



Department for  
Communities and  
Local Government

11 September 2013

Mr Nick Paterson-Neild  
Barton Willmore LLP  
Beansheaf Farmhouse  
Bourne Close  
Calcot  
Reading RG31 7BW

Our Ref: APP/H1705/A/12/2188125 &  
APP/H1705/A/12/2188137

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEALS BY DAVID WILSON HOMES SOUTHERN  
LAND NORTH OF MARNEL PARK, POPLEY, BASINGSTOKE  
APPLICATION REFS. BDB/75761 AND BDB/75762**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, K D Barton BA(Hons) DipArch DipArb RIBA FCI Arb, who held a public local inquiry which opened on 30 April 2013, into your client's appeals against the decision of Basingstoke and Dean Borough Council (BDBC) to refuse:

**Appeal A:** outline planning permission for up to 450 dwellings, a community centre, a 1 form entry primary school and associated access, open space and landscaping (means of access into the site to be considered but all other matters are reserved)(application reference BDB/75761 dated 25 January 2012); and

**Appeal B:** planning permission for 200 dwellings with associated access, open space and landscaping (application reference BDB/75762 dated 19 January 2012).

2. The appeals were recovered for the Secretary of State's determination on 29 November 2012, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because they involve proposals for residential development of over 150 units on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

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## **Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeals be allowed and planning permission granted, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to the IR.

## **Procedural Matters**

4. In reaching his decision on these appeals the Secretary of State has taken into account the Environmental Statement submitted in accordance with the *Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011*, the clarification of the points raised by the Inspector at the pre-inquiry meeting, the updated Non-Technical Summary, consultees comments, and environmental information arising from questioning (IR1.3). He is satisfied that the environmental information supplied is adequate and satisfies the requirements of the EIA Regulations.

## **Policy considerations**

5. In determining these appeals, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, following the partial revocation of the Regional Strategy for the South East (RS) on 25 March 2013, the development plan comprises the saved policies of the *Basingstoke and Deane Borough Local Plan* (LP) adopted in July 2006. The Secretary of State considers that the development plan policies most relevant to this case are those set out at IR3.1-3.2.
6. The Secretary of State notes that the appeal sites have been promoted for residential led development since 2010 and remain part of BDBC's latest Strategic Housing Land Availability Assessment prepared as part of the evidence base for the emerging *Local Plan*. He also notes that officers recommended that the overall appeal site remains an allocated site; that on 28 February 2013 the Council's Cabinet agreed Land North of Marnel Park (450 homes) as one of a number of suggested sites for development; and that this was confirmed again at Cabinet on 15 April 2013 (IR3.4).
7. The Secretary of State also notes that on 23 August BDBC began a six week consultation on a Pre-Submission Local Plan 2011 to 2029 which includes a housing target figure of 748 units per annum over the plan period; and that Policy SS3.4 of the Plan concerns the provision of approximately 450 dwellings on land "North of Popley Fields". However, as the emerging Local Plan is only at the public consultation stage and still subject to change, he gives it little weight in the determination of these appeals.
8. Although the Inspector states at IR3.5 that a boundary for the Sherborne St John Neighbourhood Area has yet to be agreed, the Secretary of State notes that on 22 March BDBC approved the designation of the Sherborne St John Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012.
9. Material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework ("the Framework"); *Technical Guidance to the National Planning Policy Framework*; *The Planning System*:

*General Principles*; Circular 11/95: *The Use of Conditions in Planning Permission*; the Community Infrastructure Levy (CIL) Regulations (2010 and 2011); the Ministerial Statement “Planning for Growth” (2011); and the Supplementary Planning Documents adopted by BDBC.

10. The Secretary of State has had regard to the fact that on 28 August 2013 Government opened a new national planning practice guidance web-based resource. However, given that the guidance is currently in test mode and for public comment, he has attributed it little weight.

## **Main issues**

### **Landscape and Visual Impact**

11. The Secretary of State agrees with the Inspector that the appeal site is contained by topography, and existing and new landscaping (IR10.1.8). For the reasons in IR9.2.1-9.2.18 and 10.1.8, he agrees with the Inspector that the landscape and visual impact in this case would conflict with saved LP Policy E6 but that the impact would be slight (IR10.1.8).

### **Transportation**

12. For the reasons in IR9.3.1-9.3.9, the Secretary of State agrees with the Inspector that there would be no material conflict with the aims of saved LP Policy E1; that provision would be made for the use of sustainable modes of transport and the impact of the proposals would fall far short of the ‘severe’ test set by the *Framework* (IR9.3.10).

### **Ecology**

13. For the reasons in IR9.4.1-9.4.16, the Secretary of State agrees with the Inspector that there would be no adverse impact on great crested newts, and that the Secretary of State could grant planning permission as the test in Morge would be met (IR10.1.4).

### **Land Supply and Prematurity**

14. For the reasons in IR9.5.1, the Secretary of State agrees with the Inspector that the two appeals are made against a background of a “serious and significant” shortfall in housing and land supply in Basingstoke (IR10.1.2). He also agrees with the Inspector that, as BDBC cannot demonstrate a 5 year housing land supply, its housing supply policies should be considered out of date in accordance with paragraph 49 of the *Framework*. In these circumstances paragraph 14 of the *Framework* indicates that planning permission should be granted unless in the balance between benefits and harm the latter ‘significantly and demonstrably’ outweigh the former (IR9.1.1).
15. The Secretary of State agrees with the Inspector that, against the background of a serious and significant shortfall in housing land supply in Basingstoke, the proposals would provide between 11 and 26% of the shortfall in the first 5 years of the emerging *Local Plan* period with a mix to meet local needs; and that the Appeal B scheme could commence on site as soon as pre-commencement conditions have been discharged. He also notes that the proposals would provide 180 affordable houses quickly in accordance with policy ((IR9.6.10 and 10.1.2).

16. The Secretary of State notes that there is a difference in interpretation of paragraphs 17 and 18 of *The Planning System: General Principles*. However, for the reasons in IR9.5.1-9.5.8, he agrees with the Inspector that, regardless of which interpretation is accepted, there is no justification for a prematurity argument in this case (IR10.1.1). He considers that the publication on 23 August of the Pre-Submission Local Plan 2011 to 2029 has not changed the position in relation to prematurity.

#### Other Matters

17. The Secretary of State agrees with the Inspector that, although noise and disturbance might affect the enjoyment of people's homes and cause some stress, the construction would be for a finite period; that, in any event, it would add little in the way of disturbance due to construction activity at Merton Rise; and that impacts could be minimised by conditions and a Construction Method Statement (IR9.6.2 and 10.1.7).

18. The Secretary of State notes that bus services now run through Marnel Park and could be diverted through the development; and that there are some services and facilities within a 10 minute walking distance and a range within a 25 minute walk or easy cycling distance (IR9.6.4, 9.6.5 and 10.1.5). For the reasons in IR9.6.5, he agrees with the Inspector that, given open space, landscape and habitat improvements, the proposal would satisfy the environmental dimension to sustainable development (IR10.1.5).

19. For the reasons in IR9.6.6-9.6.9, the Secretary of State agrees with the Inspector that: the Best and Most Versatile Agricultural land that would be lost in this case would be of minor significance; that water supply and waste water management can be satisfied; and that there would be no significant impact on the setting of the Sherborne St John Conservation Area or the Grade II listed Kiln Farm and Kiln Farm Cottages (IR10.1.6). He also notes that some construction jobs would be created (IR9.6.11 and 10.1.3).

#### Planning Obligations and Conditions

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on the planning obligation and conditions in IR9.7.1-9.7.12. He agrees that in the case of both Appeals the Section 106 Agreements would make provision for a number of matters and would meet the tests in CIL Regulation 122 and are necessary to make the proposal acceptable. He also agrees that a number of conditions are needed, and that these would meet the tests of Circular 11/95 (IR10.1.9).

#### Overall Conclusions

21. The Secretary of State concludes that in the case of both Appeal A and B the benefits, in the context of a serious and significant shortfall in housing land supply, would clearly outweigh the temporary, albeit lengthy, construction impacts that the local community would have to endure and the slight impact on landscape character and visual intrusion in the wider locality that would, in time, be mitigated by the reinforced landscaping.

#### Formal Decision

22. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants:

**Appeal A:** outline planning permission for up to 450 dwellings, a community centre, a 1 form entry primary school and associated access, open space and landscaping (means of access into the site to be considered but all other matters are reserved)(application reference BDB/75761 dated 25 January 2012) subject to the conditions listed at Annex A to this letter; and

**Appeal B:** planning permission for 200 dwellings with associated access, open space and landscaping (application reference BDB/75762 dated 19 January 2012) subject to the conditions listed at Annex B to this letter.

23. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
24. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

**Right to challenge the decision**

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
26. A copy of this letter has been sent to BDBC, Sherborne St John Parish Council and James Arbuthnot MP. A notification letter has been sent to other parties who asked to be informed of the decision.

Yours faithfully

**Richard Watson**  
Authorised by the Secretary of State  
to sign in that behalf

### Conditions

#### Appeal A

- 1) Details of the layout, scale, external appearance of the proposed buildings, and the 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 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:
  - Outline Planning Application Boundary Plan (drawing ref 53 Rev A) received on 19<sup>th</sup> January 2012;
  - Land Use Parameters Plan (drawing ref 23 Rev K) received on 19 January 2012;
  - Residential Density Parameters Plan (drawing ref 24 Rev K) received on 19 January 2012;
  - Building Heights Parameters Plan (drawing ref 25 Rev K) received on 19 January 2012;
  - AOD Heights Parameters Plan (drawing ref 26 Rev K) received on 19 January 2012;
  - Primary Access to Phase 2 off Jersey Close (Drawing no. HBH10090/D09 Rev G) received 12 April 2012;
  - Road Link A between Phase 1 and 2 (Drawing no. HBH10090/D19 Rev C) received 2 May 2012;
  - Primary Access to Phase 1 off Hutchins Way (Drawing no. HBH10090/D20 Rev B) received 12 April 2012;
  - Secondary Access to Phase 1 off Hewitt Road (Drawing no. HBH10090/D21 Rev B) received 12 April 2012;
  - Footway/Cycleway Access to Phase 1 off Carter Drive (Drawing no. HBH10090/D22 Rev B) received 12 April 2012;
  - Secondary Access to Phase 2 off Cleeve Road (Drawing no. HBH10090/D23 Rev B) received 12 April 2012;

Landscape Strategy for Access Proposals to Phase 2 Jersey Close (Drawing no. L101 Rev A) received 12 April 2012;

Landscape Strategy for Access Proposals to Phase 2 Cleeve Road (Drawing no. L102 Rev A) received 12 April 2012;

Landscape Strategy for Access Proposals to Phase 1 Hewitt Road (Drawing no. L103 Rev A) received 12 April 2012;

Landscape Strategy for Access Proposals to Phase 1 Hutchins Way (Drawing no. L104 Rev A) received 12 April 2012;

Landscape Strategy for Footway/Cycleway to Phase 1 Carter Drive (Drawing no. L105 Rev C) received 2 May 2012;

Landscape Strategy for Access Road Link A Between Phase 1 and 2 (Drawing no. L113 Rev B) received 2 May 2012;

Access of Jersey Close Proposed Footway Impact on Tree Roots (Drawing no. HBH10090/SK12 Rev A) received 2 May 2012;

Tree Protection Plan, Jersey Close Access (Drawing no. 30-1020.03 Rev A) received 2 May 2012.

In addition, the reserved matters applications for this development shall broadly accord with the following drawings:

Master Plan (Drawing no. 12 Rev M) received 12 April 2012;

Illustrative Layout (Drawing no. 34 Rev D) received 12 April 2012;

Buffer Planting Strategy (Drawing no. L114 Rev A) detailing reinforcement of planting to existing landscape buffer along western site boundary received 12 April 2012;

Annotated version of Ecological Master Plan (Figure 9.4a of Environmental Statement) detailing protected species habitat creation and translocation strategy received 12 April 2012;

Annotated version of drawing no. 34 Rev C detailing woodland mitigation/management measures received 12 April 2012;

Useable Open Space Assessment (Drawing no. 55) received 12 April 2012;

Traffic Calming Strategy for Cleeve Road and Access (Drawing no. 127 Rev A) received 12 April 2012;

Main Square School pick-up / Drop-off point (Drawing no. 127 Rev A<sup>1</sup>) received 12 April 2012;

Phase 2 open space ground modelling plan (Drawing no. 129) received 12 April 2012;

Perspective View from Southern Site Access (Drawing no. 1058) received 12 April 2012.

