



Appeal Decision

Hearing held on 24 April 2018

Unaccompanied site visit made on 23 April 2018

Accompanied site visit made on 24 April 2018

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2018

Appeal Ref: APP/A1720/W/17/3177435

Land to the east of Brook Lane, Warsash

- 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 Taylor Wimpey UK Ltd, Andrew Paul Norris, Melanie Jane Norris, Leslie David Norris and Mary Patricia Norris against the decision of Fareham Borough Council.
 - The application Ref P/16/1049/OA, dated 13 September 2016, was refused by notice dated 26 January 2017.
 - The development proposed is outline application for up to 85 new homes with public open space, associated access and landscape works, including demolition of existing redundant nursery buildings with details of access to be determined.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 85 new homes with public open space, associated access and landscape works, including demolition of existing redundant nursery buildings with details of access to be determined at land to the east of Brook Lane, Warsash, in accordance with the terms of the application, Ref P/16/1049/OA, dated 13 September 2016 subject to the conditions set out in the schedule to this decision notice.

Preliminary and Procedural matters

2. The application was made in outline form, with all matters reserved except for the means of access. I have determined the appeal on that basis. Although a masterplan has been submitted, I have treated this as indicative only.
3. The planning application the subject of this appeal (P/16/1049/OA) was refused in January 2017 by the Council for a number of reasons. Reason 1a relates to the lack of justification for the development of 85 dwellings outside of the defined urban settlement boundary and the consequent effect on the landscape character, appearance and function. The Council stated on its decision notice that had it not been for this overriding reason for refusal, it would have sought to address the remaining reasons for refusal by entering into a legal agreement with the appellant.
4. In August 2017, the Council was in receipt of an appeal decision regarding housing on a site at Cranleigh Road, Portchester (APP/A1720/W/16/3156344).

- The Inspector concluded that at that time the Council was unable to demonstrate a five year housing land supply and the appeal was allowed.
5. At the hearing, the Council confirmed that following its own calculations it is unable to demonstrate a five year housing land supply. Furthermore, since the planning application the subject of this appeal had been determined, the Council had approved an amended Regulation 123 list under the Community Infrastructure Levy Regulations 2010 (CIL). This had the effect of removing education facilities from the list. As a result, Hampshire County Council (HCC) would be seeking a contribution of £363,475 towards the provision of primary education facilities.
 6. In addition, the appeal site is now included within a wider area allocated for residential development of 700 dwellings under emerging Policy HA1 of the draft Fareham Local Plan 2036 (draft LP). Consequently, as part of the proposals for the appeal site, the Council requires that the appellants provide a road, including a footway, to a landlocked area of land to the south of the appeal site.
 7. Concurrent to the appeal proceedings, in the light of the changing circumstances regarding housing land supply, and emerging planning policy, the appellants submitted a duplicate planning application for up to 85 dwellings on the appeal site, to the Council for consideration (P/17/0746/OA). At its meeting on 24 January 2018 the Council resolved to grant planning permission for the duplicate planning application, subject to the signing of a legal agreement to secure various matters. It also resolved to withdraw reason for refusal 1a contained on the decision notice for the proposals the subject of this appeal.
 8. The matters for inclusion within the legal agreement for the duplicate planning application effectively mirror those that the Council requires to be covered in a legal agreement with regard to the application the subject of the appeal before me now. These are mitigation measures relating to the effect of the proposal on the Solent Special Protection Area; the quality and sustainability of the transport system; ecology and education. In addition obligations are required to secure the provision of open space and its maintenance, surface water drainage, affordable housing and infrastructure to ensure that the proposal would not prejudice the development of adjacent land.
 9. At the hearing, both parties confirmed that agreement had been reached on all of the matters to be included within the legal agreement. However, due to one of the landowners being overseas, the appellants were unable to provide a signed and dated planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended), in the form of a Unilateral Undertaking (UU) at the hearing. Instead they submitted an agreed UU in draft, unsigned form. With agreement of the parties, a signed and dated UU was provided subsequent to the hearing. The UU and the Councils decision regarding the duplicate planning application are material considerations, and are considered in more detail later in this decision.
 10. Within that context, the agreed Statement of Common Ground (SOCG) submitted at the hearing confirms that there are no areas of dispute between the main parties. The Council therefore stated that it would not be defending any of its reasons for refusal at the hearing.

