

EASTLEIGH BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

STATEMENT OF CASE OF LOCAL PLANNING AUTHORITY

Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3)

Hatts Copse Farm, Brook Lane, Botley, SO30 2ER

Appeal By: Mr Brinton King

Planning Inspectorate reference: APP/W1715/W/22/3307667

Eastleigh Borough Council Reference: PN/22/93479

January 2023

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PARTICULARS OF APPLICATION AND APPEAL

This appeal relates to planning application PN/22/93479 for Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3).

REASON FOR REFUSAL

The application for prior approval was refused under delegated powers. The decision notice was subsequently issued on 31st August 2022.

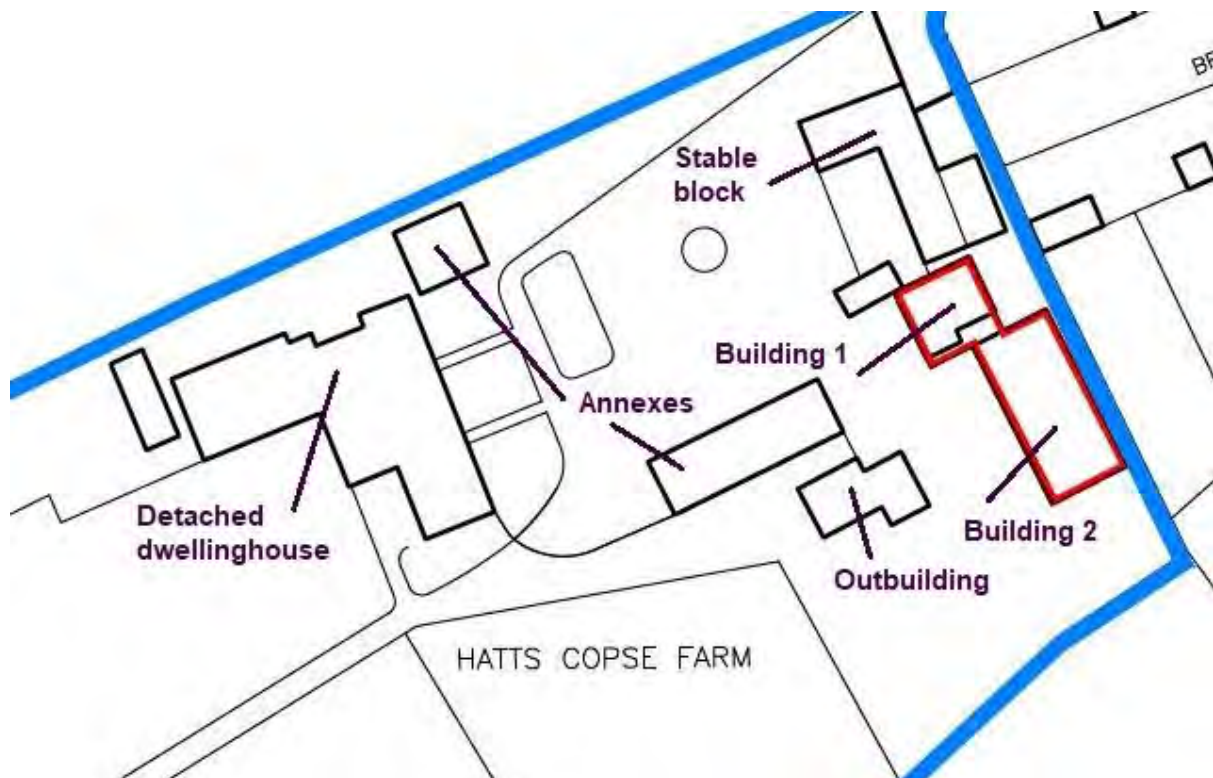
The reason for refusal was as follows:

The site, the subject of this prior notification, was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 and was not last in use for an agricultural use. It does not therefore meet the criteria of Class Q(a) of the General Permitted Development Order 2015. Accordingly, it is considered that the proposed conversions are not permitted development under Class Q of the Town and Country Planning (General Permitted Development) 2015 (England) Order 2015.

THE APPEAL SITE AND SURROUNDINGS

Hatts Copse Farm is within the countryside and Hedge End-Botley Local Gap. The buildings are located on the south west side of Brook Lane, set back behind the existing row of detached and semi-detached properties. Vehicular access is via a set of gates and a gravel drive leading from Brook Lane to the central courtyard area of the property.

