



Appeal Decision

Inquiry held on 10 December 2014. Closed in writing on 19 January 2015.

Site visit made on 9 December 2014.

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 February 2015

Appeal Ref: APP/W1715/A/14/2219953

Land at the corner of Knowle Lane and Mortimers Lane, Fair Oak, Eastleigh, Hampshire SO50 7EA

- 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 Mr Phil Farminer, Drew Smith Limited, against the decision of Eastleigh Borough Council.
 - The application Ref O/13/72490, dated 23 July 2013, was refused by notice dated 5 December 2013.
 - The development proposed is a development of up to 78 dwellings accessed off Knowle Lane with associated roads, parking areas and landscaping.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 78 dwellings accessed off Knowle Lane with associated roads, parking areas and landscaping at Land at the corner of Knowle Lane and Mortimers Lane, Fair Oak, Eastleigh, Hampshire SO50 7EA in accordance with the terms of the application, Ref O/13/72490, dated 23 July 2013, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application is made in outline with only access to be determined at this stage. The otherwise illustrative drawings include layouts for both 78 dwellings and 63 dwellings, with the former showing what could be delivered if noise bunds were not required on the boundaries of the site. For the avoidance of doubt, I have dealt with the appeal on the basis that the proposal is for up to 78 dwellings as set out in the description of development.
3. The application was refused for three reasons: the principle of the proposed development in the countryside and the absence of a visual impact assessment with which to determine its effect upon the landscape; its suitability for housing in respect of noise, dust and fumes emanating from the adjacent industrial uses; and its failure to make provision for various on-site and off-site infrastructure.
4. However, the parties have resolved several issues since the appeal was lodged and the reasons for refusal related to visual impact and noise, dust and fumes

were resolved at a relatively early stage in proceedings¹. I have considered the concerns raised by interested parties in these respects, but in light of the Council's position, I have not treated them as main issues of the appeal. Whilst the Council maintained its objection to the principle of the development until later, it ultimately decided not to pursue this matter as confirmed in an updated Statement of Common Ground (SOCG) signed by the parties on 8th and 9th December.

5. The reason for the Council's change of stance in respect of the latter issue is that the preliminary conclusion² of the Inspector appointed to examine its emerging Local Plan³ is that it cannot demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework). The updated SOCG is also clear that for the purpose of this appeal, Policy 1.CO of the adopted Local Plan⁴ is out of date because it acts to constrain housing development. Moreover, given that the examination into the emerging Local Plan has been suspended, its policies can be afforded very little weight. The Council therefore concedes that the presumption in favour of sustainable development at paragraph 14 of the Framework applies in this case. It considers that the harm which would be caused by the development in principle would be outweighed by the material considerations related to housing.
6. A draft legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 (S106 Agreement) was available at the Inquiry session and an executed version was submitted before I closed it formally in writing⁵. The S106 Agreement makes provision for all the items of infrastructure requested by the Council and, while the appellant disputes the contribution related to community infrastructure, the Council is satisfied that it overcomes its third reason for refusal. Thus its position at the Inquiry was that planning permission should be granted.
7. Given that only a limited number of matters related to contributions and conditions remained contentious for the parties, they agreed that the Inquiry session should proceed like a Hearing. No witnesses were called to give evidence in chief and no cross-examination took place. No interested parties wished to speak or ask questions, but the participants for the Council and appellant addressed the questions that I had.

Main Issue

8. Having considered the evidence in respect of the Council's housing land supply position, I have no reason to disagree with its conclusion that the proposal before me should be considered in light of the presumption in favour of sustainable development set out in the Framework. Therefore, the main issue in this case is the effect of the proposed development upon local infrastructure, and community infrastructure in particular.

¹ Ref Council's Statement of Case, dated August 2014 and signed Statement of Common Ground, dated 10 November 2014.

² Inspector's Preliminary Conclusions on Housing Needs and Supply and Economic Growth (Post Hearing Note 2), by Simon Emerson, dated 28 November 2014.

³ Revised Pre-Submission Eastleigh Borough Local Plan, 2011-2029.

⁴ Eastleigh Borough Local Plan Review, 2001-2011.