- 5) No development shall take place until a phasing scheme has been submitted to, and approved in writing by, the local planning

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<sup>1</sup> There are two drawings no 127 Rev A but they are distinguishable by the drawing titles.

authority. Development shall be carried out in accordance with the approved phasing scheme.

- 6) Applications for the approval of reserved matters shall be in accordance with the principles described and illustrated in the Design and Access Statement January 2012 and additional information (including the Indicative Master Plan, Drawing No 12 Rev M, received 12 April 2012) and the approved Environmental Statement Parameter Plans detailed in condition 4.
- 7) The level of market sector dwellings of 2 bedrooms or less within the development shall not exceed 30% of the total of market sector dwellings within the overall scheme. 80% of small dwellings (dwellings of 1 and 2 bedrooms) on any Phase shall have a gross internal floor area not exceeding 70m<sup>2</sup>. Not less than 15% of the market dwellings shall be built to Lifetime Mobility Standards.
- 8) No development shall take place in any phase as agreed under condition 5 of this permission until a materials schedule detailing the types and colours of external materials to be used in that phase, including colour of mortar, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.
- 9) The development of each phase hereby permitted shall not commence until full details of both hard and soft landscape proposals for that phase have been submitted to, and approved in writing by, the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure and boundary treatments, pedestrian and cycle access and circulation areas, hard surfacing materials, water features and minor artefacts and structure (e.g. furniture, boardwalks, signs, street lighting, external services, etc).
- 10) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme submitted to, and approved in writing by, the local planning authority.
- 12) The development of each phase hereby permitted shall not commence until:
  - 1) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing

which trees are to be retained and the crown spread of each retained tree;

- 2) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
- 3) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- 4) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
- 5) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

- 13) The plans and particulars submitted in accordance with condition 12 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.
- 14) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the commencement of the permitted use.
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any

excavation be made, without the written approval of the local planning authority.

- 15) The development shall be carried out in accordance with the Buffer Planting Strategy (Drawing no. L114 Rev A) detailing reinforcement of planting to the existing landscape buffer along the western site boundary. Planting will be carried out in accordance with a timetable that has been submitted to, and approved in writing by, the local planning authority prior to commencement of development.
- 16) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 17) Prior to the first occupation within each residential phase of development as agreed under condition 5, a 'Code for Sustainable Homes', 'Design Stage Assessment' of the residential development, hereby approved, must be carried out by an independent licensed Code for Sustainable Homes assessor, and the results of the assessment incorporating the 'Design Stage Assessment' report and 'interim certificate' from the BRE, must be submitted to the local planning authority in writing.

The BRE Design Stage Assessment 'interim certification' must show that the residential development is likely to achieve a 'Code Level 3 standards' or 'Code Level 3 equivalent percentage points score' for the development in accordance with the approved plans and particulars.

Prior to occupation of each dwelling a 'Code for Sustainable Homes' 'Post Construction Stage Review' is to be completed by an independent licensed Code for Sustainable Homes assessor demonstrating that the dwelling is expected to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score' and the results of the review must be submitted to the local planning authority in writing.

'Final Certification' from BRE or equivalent body, for each dwelling within a phase, must be submitted to the local planning authority within 3 months of completion of the development phase.

The 'Final Certification' must show that the residential dwelling has been constructed and completed to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score'.

- 18) Prior to the commencement of development, details of any bridges proposed on site shall be submitted to, and approved in writing by, the local planning authority in consultation with the Lead Local Flood Authority. Thereafter the bridges shall be constructed as set out in the approved details.

- 19) No development in any phase shall take place until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the local planning authority. This should include demonstrating that each phase is wholly self sufficient. The scheme shall subsequently be implemented in accordance with the approved details before the development of that phase is complete. The scheme shall include:
- i) Demonstration that the SUDs hierarchy has been clearly followed, with justification for the methods chosen.
  - ii) Demonstration of the conveyance of water across the site
  - iii) Demonstration that the proposed drainage strategy is able to cope with up to the 1 in 100 year plus suitable allowance for climate change storm event.
  - iv) Details of the maintenance and general management of the proposed drainage strategy.
- 20) No development shall take place until a scheme for the provision and management of a buffer zone alongside the Vyne Brook has been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme which shall include:
- i) Plans showing the extent and layout of the buffer zone;
  - ii) Details of the planting scheme (for example, native species);
  - iii) Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
  - iv) Details of any footpaths, fencing, lighting etc.
- 21) No development, including any demolition works, soil moving, or storage of materials shall take place until a European Protected Species Licence has been granted by Natural England, a copy of which shall be submitted to the local planning authority. All works are to be carried out in strict accordance with the approved Licence, and the Detailed Mitigation Method Statement and Protected Species Management Plan as secured by a S106 Agreement dated 10 May 2013.
- 22) Prior to first occupation of any part of the development, a baseline survey of visitor use of the Basing Forest Sites of Importance for Nature Conservation (SINC), (including number of visitors, starting point, seasonal variation, single or multiple visit, duration and purpose of visit etc.) shall be undertaken and submitted to the local planning authority. The baseline survey will establish the level of recreational access to the woodland.
- Prior to occupation of any part of Phase 2, installation of signage to actively direct pedestrians to use the Public Right of Way; and installation of simple, focussed interpretation facilities at

woodland access points to encourage understanding of, and respect for, the woodland shall be provided in accordance with details submitted to, and approved in writing by, the local planning authority.

Upon occupation of the 250th unit (Phase 1 and 50 units in Phase 2) a repeat visitor survey shall be undertaken to identify changes in numbers and characteristics of woodland access. This shall be submitted to the local planning authority. In the event that the findings of the repeat survey conclude that a significant change in the biodiversity resource/condition is evident, a mitigation scheme will be submitted to the local planning authority that will outline targeted mitigation and long-term monitoring requirements and is to include a timetable for the implementation of the scheme. This mitigation scheme must be approved in writing by the local planning authority and thereafter implemented in accordance with the approved timetable.

A monitoring survey will be undertaken annually for the duration of 5 years following completion of the development hereby approved, and will be submitted annually to the local planning authority.

- 23) No works within a phase pursuant to this permission shall commence until there has been submitted to, and approved in writing by, the local planning authority for that phase:
- i) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by a desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed by the local planning authority,
  - ii) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

If during any works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to, and approved in writing by, the local planning authority.

- 24) The development of each phase hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority a verification report prepared by the competent person approved under the provisions of condition 23 ii) that any remediation scheme required and approved under the provisions of condition 23 ii) has been implemented fully in accordance with the approved details. The verification report to be submitted shall comprise;
- i) As built drawings of the implemented scheme;

- ii) Photographs of the remediation works in progress;
- iii) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 23 ii).

- 25) No development within a phase shall commence on site until an archaeological investigation of that phase has been carried out in accordance with a written scheme of investigation submitted to, and approved in writing by, the local planning authority. The investigation shall be carried out in accordance with the approved details.
- 26) No development shall take place within each phase until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) The routing, parking and turning of vehicles of site operatives and visitors (all to be established within one week of the commencement of development);
  - ii) The provision of details of notices to be displayed at the site exit indicating to construction workers and drivers details of routing to leave the site. The approved signs shall be displayed before any operations commence on site and shall be maintained throughout the construction period. The signs shall be permanently removed before the first occupation of the penultimate dwelling on the site;
  - iii) Loading and unloading of plant and materials;
  - iv) Storage of plant and materials used in constructing the development;
  - v) Wheel washing facilities or an explanation why they are not necessary;
  - vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vii) Measures to control the emission of dust and dirt during construction;
  - viii) A scheme for recycling and disposing of waste resulting from demolition and construction work; and
  - ix) Deliveries of construction materials, plant and machinery, and any removal of spoil from the site shall take place only between the hours of 0730 and 1800 Monday to Friday, and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or recognised public holidays. These hours shall be adhered to for the duration of the construction period. The contractor(s) should avoid movements to/from the site during

the AM Peak (08:00 – 09:00) and the PM Peak (16:30 – 18:00) Monday to Friday.

- x) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before 0730 nor after 1800 hours Monday to Friday, before 0800 nor after 1300 hours Saturdays nor at all on Sundays or recognised public holidays.
- 27) No development within each phase shall take place on site until details of the width, alignment, drainage, gradient and type of construction proposed for the pathways, roadways, structures and parking areas, including all relevant horizontal cross sections and longitudinal sections for that phase plus a programme for their implementation have been submitted to, and approved in writing by the local planning authority, in consultation with the highway authority for that phase. The agreed details shall be fully implemented in accordance with the approved programme.
- 28) Notwithstanding the details shown on Drawing no. HBH10090/D09 Rev G (Primary Access to Phase 2 off Jersey Close) the footway to the west of Marls Lane shall be constructed using a bound material, details of which shall be submitted to, and approved in writing by, the local planning authority prior to commencement of any work with regard to this access.
- 29) No residential unit shall be occupied within a phase of development until all proposed vehicular accesses, driveways, parking and turning areas serving that residential unit have been constructed in accordance with details that have been submitted to, and approved in writing by, the local planning authority.
- 30) Prior to the commencement of development within each phase details of the cycle parking for that phase shall be submitted to, and approved in writing by, the local planning authority. No dwelling within that phase shall be occupied until the approved cycle parking serving that dwelling has been provided on site. The approved cycle parking shall be retained thereafter for its intended purpose.
- 31) No development shall take place on site until details of fences or other means of enclosure at road and pathway junctions and the sight lines so formed have been submitted to, and approved in writing by, the local planning authority. The land within the sight lines and anything on it, including any vegetation, shall not interrupt the space between 0.6 metres and 2.0 metres above the level of the carriageway. The resultant visibility splays shall thereafter be kept free of obstacles.
- 32) The school and community building hereby permitted shall not be occupied until the provision for the turning of vehicles and the parking of commercial and staff vehicles, including for disabled use, and the secure storage of bicycles has been made in compliance with current parking standards in order to serve that

part of the development. The areas of land provided for these uses shall not be used for any other purposes than parking, storage and turning.

- 33) No development, including any demolition works, soil moving, temporary access construction/widening, or storage of materials shall take place other than in strict accordance with the Environmental Statement, Ecology chapter, by Landmark Practice, dated January 2012, Section 9.
- 34) Prior to commencement of each phase, a scheme for external lighting and street lighting of that phase within 20m of Vyne Brook shall be submitted to, and approved in writing by, the local planning authority. Artificial lighting should be directed away from the river corridor and focused with cowlings.
- 35) There shall be no burning on site of waste materials including demolished materials, trees, greenery etc.
- 36) Prior to the commencement of development within each relevant phase, details of the layout, phasing and specification for children's play areas, kickabout areas and formal sports provision serving that phase shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 37) Prior to the commencement of development within phase 2, details of the layout phasing and specification for the proposed park and allotments shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 38) The development hereby approved shall be constructed in accordance with the details of the vehicular and footway/cycle accesses as shown on the following drawings:

HBH10090/D09 REV G

HBH10090/D019 REV C

HBH10090/D020 REV B

HBH10090/D021 REV B

HBH10090/D022 REV B

HBH10090/D023 REV B

The accesses shall be constructed in accordance with a programme to be submitted to, and approved in writing by, the local planning authority prior to the occupation of any dwelling.

- 39) Prior to the commencement of development, details of the required off site highway works on Carter Drive onto Hutchins Way in accordance with the principles shown on drawing No HBH10090/SK11 and including a programme for implementation, shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed in accordance with the approved programme.

- 40) No development shall take place in any phase as agreed under condition 5 of this permission until a measured survey for that phase has been undertaken and a plan, prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark, has been submitted to, and approved in writing by, the local planning authority. The works shall be completed in accordance with the approved details.