The property contains several buildings including a large two-storey four-bedroom detached dwellinghouse, two ancillary annexes, a stable block and various outbuildings (see site plan below). The site is bounded by land to the south and west where there are also two ponds, and by Gould Copse Ancient Woodland SINC to the south-east



The appeal site comprises two single storey buildings located to the front (north east) of the property, Hatts Copse Farm, behind an existing row of residential properties. Building 1 (orientated south west to north east) is the smaller blockwork building painted white with a domestic style garage door, with pedestrian opening. The gabled roof consists of metal profile sheeting with painted timber cladding across the gable end.

Building 2 (orientated north west to south east) is the larger of the two buildings, immediately adjacent to Building 1. It is constructed from timber (stained in a dark colour) with a flat metal profile sheet roof with large double timber doors on the front (south west) elevation and another set of large double doors on the north west (side) elevation and a small window on the side (south east) elevation.

PLANNING HISTORY

Z/26442/011 - Renewal of permission 26442/9 for conversion of detached garage and outhouse to separate dwellings for occupation by elderly parents (retention of development already carried out). Permitted 19 January 1994.

Z/26442/014 - Construction of new agricultural shed following demolition of existing sheds and re-roofing of existing garage to include increase in ridge height. Permitted 19 May 2003.

X/08/63160 - Relief of Condition 3 of planning permission 26442/6 to remove agricultural occupancy tie. Refused 19 September 2008. Allowed at appeal February 2009

F/11/69156 - Change of use from dwelling with outbuildings, annexes and paddocks to a mixed use to enable use of stables & paddock as a commercial livery.
Permitted 11/07/2011

As set out in the delegated officer report, the planning history is relevant in that it is not clear what the use of the land and buildings was on 20th March 2013.

RELEVANT PLANNING POLICIES

Eastleigh Borough Local Plan 2016-2036

For the purposes of this appeal, the Development Plan comprises the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The relevant policies to the determination of the planning application were Development Management policies DM1 (General criteria for new development); DM2 (Environmentally sustainable development); DM8 (Pollution), DM11 (Nature Conservation) and DM14 (Car Parking).

Copies of these policies were provided to the Planning Inspectorate as part of the Council's appeal questionnaire and it is therefore not deemed necessary to repeat them in full here. Their requirements are, however, referenced where relevant in the below section pertaining to the Council's Reasons for Refusal.

Other Material Considerations

Supplementary Planning Documents (SPDs) and Associated Planning Guidance

The following SPDs and Background Papers are of relevance to the appeal proposals:

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Residential Parking Standards (January 2009)

National Planning Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Published in July 2021, it replaces the previous iterations of the NPPF. It is a material consideration in the determination of this appeal.

Whilst not a definitive list, the following Sections are of relevance to this appeal and the reasons for refusal:

- Section 12 (Achieving well designed places)
- Section 15 (Conserving and enhancing the natural environment)

THE REASON FOR REFUSAL

The Council's reason for refusal is set out within the decision notice and the justification is provided in the delegated officer report.

The following section provides additional detail in relation to specific matters raised within the Appellant's Statement of Case, in so far as these are relevant to this reason.

The appellant claims that in relation to the legislation, as set out under Class Q of Part 3, Schedule 2 of the GPDO 2015 (as amended) that "*there is no focus on the present use, it is whether or not the building was within agricultural use on the 20th March 2013*" however, it is felt that the appellant has mis-interpreted the legislation.

The wording of Class Q is set out as follows:

Class Q – agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes (author's emphasis)

Order; and or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

It is clear from this wording that the present use is relevant and the permitted development only relates to a building (and any land within its curtilage) from a use as an agricultural building to a use falling within Class C3 (dwellinghouses).

The development must also meet the criteria as set out under Q.1 which reads as follows:

Development not permitted

Q.1 Development is not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

*(i) **on 20th March 2013**, or*

*(ii) in the case of a building which was in use before that date but was not in use on that date, **when it was last in use**, or*

*(iii) in the case of a site which was brought into use after 20th March 2013, for a **period of at least 10 years before the date development under Class Q begins**;*

(Bold author's emphasis)

It is the LPA's interpretation that that a building qualifies if it is currently and was in agricultural use as part of an established agricultural unit on 20th March 2013. The appellant has not provided sufficient evidence to prove the buildings were in agricultural use on this date.