⁵ With the agreement of the appellant and the Council, the Inquiry was closed on 19 January 2015 to allow for the receipt of road safety information and for the S106 Agreement to be completed.

Reasons

9. The completed S106 Agreement would make provision for all the items of infrastructure, or financial contributions towards items of infrastructure, which the Council seeks, provided I find that the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) are met. The tests are that planning obligations should be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The only obligation in dispute is the "community infrastructure contribution", but I must be satisfied that all of them meet the tests if I am to take account of them in reaching my decision.
10. Starting with the matter in dispute, the contribution sought towards community infrastructure is based on Policy 191-IN of the adopted Local Plan, supplemented by the guidance in the Planning Obligations Supplementary Planning Document, July 2008 (SPD). The SPD sets out a tariff-based approach by which developments could be expected to contribute towards a variety of community infrastructure projects, including community buildings. In this particular case, a contribution is sought towards the construction of new Parish Offices which have been identified as a priority in the latest annual review.
11. The Parish Council does not have dedicated offices at present and it has outgrown the two rooms it once rented at the village hall. The infrastructure deficiency identified would, therefore, exist whether or not the proposed development goes ahead. However, the Regulation 122 test is that a planning obligation must be directly related to the proposed development, not that one must be needed as a direct result of it. The additional homes and residents which the scheme would generate would clearly increase demand for the Parish Council's services and so it would worsen the problems associated with its current lack of office space. I am therefore content that the contribution towards mitigation in the form of new premises would be both necessary and directly related to the development.
12. The parties have calculated the actual contribution due at approximately £110,000. This would amount to 22% of the likely build cost of the offices (at £500,000 as referenced in additional document No 4) while the appellant estimates that the population of the new development would represent just 2% of the parish as a whole. Nevertheless, I am not aware that existing residents are being asked to pay towards the capital cost of the project and so the financial burden will fall disproportionately upon new development. The contribution sought in this case is derived from a standard formula in an adopted SPD which takes account of the number and size of units to be provided. It therefore seems to me that it would be reasonably related in scale to the development proposed.
13. Turning to the uncontested elements of the S106 Agreement, the development would facilitate the provision of at least 35% of the total number of units to be affordable housing and one wheelchair standard home would be included. This would comply with Policy 74-H of the adopted Local Plan and, having regard to the Government's aim in the Framework to boost significantly the supply of housing, including affordable housing, I consider that the Regulation 122 tests

are met. The provision of affordable housing would be a benefit of the development and I have had regard to it as such in making my decision.

14. With the exception of those related to open space and play space, which include some on-site provision, the remaining obligations represent financial contributions towards off-site mitigation. The sums are calculated using the formula in the SPD or, in the case of education and sustainable transport, using the County Council's guidance. I have no reason to consider that the contributions sought would not be reasonably related in scale and kind to the development proposed.
15. In respect of the first two Regulation 122 tests, it is clear that the contributions to be made to the County Council are necessary to address identified deficiencies in education and transport infrastructure in the area. The Council's evidence cites Fair Oak Infants' School as the intended recipient of the former funds and the S106 Agreement sets out a number of specific projects upon which the latter should be spent. These obligations would therefore be directly related to the development and so all three tests are met. Likewise, the £6,000 included for the Traffic Regulation Orders which would be required to facilitate the construction of the development would also meet all of the relevant tests.
16. As indicated above, the obligations related to open space and play space include a number of both on-site and off-site components. On-site provision would consist of open space land of no less than 0.2Ha to include an equipped play area. Associated financial contributions⁶ would be payable to the Council to ensure that the facilities would be laid out and maintained to an appropriate standard. Having regard to Policy 147-OS of the adopted Local Plan and to the scale and indicative layout of the proposed development, the on-site components of the open space/play space obligation meet the Regulation 122 tests.
17. The off-site components consist of financial contributions towards public open space and play provision; district parks and playing fields; and wildlife sites. All have a policy basis in 147.OS, but the Council relies upon the emerging Local Plan (Policy DM32) to justify its request for money towards the first of these. For the reasons given above, the policies of the emerging plan carry very little weight in my decision and, from the evidence I have, it is not clear why the needs generated by the development for general open space and play space could not be met by the on-site facilities it would provide. Therefore I do not consider that the "off-site public open space and play provision contribution" is necessary to make the development acceptable and I have taken no account of it in reaching my decision. By contrast, the "public open space district park/playing fields contribution" and the "public open space wildlife sites contribution" would address deficiencies which could not be resolved on site and I consider that the Regulation 122 tests are met.
18. Finally, the S106 Agreement provides for a contribution of £300 per dwelling towards public art within the locality of the site. This is required by Policy 165-TA of the adopted plan and I have no reason to dispute its compliance with the Regulation 122 tests. I have taken account of it accordingly.