## Annex B

### Conditions

#### Appeal B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Full Planning Application boundary plan (Drawing no. 1054 Rev A);
  - Land Use Parameters Plan (Drawing no. 23 Rev K);
  - Residential Density Parameters Plan (Drawing no. 24 Rev K);
  - Building Heights Parameters Plan (Drawing no. 25 Rev K);
  - AOD Heights Parameters Plan (Drawing no. 26 Rev K);
  - SO1048 Rev A received 19 January 2012;
  - SO1047 Rev A received 19 January 2012;
  - SO1649 Rev A received 19 January 2012;
  - SO1650 Rev A received 19 January 2012;
  - SO1651 received 19 January 2012;
  - S741/09 Rev A received 19 January 2012;
  - S741/10 Rev A received 19 January 2012;
  - S741/11 Rev A received 19 January 2012;
  - H2114/SWF/01 received 19 January 2012;
  - BS220277/01 Rev B received 19 January 2012;
  - H2050/KR received 19 January 2012;
  - Autotracks Sheet 1 of 3 (Refuse Vehicle) (drawing ref H----/AT/01);
  - Autotracks Sheet 2 of 3 (Refuse Vehicle) (drawing ref H----/AT/02);
  - Autotracks Sheet 3 of 3 (Refuse Vehicle) (drawing no H----/AT/03);
  - Vehicular Priority Change (Drawing no. HBH10090/SK11);
  - House Type X406B5 Planning 1 and 2 of 2 received 19 January 2012;
  - House Type ZFC3 Planning 1 and 2 of 2 received 19 January 2012;

House Type X332D5 Planning received 19 January 2012;

House Type X341D5 Planning 1 and 2 of 2 received 19 January 2012;

House Type X406BE5 Planning 1 and 2 of 2 received 2 February 2012;

House Type X286BE4 - X286BI4 Planning received 19 January 2012;

House Type X286D4 Planning received 19 January 2012;

House Type X286RG4 Planning received 19 January 2012;

House Type ZH46BE5/ZH46BI5 Planning 1 and 2 of 2 received 19 January 2012;

House Type Z206BE5 Planning received 19 January 2012;

House Type Z206BI5 Planning received 19 January 2012;

House Type ZH234--5 Planning 1 and 2 of 2 received 2 February 2012;

House Type Z286BE4/Z286BI4 Planning 1 and 2 of 2 received 19 January 2012;

House Type Z323ERH5 Rev A Planning 1 of 2 received 2 February 2012;

House Type Z323ERH5 Planning 2 of 2 received 19 January 2012;

House Type Z326ERH5 Rev A Planning 1 of 2 received 2 February 2012;

House Type Z326ERH5 Planning 2 of 2 received 19 January 2012;

House Type Z323-I-5 Planning 1 and 2 of 2 received 19 January 2012;

House Type Z341-E-5 Planning 1 and 2 of 2 received 19 January 2012;

House Type XH332-D5 Planning received 19 January 2012;

House Type XH332-E5 Planning received 19 January 2012;

House Type X332-E5 Planning received 19 January 2012;

House Type ZH17E5/ZH17I5 Planning 1 and 2 of 2 received 19 January 2012;

House Type ZH19E5/ZH19I5 Planning 1 and 2 of 2 received 19 January 2012;

House Type ZH34-EH4 Planning 1 and 2 of 2 received 19 January 2012;

House Type XH19-I5/XH19-E5 Rev A Planning 1 and 2 of 2 received 2 February 2012;

House Type XH341-D5 Planning 1 and 2 of 2 received 19 January 2012;

House Type XH341-WD5 Planning 1 and 2 of 2 received 19 January 2012;

House Type X436B-5 Planning 1 and 2 of 2 received 19 January 2012;

House Type X469---5 Planning 1 and 2 of 2 received 19 January 2012;

House Type X469---H5 Planning 1 and 2 of 2 received 2 February 2012;

House Type X497B--5 Planning 1 and 2 of 2 received 19 January 2012;

House Type X433B5 Planning 1 and 2 of 2 received 19 January 2012;

House Type X341E5 Planning 1 of 2 received 19 January 2012;

House Type X341E5 Rev A Planning 2 of 2 received 2 February 2012;

House Type X341WD5 Rev A Planning 1 of 2 received 2 February 2012;

House Type X341WD5 Planning 2 of 2 received 19 January 2012;

House Type X323IR5 Rev A Planning 1 of 2 received 2 February 2012;

House Type X323IR5 Planning 2 of 2 received 19 January 2012;

House Type X323ERH5 Rev A Planning 1 of 2 received 2 February 2012;

House Type X323ERH5 Planning 2 of 2 received 19 January 2012;

House Type ZH426EH5 Rev A Planning 1 of 2 received 2 February 2012;

House Type ZH426EH5 Planning 2 of 2 received 19 January 2012;

House Type Z341-WD5 Planning 1 of 2 received 19 January 2012;

House Type Z341-WD5 Rev A Planning 2 of 2 received 2 February 2012;

House Type ZH34-I-4 Planning 1 of 2 received 19 January 2012;

House Type ZH34-I-4 Rev A Planning 2 of 2 received 2 February 2012;

House Type X497-H5 Rev A Planning 1 of 2 received 2 February 2012;

House Type X497-H5 Planning 2 of 2 received 19 January 2012;

House Type XH17-I5/XH17-E5 Rev A Planning 1 and 2 of 2 received 2 February 2012;

House Type XH341-WE5 Rev A Planning 1 of 2 received 2 February 2012;

House Type XH341-WE5 Planning 2 of 2 received 19 January 2012;

Revised Plot Schedule received 12 April 2012;

Buffer Planting Strategy (Drawing no. L114 Rev A) received 12 April 2012;

Materials Plan (Drawing no. H----/MP/01 Rev A) received 12 April 2012;

Drainage Strategy (Drawing no. 10186-C005 Rev B) received 12 April 2012;

Tree Protection Plan Phase 1 (Drawing no. 30-1020.02 Rev A) received 12 April 2012;

Tree Protection Plan Jersey Close Access (Drawing no. 30-1020.03) received 12 April 2012;

Provisional Finish Floor Levels (Drawing no. C10186-C004 Rev B) received 12 April 2012;

Affordable Plan (Drawing no. H----/AP/01 Rev A) received 12 April 2012;

Storey Heights Plan (Drawing no. H----/SHP/01 Rev A) received 12 April 2012;

X & Z House Type Plan (Drawing no. H----/XZHP/01 Rev A) received 12 April 2012;

Surveillance & Protection Plan (Drawing no. H----/SPP/01 Rev A) received 12 April 2012;

Streetscenes Sheet 1 (Drawing no. H----/SS/01 Rev B) received 12 April 2012;

Streetscenes Sheet 2 (Drawing no. H----/SS/02 Rev B) received 12 April 2012;

Automated Entrance Gates to FOG's (Drawing no. H2114:AG:02B) received 12 April 2012;

Swept Path Analysis of Phoenix 2 One-Pass (Refuse Vehicle) (Drawing no. HBH10090/AT20) received 12 April 2012;

Swept Path Analysis of Dart SLF 11.20m Bus (Drawing no. HBH10090/AT21) received 12 April 2012;

Footway/Cycleway Access to Phase 1 off Carter Drive (Drawing no. HBH10090/D08 Rev D) received 12 April 2012;

Annual phasing dwelling completion plan (Drawing no. HNP5/PP/01) received 12 April 2012;

1.5m wide Gravel Pathway Detail (Drawing no. LS5/POP07 Rev A) received 12 April 2012;

Bar Railing Detail (Drawing no. SO-10-46) received 12 April 2012;

House Type X433BS-5 (Floor plans and Elevations) Sheets 1 and 2 of 2 received 12 April 2012;

House Type X206BE-5 (Floor plans and Elevations) received 12 April 2012;

House Type ZSB7 (Floor plans and Elevations) Sheets 1, 2 and 3 of 3 received 12 April 2012;

Refuse Collection Plan (Drawing no. HXXXX/RC/01 Rev A);

Car Parking Access Plan (Drawing no. HXXXX/CP/01 Rev A);

Road Link A between Phase 1 and 2 (Drawing no. HBH10090/D17 Rev G) received 2 May 2012;

Primary Access to Phase 1 off Hutchins Way (Drawing no. HBH10090/D06 Rev D) received 2 May 2012;

Secondary Access to Phase 1 off Hewitt Road (Drawing no. HBH10090/D07 Rev F) received 2 May 2012;

Phase 1 S38 Highway Adoption Plan (Drawing no. HNP5/538/01 Rev B) received 2 May 2012;

House Type Z230---5 Revision C (Floor plans and Elevations) received 2 May 2012;

Garages G1C, G1D, G2H, G2G Rev C, G3H and G4H (Floor plans and Elevations) received 2 May 2012;

House Type ZH230-I-5 (Plot 84) Rev C received 2 May 2012;

House Type ZH230-I-5 (Plots 160 & 185) Rev C received 2 May 2012;

House Type XH231VD5 (Plots 165 & 166) Rev C received 2 May 2012;

House Type XH231VD5 (Plot 76) Rev C received 2 May 2012;

Cycle Shelter (Drawing ref. H2114/CS/01) received 2 May 2012;

SSE Contracting Outdoor Lighting Report and associated Drawing ref. SSE465060-01 Rev B received 2 May 2012;

Electric Gate Specification for FOG under passes received 2 May 2012;

Planting Plan Phase 1 Sheet 1 of 6 (Drawing no. L106 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 2 of 6 (Drawing no. L107 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 3 of 6 (Drawing no. L108 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 4 of 6 (Drawing no. L109 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 5 of 6 (Drawing no. L110 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 6 of 6 (Drawing no. L111 Rev C) received 6 June 2012;

Planting Plan Phase 1 Overall (Drawing no. L112 Rev C) received 6 June 2012;

Planning Layout (Drawing no. HNP5/PL/01 Rev P) received 6 June 2012;

Landscape Management Plan (Drawing no. L115) received 24 August 2012.

- 3) No development, including any soil moving, or storage of materials shall take place until a European Protected Species Licence has been granted by Natural England, a copy of which shall be submitted to the local planning authority. All works are to be carried out in strict accordance with the approved Licence, and the Detailed Mitigation Method Statement and Protected Species Habitat Management Plan as secured by a S106 Agreement dated 10 May 2013.
- 4) No works pursuant to this permission shall commence until there has been submitted to, and approved in writing by, the local planning authority:
  - i) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by a desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites -, Code of Practice; and, unless otherwise agrees in writing by the local planning authority,
  - ii) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

If during any works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to, and approved in writing by, the local planning authority.

- 5) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority a verification report prepared by the competent person approved under the provisions of condition 4 ii) that any remediation scheme required and approved under the provisions of condition 4 ii) has been implemented fully in accordance with the approved details. The verification report to be submitted shall comprise:
  - i) As built drawings of the implemented scheme;
  - ii) Photographs of the remediation works in progress;
  - iii) Certificates demonstrating that imported and/or material left in situ is free of contamination.

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

- 6) No development within a phase shall commence on site until an archaeological investigation has been carried out in accordance with a written scheme of investigation submitted to, and approved in writing by, the local planning authority. The investigation shall be carried out in accordance with the approved details.
- 7) Prior to the commencement of development, details of the required off site highway works on Carter Drive onto Hutchins Way in accordance with the principles shown on drawing No HBH10090/SK11 and including a programme for implementation, shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed in accordance with the approved programme.
- 8) No part of the development hereby approved shall be commenced until details of a temporary construction access from Jersey Close and associated haul road to the north of the existing Marnel Park development, including details of the restoration of the land following completion of the development and a programme, have been submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed and the land subsequently restored in accordance with the approved programme.
- 9) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) The routing, parking and turning of vehicles of site operatives and visitors (all to be established within one week of the commencement of development);
  - ii) The provision of details of notices to be displayed at the site exit indicating to construction workers and drivers details of routing to leave the site. The approved signs shall be displayed before any operations commence on site and shall be maintained throughout the construction period. The signs shall be permanently removed before the first occupation of the penultimate dwelling on the site;
  - iii) Loading and unloading of plant and materials;
  - iv) Storage of plant and materials used in constructing the development;
  - v) Wheel washing facilities or an explanation why they are not necessary;
  - vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vii) Measures to control the emission of dust and dirt during construction;

- viii) A scheme for recycling and disposing of waste resulting from demolition and construction work; and
  - ix) Deliveries of construction materials, plant and machinery, and any removal of spoil from the site shall take place only between the hours of 0730 and 1800 Monday to Friday, and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or recognised public holidays. These hours shall be adhered to for the duration of the construction period, unless otherwise agreed in writing by the Local Planning Authority. The contractor(s) should avoid movements to/from the site during the AM Peak (08:00 – 09:00) and the PM Peak (16:30 – 18:00) Monday to Friday.
  - x) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before 0730 nor after 1800 hours Monday to Friday, before 0800 nor after 1300 hours Saturdays nor on Sundays or recognised public holidays.
- 10) No development shall take place on site until details of the width, alignment, drainage, gradient and type of construction proposed for the pathways, roadways, structures and parking areas, including all relevant horizontal cross sections and longitudinal sections plus a programme for their implementation have been submitted to, and approved in writing by, the local planning authority in consultation with the highway authority. The agreed details shall be fully implemented in accordance with the approved programme.
- 11) No development shall commence until details of the private parking driveways, including means of construction, materials and methods to contain surface water on-site and prevent run-off to the public highway, have been submitted to, and approved in writing by, the local planning authority. No dwelling hereby permitted shall be occupied until the car parking spaces, bicycle storage and (if shown) garaging serving that residential dwelling as detailed on the approved planning layout drawing have been constructed in accordance with the approved details. The parking shall be allocated in accordance with the plot numbers shown on the approved planning layout drawing. The areas shown for car parking, including any garages, shall not be used for any purpose other than parking, loading and unloading of vehicles.
- 12) No development shall commence on site until details of the surfacing, marking-out, signage of the unallocated spaces, means of preventing vehicle overhang of adjacent pathways and the provision to be made for ongoing maintenance, have been submitted to, and approved in writing by, the local planning authority. The areas of unallocated visitor parking shall thereafter be constructed in accordance with the approved details. There shall be no restriction on the use of the unallocated car parking spaces shown on the approved plan by either occupiers of, or

visitors to, any of the dwellings hereby permitted and they shall remain available for general community usage.