A building also qualifies if it was last in use for agriculture (before that date) but has since been disused and there has been no material change of use of the building for any other purposes (non-agricultural) since the use for agriculture has ceased. The appellant's case is solely relying on alleged historical agricultural use of the buildings without any clear evidence to support the claim. Even if a different interpretation is taken to that of the LPA it has not been satisfactorily demonstrated that the buildings were in solely agricultural use on 20 March 2013.

Given the evidence witnessed during the case officer site visit (see photographs taken on 08.09.22 at **Appendix 1** and email correspondence from the appellant's agent on 15.08.22 at **Appendix 2**) there has clearly been a material change of use of both buildings since 20th March 2013 as they are currently in a mixed use for agricultural and domestic purposes. The front cover of the appellant's Appeal Statement of Case has a photograph showing a car being stored in Building 2. It is the LPA's opinion that the buildings are now in non-agricultural use, after the agricultural use has ceased. A material change has occurred and the buildings are therefore disqualified from residential conversion under class Q.

The appellant also claims (in relation to the evidence provided in the email dated 23/08/22) that *"We don't believe that the above evidence provided was taken into consideration as the planning officer was on leave until the 30th August 2022, which was a day before the decision was required"*. Sufficient time was available and given to assess this evidence. It was indeed considered, as it was referred to in the delegated officer report as it states that *"The applicant has provided photographs of the surrounding land from 2011/2012 however no further information on the buildings at this time has been provided"*. It is again re-iterated, that the contents of this email did not address the concerns raised in the previous email to the appellant dated 20/08/2022 which stated:

"If the buildings were in use for agriculture in 2013, please can you provide supporting evidence, photos, chronology and statements to support this claim."

"Please can you also provide me with more information in relation to criteria Q.1 (a) in particular 'Kristinas' – what is the nature of this business? Where are the various animals kept and where do the meat/animal/equipment/honey/plant sales take place?"

The photographs show some agricultural activity on the land surrounding the appeal site but do not show the buildings in question. No other supporting evidence was provided to demonstrate that the buildings themselves were solely in use for agricultural purposes on 20th March 2013. It is also unclear whether the land was solely in agricultural use at this time, as there was clearly some equestrian activity taking place.

WATER QUALITY, NUTRIENT IMPACTS AND RECREATIONAL IMPACTS ON HABITATS SITES

Solent & Southampton Water SPA, Solent Maritime SAC, Solent and Southampton Water Ramsar sites

Water Quality

Natural England have advised that the increase in wastewater from new housing development within the borough is having a detrimental impact on the quality of water entering the Solent catchment area through nutrification. As such all development for additional housing is required to reach nutrient neutrality (ensuring that development does not add to the existing nutrient burdens), in order to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

The Council has developed an offsetting strategy that involves taking land out of agricultural uses and creating recreational spaces thus reducing the nutrient output of the land, for which credits can be purchased.

Recreational Disturbance

The site is within the 5.6km catchment area for the Solent SPA and Ramsar Site and Natural England have advised that within this zone an increase in residential development will result in increased recreational disturbance, in particular causing disturbance to the birds for which the SPA has, in part, been designated to safeguard.

The Council has adopted the Solent Recreation Mitigation Strategy (implemented by Bird Aware Solent), requiring financial contributions based on the size of the proposed residential dwellings, which together with other authorities in the region, provides a strategic solution to the in-combination effects of increased recreational pressure on the Solent Complex.

New Forest SPA

Natural England has also identified that new housing development within a 13.8km catchment of the New Forest has the potential to result in increased recreational pressure on the SPA, leading to disturbance, trampling and eutrophication. The appeal site is within 13.8km of the New Forest and this is therefore a consideration.

The Council has developed an interim strategy using existing and future land acquisitions to provide local sites (Suitable Alternative Natural Green Space) to mitigate the impact on the New Forest. However, the level of mitigation land required within this strategy has been worked out to cover housing development as set out within the Adopted Local Plan, and the Council therefore prioritises use of the Strategy for policy compliant sites. The onus is on the appellant to confirm how these impacts will be addressed.

Appropriate Assessment

An appropriate assessment was not carried out at the time of application PN/22/93479, subject of this appeal as the proposal was not considered to meet the criteria of Class Q(a) of the General Permitted Development Order 2015 and so was recommended for refusal. The Inspector is now therefore the competent authority for the purposes of Appropriate Assessment. This will have to address nutrient and recreational impacts prior to determination.