⁶ The "on-site open space supervision fee"; the "on-site open space commuted maintenance sum"; the "play area supervision fee"; the "play area contribution"; and the "play area maintenance sum".

19. In light of the above, I conclude that the proposed development would make sufficient provision for the local infrastructure for which it would generate a need, including community infrastructure. It would therefore comply with Policies 101-T, 147-OS and 191-IN of the adopted Local Plan.
20. For the avoidance of doubt, the "community infrastructure contribution" is necessary to make the development acceptable in planning terms, it is directly related to the development and it is reasonably related to the development in scale and kind. With the exception of the "off-site public open space and play provision contribution", which I have disregarded, all of the other planning obligations contained within the S106 Agreement also meet the Regulation 122 tests. I have had regard to these in reaching my decision.

Other Matters

21. Notwithstanding the Council's position on its original reasons for refusal, I have had regard to the concerns expressed by interested parties in respect of the effect of the proposed development upon the character and appearance of the area; the effect of noise, dust, fumes and contamination on the living conditions of future occupants; and the effect of the development on highway safety.
22. Starting with character and appearance, the site comprises open land at the corner of Knowle Lane and Mortimers Lane which is being used for the grazing of horses. It lies outside the defined urban edge where Policy 1.CO normally restricts all types of development; it is adjacent to far-reaching open farmland to the east; and to industrial uses of the type one might expect to see in the countryside or out of town locations to the south. Whilst the area of residential development stretching along Mortimers Lane to Fair Oak begins to the immediate west of the site, Knowle Lane presently marks a clear transition between the urban and rural areas. Therefore, the site currently appears to occupy a rural setting.
23. With the vegetation as it presently exists along the boundaries of the site, the new dwellings would be clearly visible from the south and east. They would, therefore, represent an intrusion of built development further into the countryside. The effect would be particularly apparent from the east on Mortimers Lane given the depth of development indicated along the eastern boundary of the site. On the basis that the proposal would erode the presently clear urban/rural transition, some harm would be caused to the character and appearance of the area.
24. However, the effects to which I have referred would be mitigated significantly by landscape enhancements along the south and east boundaries of the site and the illustrative layout plans show that this could be achieved. Furthermore, the mature trees and other planting which is already present along the north and west boundaries would substantially screen the development from the west so that upon leaving the village, the impression of crossing into the countryside would largely remain. I therefore conclude that with the passage of time, the visual harm I have found would be limited.
25. Moreover, given the Council's present housing land supply position, I cannot rule out the possibility that it will need to draw upon greenfield sites outside the existing urban edge. In this context, it is my view that the benefit of additional housing on the appeal site, which is not subject to any special

landscape designations or other constraints, would outweigh the harm to character and appearance and the conflict with Policy 1.CO.