- 13) Prior to the commencement of development, details of any bridges proposed on site shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority. Thereafter the bridges shall be constructed as set out in the approved details.
- 14) No development shall take place until a surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the local planning authority. This should include demonstrating that the development is wholly self sufficient. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete. The scheme shall include:
  - i) Demonstration that the SUDs hierarchy has been clearly followed, with justification for the methods chosen;
  - ii) Demonstration of the conveyance of water across the site;
  - iii) Demonstration that the proposed drainage strategy is able to cope with up to the 1 in 100 year plus suitable allowance for climate change storm event;
  - iv) Details of the maintenance and general management of the proposed drainage strategy.
- 15) Prior to the first occupation a 'Code for Sustainable Homes', 'Design Stage Assessment' of the residential development, hereby approved, must be carried out by an independent licensed Code for Sustainable Homes assessor, and the results of the assessment incorporating the 'Design Stage Assessment' report and 'interim certificate' from the BRE, must be submitted to the local planning authority in writing.

The BRE Design Stage Assessment 'interim certification' must show that the residential development is likely to achieve a 'Code Level 3 standard' or 'Code Level 3 equivalent percentage points score' for the development in accordance with the approved plans and particulars.

Prior to occupation of each dwelling a 'Code for Sustainable Homes' 'Post Construction Stage Review' is to be completed by an independent licensed Code for Sustainable Homes assessor demonstrating that the dwelling is expected to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score' and the results of the review must be submitted to the local planning authority in writing.

'Final Certification' from BRE or equivalent body for each dwelling must be submitted to the local planning authority within 3 months of completion of the development.

The 'Final Certification' must show that the residential dwelling has been constructed and completed to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score'.

- 16) Prior to commencement of development, a scheme for external lighting and street lighting within 20m of Vyne Brook shall be submitted to, and approved in writing by, the local planning authority. Artificial lighting should be directed away from the river corridor and focused with cowlings. The approved scheme shall be implemented before the completion of the development.
- 17) The development hereby approved shall be constructed in accordance with the details of the vehicular and footway/cycle accesses as shown on drawings:

HBH10090/D06 REV D

HBH10090/D07 REV F

HBH10090/D17 REV G

HBH10090/D08 REV D

The accesses shall be constructed in accordance with a programme to be submitted to, and approved in writing by, the local planning authority prior to the occupation of any dwelling.

- 18) Any vehicular access gates provided (for the avoidance of doubt this excludes approved garden gates) shall be set back a minimum distance of 6 metres from the edge of the carriageway of the adjoining highway and shall be thereafter retained.
- 19) No part of the proposed buildings and structures, including any projections, doorway and window openings, roof eaves and drainage down pipes shall overhang or project into the public highway.
- 20) No development shall take place on site until details of fences or other means of enclosure at road and pathway junctions and the sight lines so formed have been submitted to, and approved in writing by, the local planning authority. The land within the sight lines and anything on it, including vegetation, shall not interrupt the space between 0.6 metres and 2.0 metres above the level of the carriageway. The resultant visibility splays shall thereafter be kept free of obstacles.
- 21) No building erected on the land shall be occupied until there is a direct connection from it, less the final carriageway and footpath surfacing, to an existing highway made up in accordance with the approved specification programme and details. 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 for which permission is hereby granted.
- 22) The development site shall be constructed in accordance with the approved layout drawing ref: HNP5/PL/01 Rev P; including visibility splays, road and footway geometry, access points and bin collection points. Notwithstanding the approved layout, minor

details may subsequently be altered to comply with the necessary safety and technical requirements of a road adoption agreement.

- 23) The accesses to dwellings hereby approved shall be provided with splays to the highway at an angle of 45 degrees for a distance of 1metre and shall thereafter be retained.
- 24) No development shall take place until protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions have been carried out in accordance with the 'Tree Protection Plan Phase 1' drawing submitted by Forbes-Laird Arboricultural Consultancy referenced 30-1020.02 Rev A.
- 25) The development shall be carried out in accordance with the approved Materials Plan (Drawing no. H----/MP/01 Rev A) received 12 April 2012 and retained as such thereafter.
- 26) The development shall be landscaped in accordance with the following approved plans:
  - i) Planting Plan Phase 1 Sheet 1 of 6 (Drawing no. L106 Rev C);
  - ii) Planting Plan Phase 1 Sheet 2 of 6 (Drawing no. L107 Rev C);
  - iii) Planting Plan Phase 1 Sheet 3 of 6 (Drawing no. L108 Rev C);
  - iv) Planting Plan Phase 1 Sheet 4 of 6 (Drawing no. L109 Rev C);
  - v) Planting Plan Phase 1 Sheet 5 of 6 (Drawing no. L110 Rev C);
  - vi) Planting Plan Phase 1 Sheet 6 of 6 (Drawing no. L111 Rev C);
  - vii) Planting Plan Phase 1 Overall (Drawing no. L112 Rev C).

The landscape works shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings hereby permitted. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the local planning authority.

- 27) The development shall be carried out in accordance with the means of enclosure as shown on the approved Planning Layout (Drawing no. HNP5/PL/01 Rev P) received 6 June 2012. The approved means of enclosure for each dwelling shall be erected prior to the occupation of the dwelling served by that means of enclosure and shall subsequently be retained.
- 28) There shall be no burning on site of waste materials including demolished materials, trees, greenery etc.
- 29) No development shall take place until full details of the layout and design of the LEAP and Kickabout area, including, where

appropriate, a programme for implementation, details of hard surfacing materials and minor artefacts and structure (eg furniture, refuse or other storage units, signs, lighting, external services, etc) have been submitted to, and agreed in writing by, the local planning authority. The approved details shall be implemented in accordance with the approved programme.

- 30) The development shall be carried out in accordance with the approved Landscape Management Plan (Drawing no. L115) received on 24 August 2012, the Revised Landscape Specification dated 24<sup>th</sup> August, 2012 and Revised Landscape Management Report dated 23<sup>rd</sup> August, 2012.
- 31) The development shall be carried out in accordance with the Buffer Planting Strategy (Drawing no. L114 Rev A) detailing reinforcement of planting to the existing landscape buffer along the western site boundary. Planting will be carried out in accordance with a timetable to be submitted to, and approved in writing by the local planning authority prior to first occupation of any dwelling hereby permitted.
- 32) A landscape management plan for the landscape buffer along the western site boundary, including a programme for implementation, long term design objectives, long term management responsibilities and maintenance schedules, shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of development. The landscape management plan shall be carried out as approved.
- 33) Notwithstanding the information shown on drawing no C10186-C004 Rev B, no development shall take place until a measured survey of the site has been undertaken and a plan, prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark, has been submitted to, and approved in writing by, the local planning authority. The works shall be completed in accordance with the approved details.



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# Report to the Secretary of State for Communities and Local Government

by K D Barton BA(Hons) DipArch DipArb RIBA FCI Arb

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

Date 8 July 2013

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**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEALS BY**

**DAVID WILSON HOMES SOUTHERN**

**BASINGSTOKE AND DEANE BOROUGH COUNCIL**

Inquiry opened 30 April 2013

Land North of Marnel Park

File Refs: APP/H1705/A/12/2188125 & APP/H1705/A/12/2188137

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**Appeal A: APP/H1705/A/12/2188125**

**Appeal B: APP/H1705/A/12/2188137**

**Land North of Marnel Park, Popley, Basingstoke, Hampshire**

- The appeals are made under Section 78 of the *Town and Country Planning Act 1990* against refusals to grant outline and full planning permissions.
- The appeals are made by David Wilson Homes Southern (a division of BDW Trading Limited)(DWH) against the decisions of Basingstoke & Deane Borough Council (BDBC).
- The applications Ref BDB/75761 and BDB/75762, dated 25 and 19 January 2012 respectively, were refused by notices dated 2 August and 1 October 2012.
- The development proposed in Appeal A is outline for up to 450 dwellings, a community centre, a 1 form entry primary school and associated access, open space and landscaping (means of access into the site to be considered but all other matters are reserved).
- The development proposed in Appeal B is 200 dwellings with associated access, open space and landscaping.

**Summary of Recommendations: The appeals be allowed, and planning permissions granted, subject to conditions in the Schedules attached.**

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**1.0 Preliminary Matters**

- 1.1. Both appeals were recovered by the Secretary of State (SoS), under Section 79 and paragraph 3 of Schedule 6 of the *Town and Country Planning Act 1990*, in a letter dated 29 November 2012. The reason for the direction is that the appeals involve proposals for residential development of over 150 units on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
- 1.2. A Pre-Inquiry Meeting (PIM) was held on 19 February 2013 to set out the administrative arrangements for the Inquiry, which sat for 8 days between 30 April and 10 May 2013. An accompanied site visit, including views from a number of locations suggested by the main parties, was made on 29 April 2013.<sup>1</sup>
- 1.3. The Inspector at the PIM raised a number of points in relation to the Environmental Statement (ES). I have taken the ES, submitted in accordance with the *Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011*, the clarification of the points raised by the Inspector, an updated Non-Technical Summary, and comments made by consultees into account. Account has also been taken of environmental information arising from questioning. The advocates for both BDBC and Sherborne St John Parish Council (SSJ) confirmed at the PIM that no issues were raised concerning the legality of the ES.<sup>2</sup>
- 1.4. This report includes a description of the site and its surroundings, a summary of the planning policy background, the gist of the representations made at the Inquiry, and in writing, and my conclusions and recommendations. Lists of appearances and documents, schedules of conditions should the SoS be minded to allow either, or both, of the appeals, and a glossary of abbreviations are also attached as appendices. It was

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<sup>1</sup> INQ/1

<sup>2</sup> CD2/4, CD2/5, CD2/6, CD3/9, CD3/10, CD3/11, DWH/5, INQ/1

agreed at the PIM that the decisions on the two appeals are not co-dependent.<sup>3</sup>

## **2.0 The Site and Its Surroundings<sup>4</sup>**

- 2.1. Appeal A consists of two phases in outline with only access to be considered. Appeal B represents the detailed elements relating to Phase 1 and its site is wholly encompassed within that of Appeal A. The overall site comprises two arable fields entirely outside the development boundary of Basingstoke on its northern edge. Landscape features include a ditch that runs through the centre of the Appeal A site on the boundary between the two fields. Appeal site B comprises the southern field that rises gradually towards the south-west and includes three mature oaks. The northern field rises to the north-east where there is a ridge at an elevation of approximately 85-90 metres. Beyond the ridge the land falls slightly into the north-east corner of the site.
- 2.2. Existing woodland, known as Spier's Copse, adjoins the northern boundary of the Appeal A site in part. A substantial hedgerow with numerous mature trees forms the eastern boundary of the site and is adjoined by the existing woodland of Carpenter's Barn and Barn Copse that form part of Basing Forest. To the south, the overall site adjoins the newly constructed residential development of Marnel Park. Landscape planting, implemented as part of the Marnel Park residential development, adjoins the south and west boundaries of the appeal sites. To the west of the western buffer fields separate the buffer planting from Sherborne St John. Further to the west on the opposite side of the village is the A340 Aldermaston Road.
- 2.3. A Public Right of Way (PROW) 17b runs through the centre of the Appeal A site and forms the northern boundary of the Appeal B site adjacent to a ditch that separates the two fields. This connects to a wider network of PROWs, to the north and west of the overall site connecting to Sherborne St John, and to the north and west edges of the existing residential development adjoining the sites.
- 2.4. Neither appeal site is the subject of any national landscape designations, and no vegetation on, nor immediately adjoining, the overall site is covered by a Tree Preservation Order. BDBC and DWH agree that, due to distance and intervening topography and built form, the North Wessex Downs Area of Outstanding Natural Beauty (AONB) would not be affected by the proposals. The nearest listed buildings are Popley Fields Farm some 200m to the south within the Marnel Park development and Kiln Farm approximately 325m to the west of the overall site. There are several listed buildings in Sherborne St John and both the western and eastern parts of the village are designated as Conservation Areas.

