Other Matters**

### *Designated heritage assets*

25. The appeal site is located within the wider settings of three designated heritage assets (DHA): Portchester Castle, a Grade I listed building and scheduled monument; Fort Nelson, a Grade II\* listed building and scheduled monument; and the Nelson Monument, a Grade II\* listed building.
26. The significance of these DHA's relates in the main to their historic value in terms of their associations with the military history of the area. The setting of Portchester Castle contributes to the significance of this DHA primarily in terms of its prominent defensive position within Portsmouth Harbour. Beyond the developed area, the backdrop of undeveloped land on the Portsdown Hills is less important but nonetheless part of the extended setting of this DHA. The appeal development would to a modest degree reduce the extent of this area, thereby causing less than substantial harm to setting.
27. Fort Nelson and the Nelson Monument are located on the ridgeline to the north of the site and are largely surrounded by agricultural land, with the prominence of this setting contributing to their significance. The appeal site forms a

modest part of this area and its development would to a limited extent diminish the degree of separation of the DHAs from the urban area. However, any infringement would be limited and therefore harm to their setting would be minor and less than substantial.

28. Whilst any harm to the significance of these DHAs would be less than substantial, the Framework paragraph 199 requires that 'great weight' should be given to the conservation of DHA's (and the more important the asset, the greater the weight should be). Where proposals would lead to less than substantial harm the Framework paragraph 202 sets out that this harm should be weighed against the public benefits of the proposal.
29. The Council is unable to demonstrate a five year supply of land for housing development. The current supply is 3.57 years at most, and therefore the shortfall is significant. This means that the contribution of 350 houses to supply must count as a benefit of considerable weight. This would clearly outweigh the low level of harm identified.

#### *Sustainability of the location*

30. I have acknowledged that the site falls short of being particularly accessible by transport modes other than private car. Nonetheless, it is well located in relation to the existing urban area, with a good range of local services and facilities available within a reasonable distance of the site. The improvements to infrastructure supporting walking/cycling and bus use would provide the opportunity for sustainable travel modes to be adopted.
31. Concerns are raised about the capacity of local schools, doctors surgeries and other services in the local area to accommodate the needs of residents of additional homes. A financial contribution towards an increase in the number of primary school places available locally would be secured through the UU. However, there is no specific request from health providers before me in this regard, and I therefore agree with the Council that a financial contribution towards health services cannot be justified.

#### *Air pollution*

32. Local interests raise concerns about additional air pollution, noting existing high levels associated with the Delme roundabout. However, an Air Quality Assessment submitted by the appellant indicates that the effects of road traffic emissions on human health and ecology as a result of the development would not be significant.

#### *Loss of views*

33. The site is currently open farmland located within the countryside beyond the existing urban area. The gently rising gradient to the north means that it is visible in the surrounding area. As such there would inevitably be harm to the landscape character of this currently undeveloped area. However, the Landscape Parameters Plan demonstrates that the development parcels would be separated by a framework of green open space. The north-south green corridors would help maintain long distance views up towards the higher ground. As such the harm to landscape character would be moderated to a satisfactory degree.

#### *Loss of farmland*

33. I have also considered the fact that the proposal would result in the loss of agricultural land. Whilst the Framework requires the economic and other benefits of the best and most versatile agricultural land to be recognised, the evidence before me indicates that, due to site specific limiting factors, the appeal site does not fall into this category.