26. Turning to living conditions, the site is in close proximity to a number of uses which are potential sources of noise, dust, fumes and contamination. A well-established waste transfer station and aggregates compound lies opposite the site on the west side of Knowle Lane and, when conducting my site visit, I did indeed hear significant noise coming from it. I understand that crushing operations can also generate dust in certain weather conditions. However, having regard to appellant's evidence in respect of noise and air quality⁷, I share the Council's view that the effects of this particular operation could be satisfactorily mitigated by conditions. Likewise, the evidence in respect of soil contamination and ground gas emanating from a nearby former landfill site⁸ concludes that there are no significant problems which would render the site undevelopable. I therefore consider that adequate mitigation could be secured by conditions.
27. Concerns have also been raised in respect of noise and dust generated by current sand extraction operations to the immediate south of the site, but planning permission for this is time-limited to early 2015⁹. As the use would cease well before any of the proposed dwellings were occupied, this matter carries no weight in my decision. Whilst it is anticipated that the southern half of the extraction site will later be developed with recently approved industrial units (Ref F/10/66975), these would be a reasonable distance from the appeal site boundary. The Council's noise specialist is satisfied that sufficient mitigation could be achieved with 2m close-boarded garden fences and I have no reason to disagree (email of 10 April 2014). Consequently, neither the current use of the site to the south, nor its future expected use, weighs significantly against the proposal.
28. Interested parties have expressed concerns about road safety given that the junction of Knowle Lane and Mortimers Lane is often busy with heavy traffic travelling to the various industrial uses. The proposed vehicular entrance to the appeal site would be in close proximity to this junction and, as it provides access to the main route into the village, the new development would increase traffic movements through it significantly. In response, the Council has requested a financial contribution towards junction improvements designed to reduce the speed of traffic and such a contribution would be secured by the provisions of the completed S106 Agreement. I am satisfied that the relevant obligation both meets the Regulation 122 tests and that it would provide adequate mitigation in respect of highway safety.
29. In reaching my decision, I have taken account of all other concerns raised, including whether occupants of the affordable housing units would be able to access services and facilities. Whilst the centre of Fair Oak is about a mile away, the walk from the appeal site would be along a straight, continuous and well lit pavement. The new dwellings would not be significantly further from the village than the existing residential development in "High Trees" and parts of "Mimosa Drive" for example, and there is also a bus stop in close proximity

⁷ Statement by Vanguardia Consulting, dated 24 February 2014; and Air Quality Statement, by Smith Grant LLP, dated December 2014

⁸ Desk Study Report, by Ground & Water Limited, dated 1 April 2013.

⁹ Statement of Common Ground, dated 10 November 2014 (paragraph 15).

to the Knowle Lane junction. I therefore consider that access to services would be reasonable for those who may not have a private car.

Conclusion

30. I have found that the proposed development would make sufficient provision for the local infrastructure for which it would generate a need. The concerns raised by interested parties in respect of noise, dust, fumes, contamination and highway safety could be satisfactorily addressed by planning conditions or obligations.
31. In respect of the presumption in favour of sustainable development set out in the Framework, there is no dispute that the development would perform a positive economic role in supporting growth. In light of the need for additional housing in the Borough, including affordable housing, I give significant weight to the contribution of the development to the social aspect of sustainable development. The proposal would cause limited harm to the character and appearance of the area and so there would be some conflict with the environmental role. However, the harm in this respect could be mitigated to a significant extent by landscaping on the boundaries of the site.
32. Therefore, having regard to paragraph 14 of the Framework, I conclude that the benefits of the appeal scheme would outweigh the adverse environmental impacts, including the conflict with Policy 1 CO of the adopted Local Plan. Thus it would represent a sustainable form of development for which there is a presumption in favour and, consequently, the appeal should be allowed.

Conditions

33. In addition to the standard conditions relating to the submission and approval of reserved matters and the commencement of development, the parties have discussed a number of other conditions (additional document No 6) which I have considered in light of the advice in the PPG.
34. As access is not a reserved matter, I have imposed a condition requiring it be to be constructed in accordance with the relevant approved plan. This is necessary for the avoidance of doubt and in the interests of proper planning. Likewise, on the basis that the effects of the development have been assessed on the basis that up to 78 dwellings would be provided, it is necessary to limit the final number accordingly.
35. Whilst all other matters are reserved, only conditions which relate directly to the reserved matters can be imposed at that later stage. Therefore, in order to secure good living conditions and to protect the character and appearance of the area, it is necessary to impose a condition No 6 requiring the submission of various details. The condition does not require details of materials and means of enclosure as paragraph 006 of the PPG is clear that these relate directly to the reserved matters of appearance and landscaping. Similarly, I have not attached the Council's suggested condition No 23 because it also relates directly to landscaping. Details of parking and turning areas and of bin and cycle storage are covered in later conditions.
36. Condition No 7, relating to surface water drainage, is required to protect future residents from harm and condition Nos 8-10 are needed to ensure that proper regard is had to any features of archaeological interest and that they are appropriately recorded. Condition Nos 11-15 concern the mitigation of noise,

contamination and dust. For the reasons given above, these are also necessary to protect future residents from harm and to achieve good living conditions. The purpose of condition Nos 16-17, which require a Construction Management Plan and limit working hours respectively, is to maintain highway safety and to protect the living conditions of existing nearby occupiers during construction.