## **3.0 Planning Policy<sup>5</sup>**

- 3.1. Following the revocation of the *Regional Strategy* on 25 March 2013 the development plan consists of the saved policies of the *Basingstoke and Deane Borough Local Plan* (LP) adopted in July 2006. The most relevant

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<sup>3</sup> INQ/1

<sup>4</sup> CD1/5 2.1, 10.1-12

<sup>5</sup> CD1/5 2.3-2.9 and Section 6, CD9.1

policies include E1, E6, E7 and A2. The *National Planning Policy Framework (Framework)* is a material consideration, as are a number of Supplementary Planning Documents (SPD) adopted by the Council.

- 3.2. Policy E1 sets out a number of criteria to be met and requires development to be of a high standard of design, make efficient use of land, respect the amenities of neighbouring occupiers and not result in inappropriate traffic generation or compromise highway safety. Criteria in Policy E6 seek to ensure that development would be sympathetic to the landscape character and quality of the area concerned, whilst Policy A2 encourages walking cycling and the use of public transport. Policy E7 requires proposals to conserve, and where possible enhance, biodiversity.
- 3.3. BDBC consulted on a Pre-Submission Draft of its *Core Strategy (CS)* in February 2012 but received a judgement from the High Court (*Manydown Company Limited v Basingstoke and Deane Borough Council*) requiring it to reconsider the form of the pre-submission strategy in relation to the proposed allocated sites and locations for development. It has now embarked on the preparation of a new *Local Plan* for the period 2011-2029. On 30 October 2012 the Cabinet Committee formally agreed a housing provision figure for the new *Local Plan* of 730-770 dwellings per annum. There is no published document as yet to attract any weight but it is anticipated that the draft *Local Plan* will be subject to public consultation between August and September 2013.
- 3.4. The appeal sites in their entirety have been promoted for residential led development since 2010 and remain part of BDBC's latest Strategic Housing Land Availability Assessment (SHLAA) prepared as part of the evidence base for the emerging *Local Plan*. Officers recommended that the overall appeal site remains an allocated site and on 28 February 2013 the Council's Cabinet agreed Land North of Marnel Park (450 homes) as one of a number of suggested sites for development. This was confirmed again at Cabinet on 15 April 2013.
- 3.5. In terms of Neighbourhood Plans, Sherborne St John has shown interest in producing such a plan. However, a boundary has yet to be agreed despite consultation having taken place.<sup>6</sup>
- 3.6. There have been no previous, relevant, planning applications within the boundaries of the appeal sites.

## **4.0 The Case for Basingstoke and Deane Borough Council**

### **4.1 Introduction**

- 4.1.1. BDBC refused planning permission for both proposals contrary to the advice of its Officers. It accepts that allowing the appeals would produce important benefits given the scale of the shortfall in the 5 year housing land supply and the outstanding need for affordable housing. Notwithstanding that, neither the *Framework*, nor any other Government policy, nor previous appeal decisions indicate that housing provision should override all other planning considerations. What is required is a balanced assessment of all

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<sup>6</sup> BDBC/3/1 Para 9.6

the relevant considerations giving priority to the development plan unless and until its policies are outweighed by other material considerations. The harm that would be caused in this case would significantly and demonstrably outweigh the benefits of providing housing on the site at the present time and the proposals would not constitute sustainable development as set out in the *Framework*.<sup>7</sup>

4.1.2. The harm BDBC relies on falls under 5 main headings:

- i) Harm to the countryside, the landscape and the separate identities of Sherborne St John and Basingstoke;
- ii) Harm to the residential amenity of the existing community at Marnel Park from the impact of the traffic generated by the development on existing patterns of movement and from environmental impacts during construction over an extended period;
- iii) Harm to nature conservation due to inadequate mitigation to offset the loss of habitat for great crested newts (GCN);
- iv) Harm to the wider planning of the area by pre-empting the opportunity for the development plan process to settle the locations of new housing development; and
- v) Harm to the establishment of a sustainable community at Marnel Park due to lack of accessible public transport and a full range of local facilities within walkable distances.<sup>8</sup>

## 4.2. **Landscape and Visual Impact**

4.2.1. The two storey housing in Phase 2 would rise to just below the high point of the site at 90m AOD opposite the end of Jersey Close and would have maximum ridge heights of 89.5-99.5m AOD. Phase 1 (Appeal B) would have a greater variety of built form with two storey houses along the western boundary, and a central belt of three storey houses flanked by a 2.5 storey area. The maximum ridge heights would be 89.5m AOD adjacent to the central open space and western boundary and up to 95m AOD in the centre of Phase 1.<sup>9</sup>

4.2.2. The proposed school would be just below the high point of the site with housing to the south and open land on the other three sides. Its ridge height would be some 103m AOD despite being single storey whilst the proposed community centre would be smaller but with a similar ridge height. Access to the site would mainly be through gaps in the green landscape buffers on the edge of Marnel Park, although a proposed road access off Jersey Close would be through an existing belt of trees.<sup>10</sup>

4.2.3. Apart from the school towards the high point of the site, the plateau area would include playing fields, kickabout areas, pitches, allotments, tree planting and open space. A spine of open green space would break up built

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<sup>7</sup> BDBC/Open Paras 3, 8 & 9

<sup>8</sup> BDBC/Open Para 10

<sup>9</sup> BDBC/1/1 Paras 4.3-4.5

<sup>10</sup> BDBC/1/1 Paras 4.6-4.7

form along the line of the Vyne Brook and PROW 17b and would include existing and new balancing ponds, a kickabout area and general open space with tree planting. A swathe of open space would separate Jersey Close from the proposed housing, and the allotments from Great German's Copse.<sup>11</sup>

- 4.2.4. Narrow belts of open land would separate Phase 2 from Spier's Copse and Phases 1 and 2 from the western buffer, except for part of Phase 2 that would extend to the buffer. Development would extend beyond the landscape buffer on the northern edge of Marnel Park and up to the western buffer that links Marnel Dell to the south-west with Spier's Copse in the north. The latter is a large woodland that effectively screens views from the north. A series of Copses form an extensive wooded area that also screens views from the wider landscape to the north-east.<sup>12</sup>
- 4.2.5. The principle impact would be the loss of some 21 hectares of arable farming land that might not have a high intrinsic value, but which performs an invaluable function as open landscape, contrasting with Basingstoke, and acts as a foil to the woodlands on the ridge. It also forms an open landscape buffer to Sherborne St John. This countryside is traversed by a PROW, which connects to a wider network of footpaths, and it is visible from others. The appellant's evidence undervalues the harm that the loss of countryside would cause, despite one of the *Framework's* core planning principles requiring recognition of 'the intrinsic character and beauty of the countryside'.<sup>13</sup>
- 4.2.6. There have been a number of landscape capacity assessments that identify the site as part of a larger tract of countryside that has a rural character. The most recent study, the *Hampshire County Council Integrated Character Assessment 2012*, whilst not yet adopted, sets out key characteristics of the area, and it is accepted that the site displays many of them. Threats include 'continued loss of tranquillity and visual quality near urban areas' and 'recent housing altering traditional settlement pattern and character'.<sup>14</sup>
- 4.2.7. The *Basingstoke, Tadley and Bramley Landscape Capacity Study 2008* and the *Landscape Capacity Study – Site Options 2010* both considered a number of factors in accordance with best practice. Apart from Marnel Park, there have been no other changes to the local landscape and there is no reason to downgrade the sensitivity of the landscape to 'low/medium'. There is, therefore, only limited scope for development on the Appeal B part of the overall site. Development would fundamentally alter the landscape character of the site to urban and the harm would extend to the wider countryside due to the deficiencies of the western buffer and the consequent visibility of the site.<sup>15</sup>
- 4.2.8. Whilst tree planting is welcomed, it would be necessary to mitigate the scale and mass of development. Open space would be heavily influenced by development and would not compensate for the loss of open fields. The

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<sup>11</sup> BDBC/1/1 Paras 4.8-4.10, 4.20

<sup>12</sup> BDBC/1/1 Paras 4.11-4.15, 4.21-4.22

<sup>13</sup> BDBC/1/1 Para 6.6, BDBC/11 Para 31

<sup>14</sup> BDBC/1/1 Paras 5.3-5.26, BDBC/11 Para 33, Ms Toyne XE by BDBC Day 5

<sup>15</sup> CD10/17, CD10/18, BDBC/1/1 Para 5.32, BDBC/11 Paras 34 & 35

character of the site would be changed from greenfield to high density housing and the impact would be major-moderate adverse. The site makes an important contribution to the open rural landscape character of the area. Development would have an adverse impact on the rural setting of the key woodland features and at times break the valued wooded skyline with its built form. It would extend the urban area west beyond the wooded landmarks of Marnel Dell, Spier's Copse and Great German's Copse that together contain the urban form, despite the intrusion of Marnel Park. The existing development has a localised urbanising influence and shows how harmful an extension in this area would be. The magnitude of change to the wider landscape would be major adverse.<sup>16</sup>

- 4.2.9. The argument that some countryside would be lost due to housing needs, wherever located, only goes so far. Not all land on the periphery of the urban area is equal and the countryside and sites should be looked at on their own merits. The appellant has not undertaken any comparative study with other sites on the periphery of Basingstoke. The site is in active agricultural use and has no apparent urban fringe problems despite its accessibility.<sup>17</sup>
- 4.2.10. Turning to separation, the open landscape between the edge of Basingstoke and Sherborne St John has no national or local designation but was formerly recognised as a 'Strategic Gap'. Although this designation no longer exists, the landscape is valued by local people for its role in maintaining the separate identities of the two settlements. This is reflected in both the 2008 and 2010 landscape capacity studies and the *Sherborne St John Village Design Statement 2004*.<sup>18</sup>
- 4.2.11. Despite the expectations of LP Inspectors, the western buffer that was designed to prevent intervisibility between the Marnel Park development on the edge of Basingstoke and Sherborne St John has not yet achieved its objective, although it is accepted that in time it will. However, even with a mature buffer in place the topography of the site would mean that some of the development roofscape would be visible in some views from the west. This would have an urbanising influence on the countryside between the two settlements, as Marnel Park does on the appeal site. The evidence from the existing buffer and the mature oaks on the site indicate that the appellant's claim for heights after 25 years is extremely optimistic. Even if the buffer is successful in 15 years it would generally be around 8 metres in height with some elements in the order of 10 metres high.<sup>19</sup>
- 4.2.12. At present the gap between Jersey Close and Sherborne St John is up to 2 kilometres. The proposals would reduce this to a band ranging from approximately 750 metres to 900 metres traversed by Chineham Lane and PROWs 17b and 501. The journey by car would take only a few minutes. More of Basingstoke would be visible due to the proposed development on rising land and the depth of open countryside would be lost. The walk on footpaths between the two settlements would take longer but the proposals

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<sup>16</sup> BDBC/1/1 Paras 6.5-6.9, 6.12-6.18

<sup>17</sup> BDBC/11 Para 32

<sup>18</sup> BDBC/1/1 Para 5.40

<sup>19</sup> BDBC/1/1 Para 5.27, BDBC/11 Para 33 & 36

would be apparent from the edge of Sherborne St John and there would be substantially more intervisibility. The village does not benefit from a contained landscape that would enable the site to be developed without harm to the separate identity of the village and the proposed development would erode the open character of the landscape.<sup>20</sup>