Reasons for the decision

11. Although agreement has been reached on all matters by the main parties, I am mindful that some correspondence was submitted in relation to the application and the appeal before me now. Furthermore, Ward Councillors attended the hearing and raised concerns, particularly in relation to transport and education. I shall therefore address the issues raised.
12. The appellant's Transport Assessment 2016 concludes that by 2021, the operation of the junctions at Barnes Lane/Brook Lane, Brook Lane/A27/Station Road and Brook Lane/A27, in the vicinity of the appeal site, would already be approaching capacity or at over capacity. When the traffic movements generated by the proposed development are taken into account the situation would be worse. The junction at Brook Lane/Lockswood Road/Headland Road would operate comfortably within capacity, even taking into account the additional traffic generated by the proposal. Nevertheless, work undertaken by HCC regarding the impact of the 700 dwellings proposed under emerging policy, including the proposed 85 dwellings at the appeal site, shows that cumulatively the proposal would contribute to over capacity at all four junctions. I undertook an unaccompanied site visit between 1700 and 1800 on the evening of the 23 April and saw some queuing at the various junctions. I am satisfied therefore that based on the evidence before me, the development would cumulatively have a severe impact on congestion at the identified junctions.
13. HCC has therefore designed and costed mitigation measures for each junction. The total cost of the required improvements has been split between the various developments that have come forward within the wider emerging residential allocation, including the appeal site. The UU secures a contribution of £253,907.14 towards the improvements to the four junctions, in accordance with the calculations of HCC.
14. At the hearing HCC confirmed that the contribution within the UU would be the first towards the four junction improvements. It also was confident that it would be able to deliver the junction improvements from no more than five legal agreements, based on the number of planning applications that had come forward within the wider housing allocation, given that the cost would be split between the various developments. I saw or heard nothing that would lead me to dispute this approach. I am therefore satisfied that the contribution would meet the statutory tests contained in Regulation 122 and 123 of the CIL Regulations 2010 (CIL) and the requirements of paragraph 204 of the Framework.
15. Concerns were raised at the hearing that the improvements proposed by HCC would not alleviate the existing and potential traffic problems in the local area. Such problems related to congestion, particularly at peak periods when queues at the highlighted junctions were lengthy. I accept that local knowledge is important, but no substantiated evidence has been put forward to dispute that provided by HCC who has raised no objections to the proposal. In this context, and in the absence of any substantiated evidence to the contrary, I consider that subject to the mitigation measures secured within the UU there would be no material harm to the safety or free flow of traffic or highway safety and find no conflict with Policy CS5 of the Fareham Local Development Framework Core Strategy 2011 (CS) which seeks to safeguard the transport system.

16. Policy CS20 of the CS states that required infrastructure and development contributions should be provided as part of development. The UU includes a sum of £363,475 towards the cost of primary school education at either Sarisbury Infant and Junior Schools or Hook with Warsash Primary School to accommodate an increased demand in school places caused by the proposed 85 houses.
17. Concerns were raised that there was no capacity for the expansion of either of the two schools. Furthermore, their location already caused congestion problems at drop off and pick up times. The provision of more school places would lead to further congestion which had not been adequately planned for.
18. HCC confirmed that feasibility studies had been carried out at both schools and shared with the head teachers, and it was confident that space was available for new accommodation. Furthermore, it worked with schools to implement travel plans to try and reduce the visits to the school by car. I saw that both schools are within walking distance of the appeal site, so that there would be at least some prospect that alternative modes of transport could be used for some journeys. Moreover, the time of relative congestion would be limited to drop off and pick up times. The HCC confirmed that impacts on local conditions would be considered at the time of the individual planning applications for extensions to the schools and any improvements to the local highway carried out at that time if required.
19. In the absence of any substantive evidence to suggest otherwise therefore, I am satisfied that the payment of the required contribution would adequately mitigate the impact of the proposal on the education infrastructure and therefore there would be no conflict with Policy CS20. HCC confirmed that this would be the first legal agreement to provide contributions to the identified primary schools. Furthermore, given that existing primary schools are at capacity, and the expected yield from the proposed development, I am satisfied that this obligation would pass the statutory tests, and the requirements of the Framework.
20. A number of responses refer to the loss of an area of green open space currently provided by the appeal site, and the consequent effect on the character and appearance of the area. Brook Lane has a mainly developed frontage with small pockets of commercial uses interspersed with buildings mainly in residential use. Most are set back from the road with well stocked front gardens creating a verdant appearance to the road. This is reinforced by glimpses through to green open areas to the rear of the built development.
21. The appeal site forms a large green area of countryside covered mainly with dense scrub, grassland and vegetation. While there are a small number of redundant buildings these are not prominent, and sited away from the road within the vegetation. It is one of the few areas of open frontage along Brook Lane and reinforces the verdant character of the road, contributing positively to the appearance of the area.
22. The provision of housing on the site would be viewed within the context of the existing housing and built development along Brook Lane. New development to the north east of the appeal site already extends a similar distance from Brook Lane as the appeal proposal. Although in outline form, the appeal scheme is supported by a masterplan which shows housing set back from Brook Lane, with the opportunity for planting and the provision of a dry