Mitigation

The appellant has not yet provided details of how these impacts would be addressed and how any of the required mitigation would be secured. Without appropriate mitigation in place, it is the Council's opinion that the proposal would have a significantly adverse impact upon the Solent & Southampton Water Special Protection Area, Solent Maritime Special Area of Conservation and Solent and Southampton Water Ramsar sites and the New Forest SPA as it would result in new overnight accommodation and increased recreational pressure from two new dwellings. As such the proposal would be contrary to the National Planning Policy Framework and provisions within The Conservation and Habitats and Species Regulations 2017.

CONCLUSIONS

There is insufficient evidence to indicate that the site is or was used solely for an agricultural use as part of an established agricultural unit on the requisite dates as set out under paragraph Q.1 (a) as the buildings have not been solely or last in agricultural use prior to and since 20th March 2013. Accordingly, the Local Planning Authority respectfully requests that the Inspector dismisses this appeal.

Should the Inspector, however, be minded to grant prior approval, the Local Planning Authority would request that the conditions set out in **Appendix 3** be included as part of any approval.

Appendix 1 - Photographs taken of the buildings during a site visit on 08.09.2022



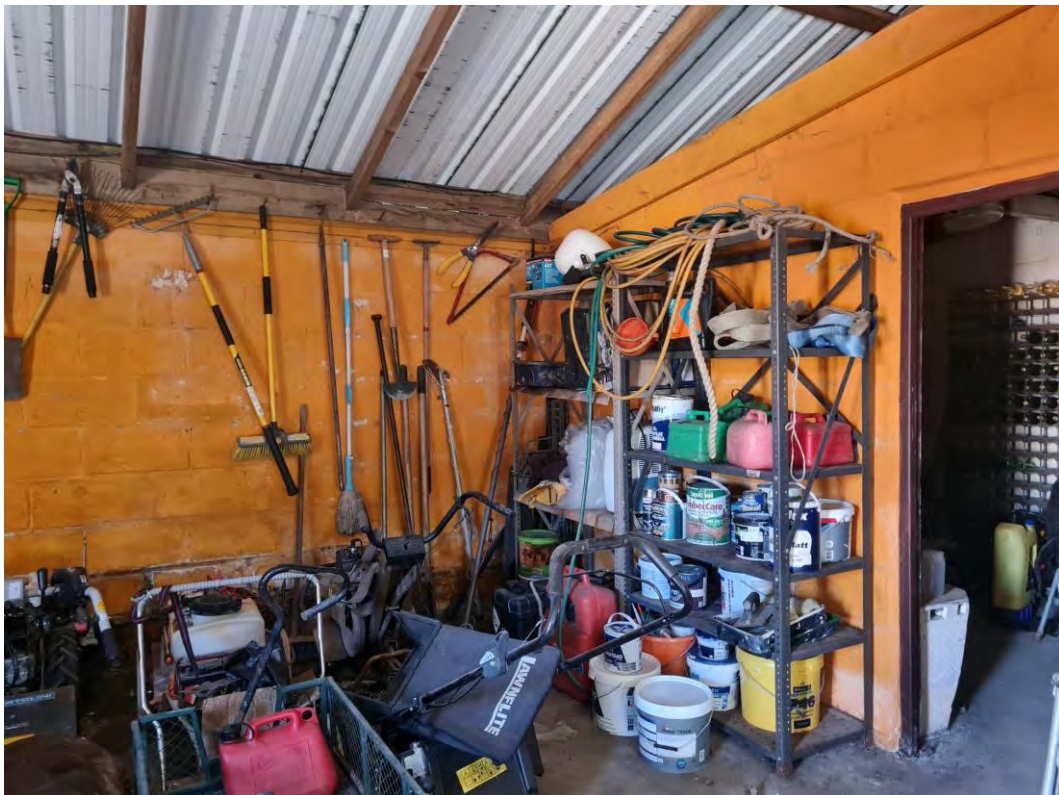
Front elevation of Building 1



Internal view of Building 1 including ride on mower, bicycles, bicycle trailer and equipment and wine storage to the rear.