4.2.13. Visual impact assessments have been carried out for both appeals. The impacts would not be limited to short range impacts on the site itself. There would also be unacceptably high impacts on a number of sensitive viewpoints on the edges of both Basingstoke and Sherborne St John and from the intervening countryside where sensitive receptors would be using the network of PROWs. Existing residents' views of the open countryside north of Marnel Park would be blocked. In addition there would be an extension of lighting into a landscape that is presently dark at night. This darkness is important in retaining the night time perception of Sherborne St John as a rural village and lighting would erode the night time appearance of the open rural landscape.<sup>21</sup>

4.2.14. The proposal would have a serious adverse impact on the landscape character of the area, on the sense of separation of settlements, and on the visual amenities of the countryside. The role of the countryside in distinguishing between settlements is recognised in the *Framework*, as are valued landscapes. Landscape assessments ascribe a value to the site and recognise that only limited development should be accommodated. Whilst the greatest weight is given to the AONB, safeguarding other landscapes should also carry material weight. There would clearly be substantial harm in this case.<sup>22</sup>

4.2.15. The proposals would not be in keeping with the landscape character of the area and would not contribute to the conservation of the landscape. Phase 2 of Appeal A in particular would have a significant adverse impact on a number of views from PROWs and from Sherborne St John and Basingstoke. The proposals would, therefore, be contrary to the aims of saved LP Policy E6 and paragraphs 7, 17, and 113 of the *Framework*.<sup>23</sup>

### 4.3. **Transportation**

4.3.1. BDBC confirmed by letter dated 15 February 2013 that it would not defend reasons for refusal 5 to Appeal A, and 4 to Appeal B. These relate to the impact of the traffic that would be generated on the wider network. BDBC accepts, on the basis of professional advice, that any impacts on the wider network could be addressed by Section 106 contributions towards works at various junctions. There are two main remaining concerns: the environmental capacity of the existing road network at Marnel Park and the impact of the introduction of a bus route.<sup>24</sup>

4.3.2. It is accepted that the environmental capacity of local roads is a material consideration. Traffic flows along Barrington Drive and Carpenter's Down

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<sup>20</sup> BDBC/1/1 Paras 6.10-6.11, 6.15-6.16, App L5 Photos BK6, BK8, BK9, BK20, BK22 & BK23, BDBC/11 Para 37

<sup>21</sup> BDBC/1/1 Paras 6.19-6.74, App L7, BDBC/11 Para 38

<sup>22</sup> BDBC/11 Para 39, Framework Paras 17 & 109

<sup>23</sup> BDBC/1/1 Sect 7

<sup>24</sup> CD1/5 Para 1.8, CD4.2, CD4.4, Mr Parsons XE Day 2, BDBC/11 Para 40

are expected to increase by between 19% and 40% during the period to 2026 as a result of the proposed development. Similarly, traffic using Carter Drive, Cleeve Road, Hewitt Road and Hutchins Way is likely to experience increases of between 300% and 1600%, although it is acknowledged that the baseline is relatively low.<sup>25</sup>

- 4.3.3. Comparing 2010 and 2019 flows, the traffic during Phase 1 would be around 600 vehicles per hour (vph) on Barrington Drive, about 10 vehicles per minute (vpm), whereas flows on Carpenter's Down were 7 vpm in 2010. Barrington Drive would accommodate over 50% more traffic following Phase 2 (around 700 vehicles) than was recorded on Carpenter's Down in 2010 (approximately 440 vehicles). Traffic flows along Cleeve Road following Phase 2 would exceed those recorded on Barrington Drive in 2010 with around 4 vpm in the AM peak compared to 1 vehicle every 2 minutes at present. Vehicular activity on Hutchins Way following Phase 2 would increase to between 1 and 2 vpm compared to 1 vehicle movement every 10 minutes at present. These impacts are considered to be severe.<sup>26</sup>
- 4.3.4. The Institute of Highways and Transportation document *Transport in the Urban Environment*, June 1997, which is still current, states that the environmental capacity for an access road or local distributor lies typically in the range 300-600 vph and that traffic flows on access roads should be limited to levels that are compatible with acceptable environmental standards and providing safe and attractive routes for pedestrians and cyclists. The upper limit would not be exceeded on Barrington Drive in either the AM or PM peaks with just base and committed development but would be in both cases with development traffic.<sup>27</sup>
- 4.3.5. Barrington Drive would have to be crossed by pedestrians accessing the existing bus route, depending on the direction of travel, or travelling to facilities beyond an 800 metre walk distance. As the bus route would be beyond a 400 metre, 5 minute, walk for many residents any additional disincentive to making journeys on foot is a severe impact, particularly given the *Framework* objective of making the fullest possible use of non car modes of travel. In respect of *Manual for Streets* (MfS) and *Manual for Streets 2* (MfS2) the function of Barrington Drive, Cleeve Road, Hewitt Road and Hutchins Way would become more of a 'Link' than a 'Place' reducing their attractiveness to pedestrians and cyclists.<sup>28</sup>
- 4.3.6. Many of the existing roads have been designed as low key access roads intended to give priority to pedestrians and cyclists. The roads are characterised by on-street parking. If traffic flows increase vehicles are more likely to park partly on the footway compromising pedestrian facilities. The overall impact would be severe.<sup>29</sup>
- 4.3.7. In terms of public transport, walking via the Jersey Close access to the site, the closest bus stop would be some 250 metres from the nearest dwelling in Appeal A and the school would be around 400 metres walk distance. If the

<sup>25</sup> BDBC/2/1 Para 5.12, BDBC/11 Para 41

<sup>26</sup> BDBC/2/1 Paras 5.13-5.14

<sup>27</sup> CD6/24, BDBC/2/1 Paras 5.15-5.18, BDBC/11 Para 41

<sup>28</sup> BDBC/2/1 Para 5.19-5.24, BDBC/11 Para 41

<sup>29</sup> BDBC/2/1 Paras 5.25-5.29

secondary access from Cleeve Road were used the nearest dwellings would be around 325 metres walk distance. All dwellings in Appeal B would be in excess of a 400 metre walk to a bus stop and dwellings in Appeal A would be 250-900 metres walk distance. MfS states that walkable neighbourhoods are generally up to 800 metres whilst *Planning for Public Transport in Developments* indicates that the maximum walking distance to a bus stop should not exceed 400 metres and preferably be no more than 300 metres. It would, therefore, be desirable to divert a bus service through the proposed development.<sup>30</sup>

- 4.3.8. Turning to the suitability of the proposed bus route, the neighbouring streets are subject to on-street parking that is significant, particularly in the vicinity of Hutchin's Way. Guidance is clear that a 6 metre carriageway is the minimum to accommodate buses and in that respect the proposed route would comply with the guidance. However, if the carriageway was obstructed by on-street parking it would be difficult for a bus to manoeuvre at junctions and forward visibility might be affected. Any delays might affect the attractiveness of the route.<sup>31</sup>
- 4.3.9. If such a situation arose the highway authority might come under pressure to introduce parking restrictions. This would impact on existing residents and would not assist in fostering a sense of community cohesion. Whilst parking controls are being considered as part of the adoption process for the existing roads at Marnel Park, they are not a normal adjunct of adoption and their imposition is dependent on consultation. It cannot be assumed that parking restrictions would be introduced.<sup>32</sup>
- 4.3.10. The proposals do not sufficiently take into account the needs of public transport and so fail to maximise the use of sustainable modes of travel. Measures to improve sustainability could lead to the imposition of parking controls and impinge on the amenities of existing residents. The proposal would, therefore, be contrary to the aims of saved LP Policies A2 and E1 and the *Framework*.<sup>33</sup>

#### 4.4. Ecology

- 4.4.1. Ecology was not a stated reason for refusal on Appeal A. However, BDBC provided evidence to support reason for refusal 8 in Appeal B in relation to both Appeals A and B. The Council has two concerns in relation to GCNs: firstly, the impact on dispersal; and secondly, the lack of adequate mitigation for GCN displaced from the arable fields.<sup>34</sup>
- 4.4.2. GCN are a European Protected Species. There are no statutory designated sites within 1 kilometre of the appeal sites but Popley Pond, some 360 metres to the south-east, is a Local Nature Reserve (LNR). Migration to breeding sites takes place in the spring and adult newts leave the breeding sites from late May. Juveniles emerge from the aquatic habitat around early August and spend between 2 and 4 years on land before becoming mature

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<sup>30</sup> BDBC/2/1 Para 5.35-5.45, BDBC/2/4

<sup>31</sup> BDBC/2/1 Paras 5.46-5.67, BDBC/11 Para 43

<sup>32</sup> BDBC/11 Para 42

<sup>33</sup> BDBC/2/1 Para 5.70

<sup>34</sup> CD1/5, CD/4.4, BDBC/11 Para 51

and returning to breeding ponds. The terrestrial habitat surrounding breeding sites is, therefore, vitally important. GCNs can migrate over 1.3 kilometres but more commonly move between ponds that are around 250 metres apart. The main populations in the area of the appeal site are Popley Ponds Site of Importance for Nature Conservation (SINC), the Eastern Balancing Pond, Basingstoke Forest SINC and Kiln Farm. It is now accepted that following the Marnel Park mitigation measures the Carpenter's Down corridor is being used for migration and only 3 newts have been found dead on the roads.<sup>35</sup>

- 4.4.3. New access routes to the appeal site would need to cross habitat created as part of the Marnel Park mitigation some 14 metres from the Eastern Balancing Pond on a key migratory route, and between the Eastern and Western Balancing Ponds. NE considers an isolating impact within 50 metres of a breeding pond as a high impact.<sup>36</sup>
- 4.4.4. Arable fields are generally considered to be poor terrestrial habitat for GCNs. However, the surveys for the Marnel Park development found newts using the arable fields up to 20 metres from the hedgerow, although only 16.7% were recorded more than 2 metres from the hedgerow. The fields are used and are likely to be important to the GCN population. As Popley Ponds SINC is of regional importance and the Eastern Balancing Pond is eligible to be designated as a Site of Special Scientific Interest (SSSI) due to its outstanding amphibian assemblage, greater survey efforts should have been made to gain information on the extent the arable fields are used, as well as on migratory patterns.<sup>37</sup>
- 4.4.5. Kiln Farm Ponds have a low population of breeding GCN and it is accepted that there would be some interlinkage with the GCN populations at Popley Ponds and the Eastern Balancing Pond. The territorial range would include the appeal site and trapping data indicates that large numbers, particularly juveniles, from Popley Ponds were dispersing in a direction that could lead to Kiln Farm.<sup>38</sup>
- 4.4.6. Despite this, and the loss of arable Field 1 to development (Appeals A and B), no direct route would be provided to Kiln Farm. The corridor along the Vyne Brook would only provide an indirect route and the general biodiversity mitigation in terms of hedgerows, headlands, margins and skylark plots has not been designed with interlinkages in mind. The mitigation would be inadequate.<sup>39</sup>
- 4.4.7. GCN would also be displaced from arable Field 2 (Appeal A) and around 645 would not have any specific compensatory habitat. If Basing Forest is already being used by the same GCN population then its use would not be compensatory. Even if it were an 'in situ' relocation, data would still be needed on the population using the relevant parts of the Forest to determine whether the habitat was adequate or in need of enhancement. There is

<sup>35</sup> CD1/5 Para 11.4, BDBC/4/1 Paras 5.1-5.6, Mr Pattenden I/C Day 2

<sup>36</sup> BDBC/4/1 Paras 7.20-7.22

<sup>37</sup> BDBC/4/1 Paras 7.10-7.19

<sup>38</sup> BDBC/4/1 Paras 7.24-7.26, BDBC/11 Para 51

<sup>39</sup> BDBC/11 para 52

insufficient data, particularly in relation to Pond C, as a single survey is inadequate.<sup>40</sup>

- 4.4.8. Favourable Conservation Status (FCS) cannot be assumed. Figures do not demonstrate an increase in population because the surveys have not identified the total numbers of GCN in Popley Ponds. The sample surveyed was in decline until 2013 and the overall population is unknown. Whilst it is suggested that Natural England (NE) would be likely to grant a European Protected Species licence, that is not what the evidence from NE states. The proposal would be contrary to saved LP Policy E7.<sup>41</sup>