- attenuation basin along the road frontage. As a result, while the appearance of the appeal site would be altered, the verdant character along Brook Lane would be maintained. I note from the Council's application report that it also reached this conclusion on the duplicate planning application. There would therefore be no conflict with Policy CS17 of the CS which requires that development responds to and be respectful of key characteristics of the area.
23. The appeal has been made in outline form only. Therefore, detailed matters of the appearance, scale and layout of the houses and any effect on the living conditions of surrounding residents would be for consideration by the Council in the first instance, were the appeal to succeed.
24. Although comments have been made regarding the lack of health facilities in the local area, and the difficulties in obtaining appointments with G.Ps, there has been no representation on the proposals from any health authority. In the absence of any substantive evidence to support the provision of further health facilities, I am unable to conclude that the proposal causes material harm in this respect.
25. The appellant's Ecological Mitigation and Enhancement Plan (EMEP) outlines strategies to provide suitable habitat for badgers, breeding birds and reptiles which would be lost due to the proposals. The proposal would also result in the loss of a bat roost. The EMEP includes measures to ensure that any impacts on the bat population are avoided or compensated for.
26. As the proposal would involve the demolition of a bat roost, it would result in a breach of protection to European Protected Species. I have in accordance with the Regulations assessed the proposal against the 3 derogation tests to ascertain the likelihood of Natural England granting a licence to carry out the works. In this respect, I consider there to be a reasonable prospect of this as; (a) the development is in the public interest as it would provide a number of new dwellings in an area where there is an agreed shortfall; (b) there is no satisfactory alternative to this site given the agreed shortfall; and (c) that the works authorised would not be detrimental to the maintenance of the population of the Bat species' concerned. Therefore, on the basis of the available evidence, I see no reason to disagree with the Council's conclusion that there is a reasonable prospect that Natural England would grant a licence.
27. Both parties agreed at the hearing that a condition could be imposed if the appeal were to be allowed, to ensure that suitable ecological mitigation, protection and enhancement measures are secured in accordance with the submitted specialist reports. Consequently, there would be no conflict with Policy DSP13 of the Fareham Local Plan: Local Plan Part 2 Development Sites and Policies 2015 (LPP2) which requires that protected species populations and their associated habitats, breeding areas, foraging areas are protected and where appropriate enhanced.
28. There have been no objections to the proposal from Southern Water Services and parties agreed at the hearing that the issue of surface water drainage could be dealt with by the imposition of a suitably worded condition if the appeal were to be allowed.

Unilateral Undertaking

29. The UU, includes a number of obligations as well as those relating to transport and education, to come into effect if planning permission is granted. I have considered these in the light of the statutory tests contained in Regulation 122 and 123 of the CIL and the requirements of paragraph 204 of the Framework.
30. The Council and HCC confirmed at the hearing that there are less than five legal agreements for each project for which a contribution is sought within the UU. Therefore, I am satisfied that this Section 106 Agreement is not affected by the pooling limit restrictions in respect of CIL Regulation 123(3).
31. The appeal site is within the Solent Coastal Special Protection Area (SPA). Policy CS4 of the CS seeks to protect SPAs. In addition, Policy DSP15 of the LPP2 states that planning permission for proposals resulting in a net increase in residential units may be permitted where in combination effects of recreation on the SPA are satisfactorily mitigated through the provision of a financial contribution consistent with the approach taken in the Solent Recreation Mitigation Strategy. The Council approved a new Solent Recreation Mitigation Strategy on 5 March 2018. The contribution contained within the UU complies with the requirements of that document. I am satisfied therefore, that given the increase in residents caused by the appeal proposal, and the consequent likely pressures on the SPA, that the contribution would meet the requirements of the statutory tests and the Framework.
32. Policy CS21 of the CS requires that where existing provision is insufficient, public open space is provided in the form of parks and amenity space, outdoor playing facilities, children's play equipment and youth facilities. The UU provides for a contribution of £70,000 towards play equipment on a new play area north of Greenaway Lane together with a sum of £38,000 towards its maintenance. The UU also provides that publically accessible open space shall be provided together with a sum of money for maintenance based on the sum of £6 per square metre provided.
33. At the hearing the Council confirmed that outdoor playing facilities would be provided to the south of the overall allocation by other developments. Furthermore, there are sufficient youth facilities within the area. Therefore, the appellant was not required to make a contribution in this respect. I am satisfied that, given the likely needs of future occupiers, the provision of open space and children's play area would pass the statutory tests and meet the requirements of the Framework.
34. In order for the development to accord with Policy DSP4 of the LPP2, which seeks to ensure that development of adjacent land is not prejudiced, the Council require that the appellant provide vehicular cycle and pedestrian access to the land to the south.
35. The piece of land to the immediate south of the site is effectively landlocked, but forms part of the overall emerging residential allocation within the draft LP. However, the appellant, due to contractual obligations set out in the option agreement, would only be able to provide a link to within one metre of the southern boundary and this is reflected in the UU.