Internal view of Building 1 including equipment storage



Internal view of Building 1 including equipment and wine storage



Internal view of Building 1 including equipment storage



Internal view of Building 1 including bicycle and wine storage



Internal view of Building 1 including ride on mower, bicycles, bicycle trailer and equipment storage.



Internal view of Building 1 including wine storage.



Internal view of Building 1 including wine storage.



Internal view of Building 1 including wine storage.



Internal view of Building 1 including workshop.



Front elevation of Building 2 and caravan parked adjacent



Internal view of Building 2 including domestic furniture



Internal view of Building 2 including workshop and domestic items



Internal view of Building 2 including domestic furniture



Internal view of Building 2 including domestic furniture



Internal view of Building 2 including tractor, bailer and domestic vehicle trailer



Internal view of Building 2 including bailer



Internal view of Building 2 including livestock trailer, domestic furniture and gym equipment



Internal view of Building 2 including livestock trailer, domestic furniture and gym equipment



Internal view of Building 2 including gym equipment



Internal view of Building 2 including domestic furniture and gym equipment



Internal view of Building 2 including gym equipment and domestic items



Internal view of Building 2 including gym equipment



Internal view of Building 2 including tractor and trailer



Front elevations of Buildings 1 & 2



Front elevation of Building 2



Side elevation of Building 2



Side elevation of Building 2 and part of rear elevation of Building 1

Appendix 2: Email correspondence from the appellant's agent on 15.08.22

Webb, Alex

From: Ian Knight <ian@k-a-d.co.uk>
Sent: 15 August 2022 11:19
To: Webb, Alex; nick.parker@eastleigh.gov.uk
Cc: Brinton King
Subject: RE: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Thanks Alex.

We aren't disputing there is presently a 50/50 use of the Hay-barn and workshop for agri/resi use – but our assertion is that on the only relevant date – 20/3/13 – this was the hay barn for the farm in the area outside the residential use (as shown in the planning portal applications at that time around the livery business).

There wasn't an application taking it formally OUT of agricultural use and so I'm failing to see where your present day assumptions feature in the exact wording of Class Q in the T&CPA?

Also a CoL would face your similar interpretation given it would be about a point in history – surely that wouldn't alter the way you are interpreting the application today. Perhaps the arbiter is looking then like the inspectorate at appeal?

Kind Regards

Ian

KNIGHT ARCHITECTURAL DESIGN

☎ 07801 346479

From: Webb, Alex <Alex.Webb@eastleigh.gov.uk>
Sent: 15 August 2022 09:32
To: Ian Knight <ian@k-a-d.co.uk>; Amy Sign <amy@k-a-d.co.uk>
Cc: Brinton King <brintonking@sky.com>
Subject: RE: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Good Morning Ian and Amy

It is an essential qualification for the purposes of permitted development under Part 3 that the building(s) applied for is being, or has been, used for agriculture. However, subsequent non-agricultural use or a mixed use of the building(s) (i.e. an agricultural use combined with a non-agricultural use) is a disqualification.

In terms of redundant or abandoned agricultural buildings, Class Q will only apply where such buildings have not have been used for any other purpose since ceasing to be used for agriculture and there has been no other material change of use since that last use. In this case, there has been a material change and both buildings are not currently solely in agricultural use. Therefore, they no longer benefit from permitted development rights under Class Q.

In terms of the planning history of the property, as per Amy's email on Friday, I am unclear as to what I am being asked to consider. I am not questioning the issue of when the agricultural tie was removed nor am I questioning whether the land or buildings have previously been in agricultural use.

I have spoken with my Planning Manager, Nick Parker, and he supports my argument and confirms this is the LPA's position. If you wish to challenge this and get a definitive opinion then you do have the option of applying for a Certificate of Lawful Use to evidence that the original agricultural use has not materially changed.

Kind Regards

Alex Webb

Senior Planning Officer

Mon/Tue/Wed 9-5 Thu/Fri 9-1

023 8068 8134



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

From: Ian Knight <ian@k-a-d.co.uk>

Sent: 10 August 2022 18:18

To: Webb, Alex <Alex.Webb@eastleigh.gov.uk>; Amy Sign <amy@k-a-d.co.uk>

Cc: Brinton King <brintonking@sky.com>

Subject: RE: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Thanks Alex – but where in the order does it say ‘has to presently be in agricultural use’?