37. Condition 18 requires the development to achieve Level 4 of the Code for Sustainable Homes. This is needed to ensure that the development is constructed to the standard expected by the Council in its adopted Environmentally Sustainable Development SPD. The pre-assessment provided with the application is sufficient to demonstrate that the development can reasonably be expected to achieve the level required and so it is not necessary to submit further evidence prior to the commencement of development.
38. Conditions 19-22 concern the submission of details related to parking; visibility at the access; roads and footways; and bin and cycle storage. All are necessary to achieve a good standard of development in respect of highway safety and residential amenity.

Louise Phillips

INSPECTOR

Richborough Estates

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 976-KL-P12, but only in respect of those matters not reserved for later approval.
- 5) The number of dwellings applied for at the reserved matters stage shall not exceed 78.
- 6) No development shall take place until the following details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - a) Foul sewers.
 - b) Plans, including cross-sections, to show the finished ground levels of the development and its relationship to the existing ground levels both within the site and to the immediately adjoining land.
 - c) The width, alignment, gradient, site lines and type of construction intended for any roads, footpaths or other types of accesses.
 - d) Street lighting and/or any other external lighting. This shall be designed to minimise light spillage.
 - e) The pumping station.
 - f) Crime prevention measures.
- 7) No development shall take place until details of the implementation, maintenance and management of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that the surface water run-off generated up to and including the 100 year (30% climate change allowance) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and shall include details of how sediment run-off shall be managed. The approved scheme shall be implemented before the development is occupied and, thereafter, shall be maintained and managed in accordance with the approved details.
- 8) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of

- investigation which has been submitted to and approved in writing by the local planning authority.
- 9) Should the archaeological work carried out in accordance with condition No 8 identify the need for mitigation of archaeological impact, no development shall take place until that mitigation has been implemented in accordance with a written scheme which has been submitted to and approved in writing by the local planning authority.
 - 10) Following the completion of the archaeological fieldwork carried out in accordance with condition Nos 8-9, a report on the results shall be produced to include any relevant post-excavation assessments, specialist analysis and reports and measures for publication and public engagement. The report shall be completed in accordance with a programme to be submitted to and approved in writing by the local planning authority.
 - 11) No development shall take place until a scheme for protecting the dwellings from noise from the adjacent aggregates compound to the west, to achieve levels of mitigation previously agreed in writing with the local planning authority, has been submitted to and approved in writing by the local planning authority. The scheme shall include a noise reduction bund to be erected along the western boundary of the site. All works which form part of the scheme shall be completed and verified as performing as required before any dwelling is occupied and shall thereafter be retained.
 - 12) No development shall take place until the following reports/schemes relating to the nature and extent of any contamination affecting the site have been submitted to and approved in writing by the local planning authority:
 - a) A Preliminary Investigation Report comprising a Desk Study, Conceptual Site Model and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Model Procedures for the Management of Contaminated Land (CLR11) and BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - b) A Site Investigation Report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation Report and in accordance with BS 10175:2011 Guidance for Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds.
 - c) A Scheme for remedial works and measures required to avoid any risks from contaminants and/or gases when the site is developed and proposals for its future management and monitoring. The Scheme shall include details of a competent person to oversee the implementation of the remedial works.
 - 13) No dwelling shall be occupied until the Scheme of remedial works referred to in condition No 12(c) has been fully implemented in accordance with the approved details and the competent person referred to in the same condition has verified this in writing to the local planning authority. Such verification shall comply with the guidance provided by CLR11 and by the Environment Agency Guidance for the Safe

Development of Housing on Land Affected by Contamination – R&D Publication 66:2008. The verification report shall include a description of the site and its background and a summary of relevant site information; a description of the remediation objectives and of the remedial works undertaken; verification data, including sample locations, analytical results, drawings of the implemented scheme as built and photographs of the works in progress; and certificates to demonstrate that imported material and/or material left *in situ* is free from contamination and that gas or vapour membranes have been installed correctly. Thereafter the Scheme shall be monitored and maintained in accordance with the details approved under condition No 12(c).