#### 4.5. Land Supply and Prematurity

- 4.5.1. The appellant and BDBC disagree on the evidence base to be used in relation to land supply. The appellant favours the evidence base for the now revoked *South East Plan*, which despite being based on demographic data almost a decade old has been tested at examination, whilst BDBC prefers the more up-to-date information being produced to underpin the emerging LP, albeit that this has not been tested and is potentially subject to change.<sup>42</sup>
- 4.5.2. However, the parties agree that the difference between them on the scale of the 5 year supply is not material as no matter how the figures are calculated there remains a clear shortfall. The appellant contends that there is a 2.6 year supply for the period 2013-2018 whilst BDBC calculates a figure for the same period of 3.7 years. It is agreed that the shortfall is serious and significant and deserves to carry material weight in the decision on these appeals.<sup>43</sup>
- 4.5.3. Turning to prematurity, granting planning permission for housing development on this greenfield site would be premature in advance of decisions in respect of the emerging *Local Plan*.<sup>44</sup>
- 4.5.4. The *Framework* does not mention prematurity but *The Planning System: General Principles* (PSGP) does. Paragraph 17 indicates that the refusal of planning permission might be justifiable where a Development Plan Document (DPD) is being prepared but has not been adopted and a proposal is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development that are being addressed in DPD policy.<sup>45</sup>
- 4.5.5. The appellant prays in aid the first bullet point of paragraph 18 and maintains that there cannot be a prematurity argument as there is not yet a consultation draft *Local Plan*. Reference is made to previous appeal decisions to support that view but there is no indication that arguments about paragraphs 17 and 18 were presented in those cases. A straightforward reading of paragraphs 17 and 18, in line with the Tesco

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<sup>40</sup> BDBC/4/1 Paras 7.27-7.29, BDBC/11 Paras 53-54

<sup>41</sup> BDBC/4/1 Paras 7.10-7.19, BDBC/11 Paras 55-56

<sup>42</sup> CD8/1, BDBC/3/1/Para 8.4 & Apps E & G, BDBC/11 Para 1, DWH/NPN/1.1 Paras 2.5-2.6

<sup>43</sup> CD1/5A, BDBC/11 Paras 4 & 5

<sup>44</sup> BDBC/3/1 Para 9.1

<sup>45</sup> CD5/4, BDBC/3/1 Para 9.2-9.3

Stores Ltd v City of Dundee [2012] UKSC 13 judgement, indicates that they are dealing with different circumstances. Paragraph 17 is concerned with pre-empting decisions not yet made in the development plan process, whilst paragraph 18 is concerned with cases where refusal is contemplated due to conflict with an emerging development plan policy. The appellant's approach cannot be right as it would emasculate the policy approach in paragraph 17.<sup>46</sup>

- 4.5.6. Applying paragraph 17 to this case, the proposal would jeopardise the separate identity of Sherborne St John and fundamentally alter the relationship of Basingstoke to one of the Borough's rural villages. This type of decision should be plan led. Paragraph 17 indicates that if only a small area would be impacted then a prematurity objection would not be justified. BDBC is identifying land for 13,140-13,860 dwellings in the plan period 2011-2029. The appeal site is 21 hectares of greenfield land, capable of accommodating 450 dwellings, in a key location in terms of the identity of Sherborne St John. It is not small and should be regarded as 'so substantial' that its future should be resolved by the plan making process. It is accepted that the scale of housing in the LP would be unlikely to be prejudiced in this case but the location would be. If permission were granted the option of maintaining the separate identity of Sherborne St John would be lost.<sup>47</sup>
- 4.5.7. The fact that the site was put forward in the now withdrawn CS and is now put forward as a candidate site in the consultation draft *Local Plan* does not mean that the allocation of the site can be assumed. The latest Cabinet decision includes the appeal site in a list for 'further infrastructure and environmental assessment'.<sup>48</sup>
- 4.5.8. Even if the site were to be promoted by BDBC, that would not remove the prematurity objection. Planning is something that involves people. The *Framework* is clear that planning should be 'genuinely plan-led, empowering local people to shape their surroundings'. The outcome of the *Local Plan* comes from a collective and collaborative process. Participants might persuade the Inspector that there are preferable sites and pre-empting the process would prejudice the outcome. Whilst any grant of planning permission would prejudice the outcome of a development plan to some extent, rarely would prematurity be a justified argument in relation to the impact on a small area. The appeal site is not small and there would be real prejudice to the outcome of the *Local Plan*.<sup>49</sup>
- 4.5.9. There are a large number of choices in terms of sites on the periphery of Basingstoke. Another reason not to pre-empt the plan making process is that it would comparatively assess the options for growth in the plan area. The *Local Plan* would undergo a *Sustainability Appraisal* and a *Strategic Environmental Assessment* and is the sound way to identify the most suitable and sustainable outcome.<sup>50</sup>

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<sup>46</sup> CD5/4, BDBC/3/1 Paras 9.2-9.3, BDBC/10, BDBC/11 Paras 16-20

<sup>47</sup> BDBC/3/1 Paras 9.4 & 9.9, BDBC/11 Paras 21-23

<sup>48</sup> BDBC/3/1 Para 9.7, BDBC/11 Para 24

<sup>49</sup> BDBC/11 Paras 25-27

<sup>50</sup> BDBC/3/1 Para 9.13, BDBC/11 Para 28

4.5.10. The SoS has stated that with the power given by localism, and the removal of top-down housing targets, comes the responsibility to make provision for needs at the local level with an up to date development plan. BDBC is acting promptly to progress its *Local Plan* following a legal challenge and adoption is hoped to be in August 2014. There will be some delay but on the current timetable that would equate to the loss of opportunity for 120 dwellings. There is no reason for a longer delay. Representations from neighbouring authorities about the withdrawn CS, which promoted a substantially lower housing provision, are not a reliable guide to the position in relation to the new *Local Plan*. It is not argued that localism precludes the grant of planning permission but the Tewkesbury decision suggests that a decision maker can find a prematurity objection to be well founded where the facts support such a conclusion.<sup>51</sup>

#### 4.6. **Other Matters**

4.6.1. BDBC confirmed by letter dated 15 February 2013 that it would not defend reason for refusal 7 to Appeal B relating to loss of agricultural land. In addition it advances no case in relation to design, impact on heritage assets, water supply or drainage.<sup>52</sup>

4.6.2. The proposal does not address the impact that local residents have to endure during an extended construction period that would lead to the loss of accessible countryside. The situation would be exacerbated by the fact that the proposals would be imposed on a community where many sectors consider the proposal unacceptable. A plan led decision would potentially allow a more equitable distribution of housing growth and provide an opportunity for the community to participate in, and influence, the decision.<sup>53</sup>

4.6.3. There would not be a range of facilities within an 800 metres walkable neighbourhood. There is a Tesco Express, the smallest Tesco format, and a takeaway. There might be a primary school if the education authority does not elect to extend existing schools or reopen a school recently closed. However, there would be no other facilities within a 10 minute walk. There are other facilities within a 15 minute walk distance and a wide range within a 25 minute walk time. The proposals would not therefore meet the environmental role of sustainable development, although the provision of housing would fulfil the economic role and partly meet the social role of sustainable development.<sup>54</sup>

4.6.4. In terms of the development plan, there would be conflict with LP Policy D6 but it is accepted that this is out of date given the housing land supply shortfall. Saved LP Policies E1, E6, E7 and A2 relied on in the reasons for refusal should be given due weight according to their degree of consistency with the *Framework*. The highways element of Policy E1 should now be judged against the 'severe' test in the *Framework* but the other policies are consistent with it. Policy E6 should not be considered out of date because it

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<sup>51</sup> BDBC/11 Paras 29-30

<sup>52</sup> CD1/5, CD4.4, BDBC/11 Paras 48, 50, & 68

<sup>53</sup> BDBC/11 Para 49

<sup>54</sup> BDBC/11 Paras 45 & 57

requires all development, not just housing, to be sympathetic to the landscape character of the area.<sup>55</sup>

- 4.6.5. The proposal would contribute 260 dwellings out of the total 450 in the 5 year period, which would help to reduce the deficit in housing numbers. 40% of these would be affordable housing of an appropriate mix. Construction jobs would provide an economic benefit and there may also be a few permanent jobs if the option of a primary school is taken up. However, the benefits need to be seen in context. The affordable housing would be no more than would be provided by any greenfield site and the bulk of the development would be market housing. Other claimed benefits, such as high quality design and the provision of on-site open space, are no more than would be expected of housing development anywhere. They are essential elements needed to make the proposals acceptable in planning terms.<sup>56</sup>
- 4.6.6. In terms of the planning balance, it cannot be asserted that because the benefits of providing housing in an area where there is a shortfall have outweighed the harm in other locations, the same would apply here. Each case should be considered on its merits. In Appeal A there is clear evidence of substantial harm that significantly and demonstrably outweighs the identified benefits such that the appeal should be dismissed.<sup>57</sup>
- 4.6.7. In Appeal B the benefits would be reduced as the quantum of development would be less. Construction impacts would be for a shorter period and the ecological impacts would be reduced. There would be no bus route/parking conflict as there would not be a bus route through the development. However, there would still be an impact, albeit a lesser impact, on the landscape due to the loss of one arable field and there would still be an impact on the separate identity of Sherborne St John. In addition the prematurity objection would remain. Appeal B should also be dismissed.<sup>58</sup>
- 4.7. **Conditions and Section 106 Agreements**
- 4.7.1. The mitigation proposed is accepted by BDBC but is not considered adequate to off-set the impacts on landscape and related matters, transportation/accessibility, community cohesion and ecology. Notwithstanding that, and without prejudice, a range of conditions has been agreed with the appellant for each of the appeals.<sup>59</sup>
- 4.7.2. A Section 106 Agreement has also been completed for each appeal. In terms of open space, there was a glitch in the way the figures were presented that was repeated in the draft Section 106 Agreement. The corrected figures were included in a supplementary committee report and the final Section 106 Agreement. Both Agreements make provision for community facilities, open space, art, affordable housing, education, transport contribution, a travel plan, a Protected Species Management Plan and ecological compensation habitat. In addition, the Appeal A document

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<sup>55</sup> BDBC/11 Paras 59-61

<sup>56</sup> BDBC/11 Paras 6 & 7

<sup>57</sup> BDBC/11 Paras 8 & 62

<sup>58</sup> BDBC/11 Paras 63-69

<sup>59</sup> BDBC/6, BDBC/7, BDBC/8, BDBC/9, BDBC/11 Para 58

includes provision for a landscape management plan. A Landscape Management Plan was submitted and is covered by a condition to be attached to any permission granted for Appeal B. Justification has been provided by Hampshire County Council in relation to education, transport contributions and travel plans and by the appellant and BDBC in respect of the remaining matters. The justifications demonstrate that the Agreements would meet the tests set out in Community Infrastructure Levy (CIL) Regulation 122.<sup>60</sup>

## 5.0 The Case for Sherborne St John Parish Council

### 5.1. Introduction<sup>61</sup>

5.1.1. The *Framework* seeks to raise the overall level of house building and penalise local authorities that do not provide enough land. Lack of a 5 year supply is a common problem but there is no attempt to thwart development in this case. In a plan led system we should wait for the process to be more advanced, including good community engagement and participation. No sites have yet been allocated in the emerging *Local Plan* but there is little policy support for these proposals.

5.1.2. The site lies within Sherborne St John parish boundary and performs a vital function in separating the village from Basingstoke. Experience of previous landscape screening gives no confidence that physical and visual intrusion would not be damaging. The capacity of the wider road network is under strain, local roads were not intended as through routes and modelling is based on unclear data. GCNs are present on site and the proposed tarmac and buildings are simply not part of their habitat. Moreover, good agricultural land would be lost and abstraction and waste water disposal would cumulatively affect the quality of the river environment in the area. The proposals are unwelcome in the community. They do not meet the highest standards of planning and would do little to address housing shortages in the Borough. Their impact would be unacceptable.