The specific exclusions stated for class Q don’t reference present day (otherwise redundant barns on abandoned properties for instance, wouldn’t get consent – and we know that they do as we’ve done just that before) – so here, it is no disqualifier that our client presently has domestic elements within what a) was solely agricultural in 2013 and b) still retains strong elements of their agri-business to this day?

Can we request that you obtain a second opinion please.

Kind Regards

Ian

KNIGHT ARCHITECTURAL DESIGN



07801 346479

From: Webb, Alex <Alex.Webb@eastleigh.gov.uk>

Sent: 10 August 2022 14:09

To: Amy Sign <amy@k-a-d.co.uk>

Cc: Ian Knight <ian@k-a-d.co.uk>; Brinton King <brintonking@sky.com>

Subject: RE: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Hi Amy

The legislation reads as follows:

Class Q – agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

(a) *a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and*

(b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule*

The buildings are not currently agricultural buildings, they are mixed use buildings and therefore class Q does not apply.

Even if they were solely in use for agricultural purposes on or before March 2013, there cannot be a material change of use since then. I believe there has been a material change of use as they are no longer solely in agricultural use.

Rgds

Alex Webb

Senior Planning Officer

Mon/Tue/Wed 9-5 Thu/Fri 9-1

023 8068 8134



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

From: Amy Sign <amy@k-a-d.co.uk>

Sent: 10 August 2022 13:58

To: Webb, Alex <Alex.Webb@eastleigh.gov.uk>

Cc: Ian Knight <ian@k-a-d.co.uk>; Brinton King <brintonking@sky.com>

Subject: RE: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Hi Alex,

Looking at the T&CP(GPD) 2015, this suggests development is only prohibited if it wasn't in sole use on the 20th March 2013 and at that time, this was an active farm.

Development not permitted

Q.1 Development is not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

Kind Regards,

Amy Sign

From: Webb, Alex <Alex.Webb@eastleigh.gov.uk>

Sent: 10 August 2022 13:54

To: Amy Sign <amy@k-a-d.co.uk>

Cc: Ian Knight <ian@k-a-d.co.uk>; Brinton King <brintonking@sky.com>

Subject: RE: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Hello Amy

I have not been provided with any evidence that the buildings were solely in agricultural use in March 2013 and even so, the buildings need to currently be solely in agricultural use to qualify under Class Q.

Other than the parking of the tractor and trailer, I could not see any other agricultural equipment present in the buildings. I would describe the buildings as currently in mixed use for workshop/domestic storage/agricultural purposes.

Rgds

Alex Webb

Senior Planning Officer

Mon/Tue/Wed 9-5 Thu/Fri 9-1

023 8068 8134



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

From: Amy Sign <amy@k-a-d.co.uk>

Sent: 10 August 2022 13:47

To: Webb, Alex <Alex.Webb@eastleigh.gov.uk>

Cc: Ian Knight <ian@k-a-d.co.uk>; Brinton King <brintonking@sky.com>

Subject: RE: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Hi Alex,

We're very confused as in March 2013 the buildings were solely used for agricultural purposes and what you witnessed last week was equipment for the present market gardening presently carried out on site and part of the wider agri industry that the applicant is employed within.

Surely this makes it Part Q?

Kind Regards,

Amy Sign

01489 660194
amy@k-a-d.co.uk
www.k-a-d.co.uk

First Floor Unit 7, The Quarterdeck, Port Solent,
PO6 4TP

K^{NIGHT}
A^{ARCHITECTURAL}
D^{DESIGN}



From: Webb, Alex <Alex.Webb@eastleigh.gov.uk>

Sent: 10 August 2022 13:43

To: Ian Knight <ian@k-a-d.co.uk>; Amy Sign <amy@k-a-d.co.uk>

Subject: PN/22/93479 -Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) - Hatts Copse Farm

Dear Mr Knight and Ms Sign

The Planning Statement states at paragraph 3.1 that the site is and was in use on 20th March 2013, and is confirmed on the application forms dated 20.07.2022. This statement is not supported by the site visit on Monday 8th August 2022, which evidenced both buildings used for mixed purposes; one used as a workshop with domestic storage and the other building used for domestic storage and workshop/store with a tractor and trailer parked inside it. I have also visited the site on a previous occasion (14.06.2022) and there was no agricultural machinery present, just a boat and a trailer where the tractor was currently parked. Consequently, there is no evidence to indicate that the site is or was used solely for an agricultural use as part of an established agricultural unit on the requisite dates.