- 14) No development shall take place until an assessment of the noise and vibration arising from construction activities has been carried out and a scheme of works, including implementation and timing, detailing the mitigation measures to control these effects, including from piling, has been submitted to and approved in writing by the local planning authority. The assessment shall have regard to the advice and guidance provided in British Standard 5228:2009 Noise and Vibration Control on Construction and Open Sites and the scheme of mitigation shall set out the measures necessary to protect both existing and proposed dwellings from the effects of noise and vibration. The scheme shall be implemented in accordance with the approved details.
- 15) No development shall take place until an assessment of the dust created by both site preparation and construction works has been carried out and a scheme of works, including implementation and timing, detailing the mitigation measures to control the effect on both existing and proposed dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 16) No development shall take place in any phase until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. It shall provide for:
 - i) A programme of the phasing of construction work, including roads, landscaping and open space;
 - ii) The location of temporary site buildings, compounds, construction materials and plant storage areas;
 - iii) The arrangements for the routing and turning of lorries and for construction traffic to access the site;
 - iv) The parking of vehicles of site operatives and visitors;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) Provision for storage, collection and disposal of rubbish from the development;
 - vii) Measures to prevent the deposit of mud and dust on the highway, including wheel washing facilities;
 - viii) Protection of trees and ecology;
 - ix) Details of the use of cranes in relation to Southampton Airport.

- 17) Construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays, nor shall any take place at any time on Sundays or Bank Holidays.
- 18) The dwellings shall achieve Level 4 of the Code for Sustainable Homes (or any equivalent requirements that are set out in national legislation or policy). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or the equivalent has been achieved.
- 19) The details submitted pursuant to condition No 1 shall include areas for the parking and turning of vehicles. No dwelling shall be occupied until the associated areas for the parking and turning of vehicles have been provided, surfaced and marked out in accordance with the approved details. The parking area shall thereafter be permanently kept available for that purpose.
- 20) No dwelling shall be occupied until visibility splays measuring 2.4m by 100m have been provided at the junction of the site access with the public highway. No structure or erection exceeding 0.6m above the level of the carriageway shall be placed or permitted to remain within the visibility splays.
- 21) Roads and footways shall be laid out and constructed in accordance with the specification, programme and details to be approved pursuant to condition No 1 and shall, in any event, be so constructed that before any dwelling is occupied, it shall be provided with a direct connection to the public highway. Final carriageway and footway surfacing shall be commenced within three months and completed within six months of the date upon which construction of the penultimate dwelling is commenced.
- 22) The details submitted pursuant to condition No 1 shall include details of bin and cycle storage. No dwelling shall be occupied until the associated areas for bin and cycle storage have been provided in accordance with the approved details. The storage areas shall thereafter be permanently kept available for that purpose.

Richmond Estates

APPEARANCES

FOR THE APPELLANT:

Jeremy Cahill QC	Instructed by Christopher Lindley of DPDS Consulting Group
Christopher Lindley BA(Hons) MSc MRTPI	DPDS Consulting Group

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Tromans QC	Instructed by Nia Carey, Solicitor for Eastleigh Borough Council
John Slater BA(Hons) DMS MRTPI	Planning Consultant to Eastleigh Borough Council
Neil Scott	Senior Scientific Officer, Eastleigh Borough Council
Eric Reed	Principal Development Engineer, Eastleigh Borough Council

DOCUMENTS

1. Opening Statement on behalf of the Appellant.
2. Opening Submissions for Eastleigh Borough Council.
3. Curriculum Vitae of Francis Williams of Ground and Water Limited who prepared evidence on behalf of the appellant.
4. Council's note in respect of the Community Infrastructure Contribution.
5. Executed S106 Agreement, dated 13 January 2015.
6. Updated list of Draft Conditions.
7. Transport Policy Officer Comments in respect of application Ref O/14/74617, dated 13 June 2014.
8. Email and three drawings related to junction of Knowle Lane and Mortimers Lane, dated 10 December 2014.