### **Planning Obligations**

34. The Council has provided a statement setting out the policy basis for each of the UU covenants, and their compliance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The package of highway measures includes those relating to the site access points from Downend Road, Cams Bridge and Upper Cornaway Lane; the delivery of A27/Downend Road/Shearwater Avenue junction improvements and a financial contribution towards A27 corridor improvements; and wider improvements to pedestrian/cycle/bus infrastructure to encourage sustainable travel, including the implementation of a Framework Travel Plan. These measures are necessary to deliver safe and suitable access to the site for all modes of travel, as required by Core Strategy Policy CS5 and DSP Policy DPS40.
35. The UU would secure the delivery of 40% affordable housing, with a mix of tenures and sizes that reflects the identified housing need in the locality. This would comply with the requirements of Core Strategy Policy CS18. The provision of open space and the need to secure its future management would be in accordance with Core Strategy Policy CS21. The financial contribution towards the Solent Recreation Mitigation Strategy relates to the mitigation of the effects of development on the SPAs and associated Ramsar sites. This would comply with the requirements of DSP Policy DSP15.
36. Contributions towards early years learning, childcare, primary and secondary education provision have been calculated based on the additional demand for school places it is anticipated that the development would generate. This is supported by HCC's Children's Services Developer Contributions Policy. A further contribution would be required to support school travel planning and the use of active travel modes for the school journey. Finally, obligations relating to on-site routes and the improvement works to Cams Bridge would be required to ensure that routes on and through the site are accessible to the public, and to create a permeable and well-connected development.
37. I am satisfied that each of the obligations would be fully supported by policy and would meet the tests set by Regulation 122(2) and echoed by the Framework, in that they would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related to it in scale and kind. I am also satisfied with the form and drafting of the UU and can therefore take the obligations into account as material planning considerations.

### **Conditions**

38. The suggested Schedule of Conditions was discussed at the Inquiry and a number of amendments made. I have made further small amendments to ensure that they meet the requirements set out in the Framework paragraph 56, particularly in the interests of precision and enforceability. I am satisfied that the conditions now set out in the Schedule annexed to this decision are

- necessary to make the development acceptable and meet the tests set out in the Framework.
39. Condition 1 requires that the approval of reserved matters should be sought not later than 12 months from the date of this permission, and that development be commenced within 2 years. This reflects the position set out in the supporting text to Policy DSP40. This provides for situations where the Council is unable to demonstrate a 5 year housing land supply. It indicates that, where necessary, the Council will include a planning condition to limit the commencement time to ensure delivery in the short term. As the Council cannot demonstrate a 5 year supply of housing land it is appropriate and necessary to tighten the usual time for the commencement of development.
  40. The identification of the approved plans (condition 2) is necessary to confirm the extent of the development and the location and form of the access arrangements. Condition 3 requiring the submission of a Development Parcel Plan is required to enable the development to be delivered in phases. This is required before development commences to ensure clarity about the extent and quantum of development in each phase, thereby supporting the timely delivery of the development.
  41. A Written Scheme of Investigation relating to archaeological work (Condition 4) is justified to enable the proper investigation and recording of the site, which is potentially of archaeological and historic interest. The implementation of the agreed programme of works is required prior to the commencement of development to ensure that any archaeological interest is recorded before construction works start.
  42. The approval and implementation of a surface water drainage scheme (Condition 5) and the approval and implementation of ongoing maintenance arrangements (Condition 6) are necessary to ensure the satisfactory drainage and disposal of surface water from the site. It is essential that the details secured by these conditions are agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid potential adverse impacts.
  43. A condition relating to intrusive site investigation and risk assessment and the requirement that any resulting remediation works be completed prior to occupation (Condition 7) is necessary to ensure that any contamination of the site is properly taken into account and addressed. Similarly, the remediation of unsuspected contamination arising during the development (Condition 8) is necessary in the interests of human health and the environment.
  44. A Construction Environmental Management Plan (Condition 9) is required in the interests of highway safety and environmental protection, and to protect the living conditions of the occupiers of nearby residential properties in the surrounding area. The Plan is required prior to the commencement of development to ensure that safeguarding measures are in place prior to any works starting on site. More specifically, it is necessary to restrict the hours during which construction will take place (Condition 13) in the interests of the living conditions of nearby residents.
  45. A Great Crested Newt Strategy (Condition 10) is necessary to provide ecological protection and enhancement. More generally, it is necessary to require that the development be carried out in accordance with specified



ecological mitigation and enhancement measures (Condition 14) to ensure that wildlife is protected. A Landscape and Ecological Management Plan (Condition 16) is required to ensure the ongoing management of new and retained habitats, supporting wildlife and enhancing the biodiversity of the site. Similarly a Biodiversity Enhancement Strategy (Condition 17) is required to achieve a net gain in biodiversity within the site.