I consider that the site, subject of this prior notification, is not therefore solely in agricultural use, as part of an established agricultural unit and does not therefore meet the criteria of Class Q (a) of the General Permitted Development Order 20015. Accordingly, it is considered that the proposed conversion of the two buildings into 2 residential units Class C3 (dwelling house) is not permitted development under Class Q.

Unfortunately, I will therefore be refusing prior approval for this application shortly. Please let me know if you wish to withdraw the application.

Kind Regards

Alex Webb

Senior Planning Officer

Mon/Tue/Wed 9-5 Thu/Fri 9-1

023 8068 8134



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We do our best to guard against viruses. If you get a virus, we cannot accept liability for any damage. You should carry out your own virus check before you open attachments.

Eastleigh Borough Council

Appendix 3 – Suggested Conditions

Due to the way the red line was drawn tightly around the application site in the submitted Site Location Plan, Condition 4 includes the submission of an additional plan to identify the private residential amenity areas to be allocated for each dwelling.

Condition 14 has been included to ensure the requirements of the Wildlife and Countryside Act 1981 (as amended) are considered in relation to mitigation against any potential effects on the ancient woodland SINC (particularly in relation to possible encroachment and impact on the SINC from the proposed residential amenity area for Building 2) and on any protected species.

Conditions 15 would usually be applied as an informative to any decision notice to grant prior approval however due to the nature of an appeal decision a condition is therefore suggested.

1. The development hereby permitted shall be implemented in accordance with the following plans numbered: Existing Elevation Floor & Location Plan 01, Proposed Elevation, Floor and Location Plan 02, Block Plan 03

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted must be completed within a period of 3 years starting with the prior approval date.

Reason: To comply with Schedule 2, Part 3, Class Q of the (General Permitted Development) (England) Order 2015 (as amended).

3. No development shall start until details and samples of the new external materials to be used in the construction of the new window and door openings of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area

4. Prior to the occupation of the dwellings, a plan that identifies the extent of the private residential amenity areas to be allocated for each dwelling and the proposed boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. The private residential amenity areas shall be located immediately adjacent to the dwellings. Development shall be carried out in accordance with the approved plan and the residential curtilage for each dwelling shall be restricted to the dwelling and approved private residential amenity area only.

Reason: To comply with the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5. No work shall commence on site until the following has been submitted to, and approved in writing by the LPA:
- a. Report of Preliminary Investigation 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 UK Land contamination risk management (LCRM) national guidance and including BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice, and, unless otherwise agreed with the LPA,
 - b. Report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation and in accordance with BS10175:2011+A2:2017, and BS 8576:2013 and unless otherwise agreed with the LPA,
 - c. Detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring

Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To minimise the risk from land contamination for the safety of the property's occupiers.

6. The development hereby permitted shall not be occupied / brought into use until there has been submitted to the LPA verification by the competent person approved under the provisions of condition 4(c) that any remediation scheme required and approved under the provisions of condition 4(c) has been implemented fully in accordance with the approved details (unless varied with the written permission of the LPA in advance of implementation).

Unless agreed in writing with the LPA such verification shall comply with UK Land contamination risk management (LCRM) and the guidance contained in EA Guidance for the Safe Development of Housing on Land Affected by Contamination - R&D Publication 66: 2008. Typically such a report would comprise:

- a. A description of the site and its background, and summary of relevant site information,
- b. A description of the remediation objectives and remedial works carried out
- c. Verification data, including - data (sample locations/analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc.
- d. Certificates demonstrating that imported and / or material left in situ is free from contamination, gas / vapour membranes have been installed correctly

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(c)

Reason: To minimise the risk from land contamination for public safety.