36. The appellant referred to case law¹ which confirms that just because a ransom payment would have to be made, does not mean that the comprehensive development of an area would be inhibited in any way, but instead would be a commercial consideration for landowners.
37. In addition the Council confirmed that the owners of the site which bounds the piece of land to the south on other sides would be required to construct an access to the boundary of the site as they were not restricted as the appellant was in this instance. Within this context, and taking account of the referenced case law, I am satisfied that the provision of an access to within one metre of the boundary with the piece of land to the south would not prejudice the development of that land. Accordingly, there would be no conflict with Policy DSP4. Consequently, this obligation would be in accordance with the requirements of the statutory tests and the Framework.
38. The UU also provides for 40% of the units to be affordable houses, and a requirement for an Affordable Housing Plan showing the quantity, location and tenure of the affordable housing units to be approved by the Council in accordance with Policy CS18 of the Core Strategy. Given the acknowledged need for affordable housing within the Borough, I am satisfied that this obligation would meet the requirements of the statutory tests and the Framework.

Conclusion and planning balance

39. There is no dispute between the parties that the appeal site is outside of the defined urban settlement boundary and does not fall within any of the categories of development that may be permitted by Policy DSP6 of the LPP2, as such the proposal is in conflict with this policy. Policies DSP6 and CS14 seek to protect the landscape character, appearance and function of the open countryside. I have found though that while the proposal would result in the loss of open countryside, it would do so in a manner that would not be materially harmful to the character and appearance of the area. I therefore attach limited weight to any conflict with Policies DSP6 and the environmental role of planning.
40. I saw that the appeal site although outside of the settlement boundary is nonetheless in a relatively accessible location. Shops and services would be within walking and cycling distance and there is a bus stop adjacent to the appeal site. Therefore, alternative means of travel to the car would be available for future occupiers of the proposal in accordance with the social and environmental roles of planning.
41. Therefore, in terms of the economy, new development would create employment and support growth during the construction period. It is a reasonable assumption, given the sustainable location, that the increase in population, and resulting boost in the spending power of the local economy, would also help support services in the immediate surrounding area.

¹ *R v Secretary of State for the Environment, Transport and Regions ex parte Webster* (1999) JPL 1113

Hall v Shoreham Urban District Council (1964) 1 WLR 240

42. The parties agree that the Council is unable to demonstrate a five year housing land supply. On this basis, the relevant policies for the supply of housing land cannot be considered up-to-date. In these circumstances, and in relation to decision taking, paragraph 14 of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specified policies in the Framework indicate that development should be restricted.
43. Thus, the provision of 85 houses within an accessible location would contribute significantly towards helping address the identified undersupply of housing. As far as I am aware there are no constraints to the development taking place. Furthermore, the provision of 40% of the housing as affordable, would also be a substantial social benefit. The economic benefits I have identified, and the social benefit of additional housing described above, in combination, are noteworthy benefits of the scheme to which I attach significant weight.
44. All in all therefore, I consider that the harm that would be a consequence of the adverse impact I have identified would not significantly and demonstrably outweigh the considerable benefits referred to above when assessed against the policies in the Framework when taken as a whole. Consequently, the proposal would benefit from the presumption in favour of sustainable development as defined in the Framework, and material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan.
45. For this reason, and having regard to all other matters raised I conclude, on balance, that the appeal should be allowed.

Conditions

46. I have had regard to the various planning conditions that have been included within the SOCG and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
47. In addition to the standard conditions relating to outline permissions and the submission of reserved matters, it is necessary to ensure, in the interest of certainty that the development is carried out in accordance with the approved plans.
48. Conditions 5-9 are necessary to protect highway safety. Conditions 6 and 7 require details to be submitted prior to development commencing to ensure that measures are in place prior to vehicles accessing the site. Conditions regarding levels and boundary treatment are necessary to protect the living conditions of surrounding residents and the character and appearance of the area. The details of ground levels need to be submitted prior to the commencement of construction to ensure accurate details of existing conditions are recorded.
49. A condition regarding archaeology is needed to protect and record heritage assets. Details are required prior to development commencing to ensure the heritage assets are not harmed. Conditions 13 and 14 are necessary to protect the character and appearance of the area.