46. Details of internal finished floor levels and external finished ground levels in relation to the existing site levels and that of and adjacent land (Condition 11) is required to safeguard the character and appearance of the area and residential amenity. An Electric Vehicle Charging Strategy (Condition 12) is required to promote sustainable transport. The Noise and Vibration Impact Assessment indicates that it is necessary that some dwellings be constructed with alternative ventilation systems (Condition 15) in order to protect the living conditions of future residents. Finally, details of the water efficiency measures to be secured by the development (Condition 18) are required in the interests of preserving water quality and resources.

### **Planning balance and conclusion**

47. Having considered the outstanding highway safety concerns raised by interested parties, I have concluded that the amended scheme would not conflict with policy seeking to avoid adverse effects on the safety and operation of the highway network. I have also considered the effect of the proposal on protected habitats and concluded that the integrity of these sites would be safeguarded.
48. None of the other matters considered indicate that a conclusion other than in accordance with the development plan should be reached. Furthermore, the shortfall in housing land supply is significant and is a matter of considerable weight in favour of the appeal succeeding.
49. I conclude that the appeal should be allowed.

*A J Mageean*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

John Litton	Of Queens Counsel instructed by Terence O'Rourke Limited
Tim Wall BA Msc MCIHT	Partner of i-Transport LLP
Jacqueline Mulliner BA (Hons) BTP (Dist) MRTPI	Managing Director Terence O'Rourke Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

David Lintott	Of Counsel instructed by the Council's legal officer
Alan Lewis C.Eng FIHE CMILT	Associate Director Glanville Consultants
Stephen Jupp BA (Hons) LLM MRTPI	Planning Consultant

### INTERESTED PARTIES:

R Marshall	Fareham Society
Anne Brierly	Local Resident
Cllr Nick Walker	Fareham Borough Council
Cllr Sue Walker	Fareham Borough Council
S Cunningham	Local Resident
Cllr R Price	Fareham Borough Council

## INQUIRY DOCUMENTS

- INQ 1 Land East of Newgate Lane Appeal Decisions
- INQ 2 Miller Homes Opening Final Statement
- INQ 3 Fareham Borough Council Opening Submissions
- INQ 4 Statement from Anne Brierley
- INQ 5 Statement from Cllr Walker
- INQ 6 TG3 Technical Guidance Note - SSD and Visibility Splays (HCC)
- INQ 7 TG17 Technical Guidance Note - Departures from Standard (HCC)
- INQ 8 TG21 Technical Guidance Note - Traffic Regulation Orders (HCC)
- INQ 9 TD9/93 Highway Link Design (DMRB)
- INQ 10 TD42/95 Major/Minor Road Priority Junctions (DMRB)
- INQ 11 TD50/04 The geometric layout of signal-controlled junctions and signalised roundabouts (DMRB)
- INQ 12 Second Amendment Statement on Transport Matters 8 Sept 2021
- INQ 13 Email TOR to FBC 20 August 2020
- INQ 14 Proposed signal arrangement with footway and controlled crossings: ITB12212-GA-071 Rev B
- INQ 15 Proposed signal arrangement with articulated vehicle: ITB12212-GA-081
- INQ 16 JCT Modelling Assessment: Revised Submission 27/11/20
- INQ 17 JCT Modelling Assessment: Revised Submission 30/07/21
- INQ 18 FBC Report to Planning Committee 10 September 2021
- INQ 19 Statement of Common Ground Addendum 13 September 2021
- INQ 20 Site access arrangement – Ghost Island ITB12212-GA-014 Rev F
- INQ 21 Updated Unilateral Undertaking
- INQ 22 Closing Submissions on behalf of Miller Homes
- INQ 23 Closing Submissions on behalf of Fareham Borough Council

## Schedule of Conditions

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.

The 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.

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 (drawing number: 2495-01 / RS-PP-001 dated 30/07/20); and,
  - c. Detailed access proposal: site access arrangement (drawing number: ITB12212-GA-014 rev F)
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 henceforth as development parcels).
4. No development hereby permitted shall commence in any development parcel 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; and,
  - 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.