7. No works, including site clearance, demolition of buildings or any construction activity, shall be commenced on the site until a Construction Environment Management Plan (CEMP) for the project has been submitted to and approved in writing by the Local Planning Authority, such Plan to include:
- a) a programme of the development work, including the construction of groundworks, services and buildings; the laying out of the hard-surfaced circulation and parking area, and the planting of any soft landscaping;
 - b) the location of temporary site buildings, compounds, construction material lay down and storage, and plant storage areas for the full duration of the construction period, including any period during which final construction works are to be carried out on areas of the site initially allocated in the CEMP for these temporary purposes;
 - c) details of routes for construction traffic arriving at and departing from the site, including the off-site waiting areas for such traffic, and arrangements for the turning of lorries if necessary;
 - d) a record of a pre-commencement condition survey of construction traffic routes as identified in c) above, and commitments to the submission of a corresponding record of a post-completion traffic routes condition survey and the restoration of any damage to the highway so recorded, to the approval of the Highway Authority;
 - e) the arrangements, including times, for deliveries associated with all construction works, loading/ unloading of plant and materials, and carting away of materials;
 - f) the parking of vehicles of site operatives and visitors for the full duration of the construction period, including any period during which final construction works are to be carried out on areas of the site initially allocated in the CEMP for constructor parking;
 - g) measures to control the emission and deposit of mud dust and dirt generated by construction activity on the site and traffic associated with it, including wheel wash facilities, and associated dirty water drainage arrangements;
 - h) a scheme for controlling noise and vibration from construction activities which shall include any piling, and which shall limit reversing vehicle alarm use to the broad band white noise type of alarm;
 - i) provision for storage, collection, and disposal of rubbish and recycling from the development during the construction period;
 - j) the erection and maintenance of security hoarding including any decorative displays and facilities for public viewing, where appropriate;
 - k) temporary lighting
 - l) a prohibition on any materials, waste or other substances being burnt on site;
 - m) a limitation of construction working hours to be only between 08.00 and 18.00 Mondays to Fridays and 08.00 to 13.00 on Saturdays, and there to be no working at any time on Sundays and on Bank Holidays, and
 - n) measures to check for the presence of nesting birds in any vegetation, materials or structures to be removed from the site immediately before such removal, and appropriate measures to safeguard birdlife in the event of their presence;
 - o) Safeguards to be used within the construction process to ensure surface water contains no pollutants on leaving the site, including suspended solids

The development shall be carried out only in accordance with the approved CEMP, and with any programme of highway restoration as approved by the Local Highway Authority under part d).

Reason: To minimise the impact the development may have on the amenity of residents and on the natural environment in the vicinity of the site, in accordance with national planning policy and guidance, as set out in the NPPF.

8. No development shall start until details for the on-site provision of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle storage has been constructed in accordance with the approved details and thereafter retained and kept available.

Reason - To ensure the adequate provision of on-site facilities.

9. Prior to first occupation of any dwelling hereby permitted a bin collection point shall be identified in a location that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of waste and refuse facilities

10. No external lighting shall be installed without prior approval of the Local Planning Authority.

Reason: To protect visual and residential amenity and ecological interests.

11. Prior to the occupation of the development, as built stage SAP data and as built stage water calculator confirming energy efficiency and the predicted internal mains water consumption to achieve the following shall be submitted to and approved in writing by the Local Planning Authority: In respect of energy efficiency, a standard of a 19% improvement of dwelling emission rate over the target emission rate as set in the 2013 Building Regulations In respect of water consumption, a maximum predicted internal mains water consumption of 105 litres/person/day. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To support a comprehensive approach to high quality design; in line with the guidance set out in the Government's Ministerial Statement of 25 March 2015 which states that Local Planning Authorities should, from the date of its publication, take into account the government's intentions in the statement

12. Prior to the occupation of any dwelling hereby approved, evidence that the dwelling complies with Part M4(2) standard (Accessible and adaptable dwellings) of the building regulations for new build residential development (or future equivalent), shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the development meets higher national access standards in accordance with policy DM29 of the Eastleigh Borough Local Plan 2016-2036

13. The development shall not be occupied until bin & cycle storage has been constructed in accordance with details that have first been submitted to and approved in writing by The Local Planning Authority and thereafter retained and kept available.

Reason - To ensure the adequate provision of on-site facilities

14. No development shall start until mitigation against any potential effects on the ancient woodland SINIC and on protected species have been secured and approved by the Local Planning Authority in accordance with the Wildlife and Countryside Act 1981 (as amended).

Reason: To ensure the protection of wildlife and supporting habitat found on and adjacent to the site and to secure opportunities for the improvement of wildlife corridors and wider enhancement of the nature conservation value of the site in line with national planning policy.

15. The development hereby permitted shall not be occupied until evidence showing that mitigation is in place to offset the impact of increased nitrates and recreational impact from the development on protected European Sites has been provided to the Local Planning Authority. A vesting certificate is acceptable evidence for the Eastleigh Borough Council nitrate mitigation scheme.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017 (as amended).