50. Conditions regarding contamination, hours of construction and the prevention of the burning of materials are required to protect the living conditions of existing and future residents. Details regarding contamination are required prior to development commencing to ensure accurate details of contamination are achieved.
51. A condition regarding foul and surface water drainage is necessary to ensure the site will be appropriately drained. A condition regarding ecology is necessary to secure appropriate protection, compensation and enhancement measures.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Tabachnik of Queens Counsel Instructed by:

Daniel Ramirez	Turley
Simon Packer	Turley
Alex Anderson	Taylor Wimpey

FOR THE LOCAL PLANNING AUTHORITY:

Andy Blaxland	Adams Hendry Consulting Ltd
Glen Parkinson	Education Officer Hampshire County Council
Ben Clifton	Highway Officer, Hampshire County Council

INTERESTED PARTIES

Councillor Cartwright	Warsash Councillor
Councillor Ford	Warsash Councillor

DOCUMENTS SUBMITTED AT THE HEARING

- 1 – Drawing 14-036-003 F
- 2 – Statement of Common Ground April 2018
- 3 – R v Secretary of State for the Environment, Transport and Regions ex parte Webster (1999) JPL 1113
- 4 – Hall v Shoreham Urban District Council (1964) 1 WLR 240
- 5 – Draft unilateral undertaking Ref EP06-01-021709
- 6 – Copy of Policy DSP4 of the Local Plan Part 2 – Development Sites and Policies 2015

DOCUMENTS SUBMITTED AFTER THE HEARING

A – Unilateral Undertaking dated 8 May 2018

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Applications for approval of all reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents: Location Plan 1001 Rev A, Block Plan 1002, Site Access Proposal 14-36-003-Rev F.

Highways

- 5) Other than initial site preparation, no development shall commence until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall commence until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development.
- 7) No development shall commence until details of how construction traffic will access the site, how provision is to be made on site for the parking

and turning of operatives and delivery vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development have been submitted to and approved by the local planning authority. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period.

- 8) No dwelling hereby permitted shall be occupied until the access junction and visibility splays have been provided in accordance with the approved details on drawing 14-036-003 F. The visibility splays shall thereafter be kept free of obstruction at all times.
- 9) No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which erection is commenced of the penultimate building/dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

Boundary treatment

- 10) No development shall proceed beyond damp proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied and shall thereafter be retained at all times.

Floor levels

- 11) Prior to the construction of the dwellings, details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Archaeology

- 12) No development shall commence until a written scheme of archaeological investigation in accordance with a Written Scheme of Investigation (WSI) in order to recognize, characterize and record any archaeological features and deposits that exist has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Based on the results of the WSI, no development shall take place, until the applicant has secured and implemented an archaeological mitigation strategy in accordance with details that have been submitted to and approved in writing by the local planning authority.

Following completion of archaeological fieldwork, a report will be produced in accordance with an approved programme including where

appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement and submitted to the local planning authority.

Hard surfacing

- 13) No development shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

Landscaping

- 14) The landscaping scheme, submitted under Condition 1 shall be implemented within the first planting season following the commencement of the development and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

Contamination

- 15) No development shall commence until a soil contamination survey of the site has been undertaken and submitted to the local planning authority. The survey shall be taken at such points and to such a depth as the local planning authority may stipulate. Should contamination be found at the site a scheme for decontamination shall be submitted to and approved by the local planning authority in writing and the scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied.

Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the local planning authority.

- 16) Prior to the occupation of the dwellings hereby permitted the contamination remediation scheme shall be fully implemented and shall be validated in writing to the local planning authority by an independent competent person.

Hours of construction

- 17) No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays.

Drainage

- 18) No building hereby permitted shall be occupied until surface water drainage works and foul sewerage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided.

Ecology

- 19) No development shall take place until full details of all ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) have been submitted for approval to the local planning authority in the form of a mitigation method statement. Such details shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the submitted Ecological Mitigation and Enhancement Plan (RPS, November 2016) and Reptile Mitigation Strategy (RPS, November 2016) and subsequent updating ecological reports. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity.

Burning of materials

- 20) No materials obtained from site clearance or from construction works shall be burnt on the site.

END OF CONDITIONS SCHEDULE