No development shall commence in any development parcel, 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.

5. No development hereby permitted shall commence in any development parcel until a detailed surface water drainage strategy and means of disposal for that development parcel has been submitted to and approved in writing by the local planning authority. The strategy shall include the following:
  - a. Details of percolation and infiltration testing in compliance with BRE 365 and to a minimum of 1.0m above the highest groundwater level undertaken during the winter period;
  - 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. 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;
  - d. Identification of any proposed amendments to the principles detailed within the Flood Risk Assessment and Drainage Strategy rev D;
  - e. A summary of surface run-off calculations for rate and volume for pre and post development;
  - f. Evidence of sufficient attenuation on site for a 1 in 100 year plus climate change event;
  - g. 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; and,
  - h. Information evidencing that the correct level of water treatment exists in the system in accordance with the CIRIA SuDS Manual (C753).

The development shall be carried out in accordance with the approved strategy.

6. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings in a development parcel. The approved surface water drainage system shall be maintained in accordance with those details thereafter. The submitted details shall include:
  - a. Maintenance regimes of entire surface water drainage system including individual SuDS features, including
  - b. A plan illustrating the organisation responsible for each element, evidence that those responsible/ adopting bodies are in discussion with the developer and
  - c. Evidence of measures taken to protect and ensure continued operation of drainage features during construction; and,
  - d. An assessment of local geology to determine risks to saturating the railway cutting face located to the south of the site, the likely change of rate of water infiltration into the cutting and the adequacy of the current track to accommodate any additional infiltration.
7. No development hereby permitted shall commence in any development parcel 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 approved scheme for remediation works shall be fully implemented before the permitted development is first occupied.

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.

8. 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.

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.

9. No development hereby permitted shall commence in any development parcel 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 Downend 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; and,
- q. Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

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

- 10.No development hereby permitted shall commence in any development parcel 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.
- 11.No development hereby permitted shall commence in any development parcel 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.
- 12.No development hereby permitted shall proceed beyond damp proof course (dpc) level in any development parcel 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.
- 13.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.

14. The development of each development parcel shall be carried out in accordance with the following Ecological mitigation and enhancement measures (as set out in 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 Ecology Assessment Report (Ecosupport, August 2020):
- a. An Updated Ecology survey, including updated Badger survey, to be carried out no less than 12 months prior to commencement of ground works;
  - b. Any retained boundary vegetation and habitats to be provided with sufficient buffers to the development;
  - c. No impenetrable fencing will be installed as part of the proposals to ensure free movement of wildlife around the site and on/off the site;
  - d. Prior to the commencement of development and until work is complete, provision of protective tree protective fencing to protect boundary vegetation, installed at the distance of branch spread away from tree trunk and in accordance with British Standard 5837:2012. No vehicles should enter the protective ring fencing and no materials should be stored within their circumference;
  - e. Vegetation clearance and demolition of farm buildings to take place outside of bird nesting season (March to September), if that is not possible to be supervised by an ecologist and if an active nest is identified then suitable mitigation recommended by the ecologist is required;
  - f. Erection of a Tawny Owl box within a mature tree on the site prior to demolition of building E;
  - g. A means of escape (e.g. a ramp) to be left in excavations overnight in case of animals falling in;
  - h. Provision of replacement nesting opportunities for Swallows, with swallow boxes and / or swift bricks to be introduced to at least 10% of new dwellings and Sparrow Terrace features to be erected on at least 10% of new dwellings; and,
  - i. Provision of a Wildlife Awareness Leaflets to new residents.
15. The facades marked on Figure 4, 5 and 6 in the Noise & Vibration Impact Assessment (REC Reference: AC108766-1R0 – August 2020) shall be constructed with an alternative ventilation system which does not require the opening of windows to provide fresh air flow for background ventilation and meets the requirements given in BS8233:2014, Section 8.4.5.4. The ventilation system shall be completed before the buildings are occupied and retained thereafter.
16. 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 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.

17.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 thereafter in accordance with the approved details.

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 an average of 110L per person per day. The development shall be carried out in accordance with the approved details which shall be retained thereafter.