### 5.2. Landscape and Visual Impact

5.2.1. Assessing the intrusive effects of development is important and landscape character assessments allow judgements to be made about landscape capacity. The County produced *The Hampshire Landscape: a Strategy for the Future*, August 2000. The site lies outside the Settlement Policy Boundary. Despite recent development at Marnel Park, the site is not 'contained' by residential development, and the proposals would not be 'rounding off'. The *Framework* seeks to enhance the natural environment by protecting valued landscapes. The landscape character of the site remains open in nature and extremely rural. It is well maintained, but has a sense of remoteness and tranquillity. Whilst there are no statutory landscape designations in the area the community regards the landscape with affection and attachment. The well connected network of walking routes links farmland and settlements in the area and is an amenity.<sup>62</sup>

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<sup>60</sup> CD1/11B, CD1/13B, CD1/12, CD1/14, BDBC/5, HCC/1

<sup>61</sup> SSJ/Open, SSJ/06 Para 5.2-5.3

<sup>62</sup> CD10/38, SSJ/01 Para 4.1, SSJ/02 Paras 2.1-2.4, SSJ/02/1 Para 1, SSJ/06 Para 2.2, 2.5, 2.8, 2.12-2.13, 2.37

- 5.2.2. *Landscape Capacity Assessments/Studies* were carried out in 2008 and 2010. The former refers to the site as a gently sloping open landscape of farmland, which due to the ridgeline along its southern boundary is relatively prominent. The landscape capacity is concluded to be Low and the *Assessment* notes there is limited potential for mitigation as new areas of screen planting would have an adverse impact on an area that contains little woodland. The 2010 Study identifies the site as having Medium/Low capacity partly due to the influence of development at Marnel Park and partly as it does not take account of the role the site plays in providing a gap between settlements. The *Study* confirms that the site has limited capacity for development.<sup>63</sup>
- 5.2.3. The countryside around the Parish of Sherborne St John is important. Nearly 1000 years ago it was managed by local communities for food and raw materials and today it is still used for farming and forestry as well as recreation. The village lies in a shallow valley and Basingstoke is largely hidden from view by rising ground to the south. A shallow valley extends south-east from the high ground of the recreation ground from where there is intervisibility between the village and the recent Marnel Park development. LP Inspectors in 1995 and 2005 identified a principle of non-intervisibility between Basingstoke and Sherborne St John. This has already been eroded to some degree as the woodland buffers planted as mitigation of the Marnel Park development have not matured. The proposal would unacceptably further erode this principle.<sup>64</sup>
- 5.2.4. SSJ attaches considerable importance to the retention of a 'strategic gap' between the village and Basingstoke, which is already too narrow. Whilst 'strategic gaps' may no longer be formally recognised in planning policy, the importance of preventing coalescence is still valid. It is essential to separate the village and its identity from the sharp urban edge of Basingstoke. A *Sherborne St John Village Design Framework* was produced by residents and adopted by BDBC as Supplementary Planning Guidance in February 2004. It emphasises the importance of views towards the appeal site. The attributes of open countryside and the separate identity of the village were identified by over 90% of respondents but they are fragile and would be easily corrupted and overwhelmed.<sup>65</sup>
- 5.2.5. The concept of non-intervisibility needs to be re-enforced. Six to seven years on from the original planting the 'robust 35 metre wide landscape edge to the development' at Marnel Park still does not provide effective visual mitigation due to ground conditions and lack of maintenance. Similar mitigation is proposed in these appeals but experience shows that it would not be 'effective and substantial'. This would particularly be the case as the proposals would be more prominent on rising ground and the development would be even closer to Sherborne St John. Both the 2008 and 2010 Landscape Capacity Studies identified that there was limited potential for screening.<sup>66</sup>

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<sup>63</sup> CD10/17, CD10/18, SSJ/01 Para 4.1, SSJ/02 Paras 3.1-3.9, SSJ/02/1 Para 2, SSJ/06 Para 2.7

<sup>64</sup> SSJ/01 Para 4.4, SSJ/02 Paras 3.10-3.12 & 4.1-4.4, SSJ/02/1 Para 3, SSJ/06 Para 2.9, 2.16-2.30

<sup>65</sup> CD9/22, SSJ/02 Paras 5.1-6.5, SSJ/02/1 Paras 4 & 5

<sup>66</sup> CD10/17, CD10/18, SSJ/01 Para 4.3, SSJ/02 Paras 7.1-7.17, SSJ/02/1 Para 6, SSJ/06 Para 2.3-2.4, 2.6, 2.10, 2.16, 2.17-2.22

### 5.3. Transportation

- 5.3.1. Transport provision should focus on practicality, access and safety, as well as avoiding congestion, emissions and pollution. Better public transport is an essential part of the mix. Policy is based on achieving shifts in modes of travel, although the *Framework* now talks of the need for 'balance' in favour of sustainable modes. The highway authority has displayed a lack of rigour and no strategic vision but has sought to secure maximum contributions for minor improvements that would be of little or no long term value.<sup>67</sup>
- 5.3.2. The proposal would compound the existing situation where few community facilities and services have been provided. Access to Appeal B would be through the existing Marnel Park development, whilst the access to Appeal A would be either through Marnel Park or from Jersey Close past the proposed school site.<sup>68</sup>
- 5.3.3. Marnel Park was constructed with minimum road widths and the main access roads of Barrington Way and Appleton Drive are 6 metres wide. They were not designed as major through routes. Parking was provided at a ratio of 1.5 spaces per household and there is widespread on-road parking. This results in congestion leading to delays, increased incidence of collision and increased risk of injury to residents, especially children. Parking restrictions would be opposed by residents. Adding additional traffic as a result of the proposals would not be a sustainable solution.<sup>69</sup>
- 5.3.4. The appellant's traffic models have been based on data from 2010, before the Marnel Park development was fully completed, and so underestimates the true position. SSJ carried out traffic surveys one year apart to check the data. This showed significant increases confirming that the levels of vehicle movements have been understated. The model is, therefore, fundamentally flawed. BDBC's estimates for increased traffic are also low and SSJ predicts twice as many vehicle movements than estimated by the Council. These flows would be unsupportable on the existing road network.<sup>70</sup>
- 5.3.5. The capacity of the wider road network is already under strain as a result of the cumulative impact of previous inadequate planning. Roads that would be particularly affected include the A33, the A340, with queuing back to the Cranes Road junction at peak times and construction traffic from the Merton Rise, Park Prewett and Triangle developments, and through Sherborne St John itself as traffic seeks to avoid the A340. This overload is recognised by the appellant and a number of improvements to highway junctions are proposed. None of these would increase the overall highway capacity. The proposals do not fit well with current national and local transport policy and guidance.<sup>71</sup>

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<sup>67</sup> SSJ/04 Paras 2.1-2.4, SSJ/06 Paras 4.1-4.3

<sup>68</sup> SSJ/04 Paras 3.1-3.2

<sup>69</sup> SSJ/04 Paras 3.3-3.6, SSJ/06 Paras 4.4-4.5

<sup>70</sup> SSJ/04 Paras 3.7-3.15, SSJ/04/1, SSJ/06 Paras 4.6-4.7

<sup>71</sup> SSJ/04 Paras 4.1-4.5, 5.2

## 5.4. Ecology

- 5.4.1. The protection of species and habitats has long been an objective of Government at all levels. The roles of NE and the Environment Agency (EA) should be noted. Paragraph 109 of the *Framework* makes clear that the planning system is expected to contribute to, and enhance, the natural and local environment. BDBC policy seeks to protect habitats and seeks opportunities to restore, enhance, or create new habitats.<sup>72</sup>
- 5.4.2. There are concerns that development would be intrusive and destructive. Sensitivity is required to ensure that its impact is avoided, contained or mitigated. Habitat fragmentation and poor management are also a concern as habitat loss can be as permanent as landscape loss. The life cycle of GCNs is a problem as they range over a wide area regardless of attempts to coral them to suit developer objectives.<sup>73</sup>
- 5.4.3. Degradation, loss and fragmentation of terrestrial habitats have contributed to a decline in GCNs. As the proposed development, and Marnel Park are on land suitable for GCNs a variety of approaches have been developed including trapping and relocation, habitat corridors and the provision of culvert underpasses. Use of the Vyne Brook as a habitat corridor and the use of balancing ponds as refuges have also been included. Whilst reference has been made to a Management Plan, maintenance appears not to have been carried out. The ponds have fallen into disrepair, culverts under the roads have become blocked preventing free movement between feeding and breeding grounds, and the area has been a dumping ground for litter and refuse. There appear to be uncertainties about impact and the success of the Marnel Park mitigation and there must therefore be concerns for the survival of the GCNs and whether any net gains could be established.<sup>74</sup>
- 5.4.4. NE Guidance was first published by English Nature in 2001 and indicates that appropriate management of ponds and surrounding habitats are crucial for the success of GCNs. NE sets three tests for the grant of a licence. Although the appellant has not considered alternative sites, BDBC are reviewing a number of sites for housing and the test of there being no satisfactory alternative would not be met by the proposal. Photographs show that the appellant has performed poorly in the upkeep and maintenance of the Marnel Park mitigation which compromises the ability of the newts to be a viable breeding population. Houses in close proximity would only exacerbate the problem. This would fail the third test of not being detrimental to the maintenance of the species at FCS in their range.<sup>75</sup>
- 5.4.5. Hampshire Wildlife Trust has confirmed its opposition to the use of the site for housing, including the mitigation measures proposed. A telling point is the statement in a letter dated 23 March 2012 that "In conclusion, Hampshire Wildlife Trust is concerned that this core strategy is not legally compliant with national policy and fails to meet the tests of soundness for

<sup>72</sup> SSJ/05 Paras 2.1-2.4

<sup>73</sup> SSJ/05 Paras 3.1-3.3

<sup>74</sup> SSJ/05 Paras 4.1-4.5, 7.1-7.3, SSJ/06 Paras 3.12-3.15

<sup>75</sup> SSJ/05 Paras 5.1-5.5, 6.1-6.2, SSJ/06 Paras 3.6-3.10

the reasons given". The development should be rejected on the grounds that it would severely damage critical biodiversity interests including the essential habitats of the GCN.<sup>76</sup>

## 5.5. Land Supply and Prematurity

- 5.5.1. SSJ has consistently opposed development on the appeal site and the applications attracted numerous objections from Popley and Sherborne St John. Allowing the appeals would prejudice the forward planning process and the emerging *Local Plan*. The site was considered and tested at a selection process for a previous *Local Plan* and was met with unprecedented resistance. It is being considered by BDBC in the emerging *Local Plan* process but the latest statistics indicate a downwards revision in population and household estimates. There is a lack of local capacity to take further large scale development and there is no justification for it, despite the current shortfalls in housing land supply and the need for affordable houses. Basingstoke has provided a considerable number of houses since 2000.<sup>77</sup>
- 5.5.2. The Council has been responsible in determining housing requirements. The figures in the *South East Plan*, now revoked, should not be a material consideration as it presents only part of a complex picture and the evidence base is dated. The appellant has used the Chelmer model which is complex and lacks transparency. No weight should be placed on their figures as a result.<sup>78</sup>
- 5.5.3. Although the *Framework* provides a greater presumption in favour of development when a housing land supply shortfall exists, it does not specify where such development might be appropriate or acceptable. The lack of a strategic framework and historic context should not facilitate the acceptance of schemes such as these. In any event, the depressed state of the housing market and the fact that the proposals would not be built out in the 5 year timescale would reduce its contribution to housing supply.<sup>79</sup>

## 5.6. Other Matters

- 5.6.1. There is little perception of the wider impact on the quality of life of Marnel Park residents or the amenities of Sherborne St John. Residents in Popley, including Marnel Park, have suffered the effects of continuous construction work for the past 10 years, and there are still around a further 1000 houses to be built. The community needs time to establish a local identity and develop societies and organisations but the proposals would lead to roughly 5 more years of development with access through Marnel Park and off Jersey Close. Sherborne St John is a vibrant and established community. However, the proposals would dominate views to the east and swamp the village destroying its intrinsic character and identity. Residents feel threatened by the expansion of Basingstoke and consider development pressures reduce the quality of both the environment and life. The provision of new homes, affordable housing and land for a school would not support

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<sup>76</sup> SSJ/05 Paras 8.1-8.2 & 9.6, SSJ/05/1, SSJ/06 Para 3.11

<sup>77</sup> SSJ/01 Paras 8.3-8.5, SSJ/06 Paras 5.5-5.7, 5.15-5.16

<sup>78</sup> SSJ/06 Paras 5.7-5.14

<sup>79</sup> SSJ/01 Para 8.17, SSJ/06 Para 5.4

the development of sustainable neighbourhoods or promote social cohesion and integration with existing residents in Popley.<sup>80</sup>

- 5.6.2. Policy seeks to protect 'best and most versatile' (BMV) agricultural land as once lost it is seldom practical to return it to agricultural use. Sustainability means that food security will become more important due to food shortages and food inflation. The site contains Grade 3 land but the only effective difference between Grades 3A and 3B is that no productive aspects are taken into account such as gradients, propensity to drainage problems, and the presence of stones. The site is farmed well, and profitably, and has been in productive use for several hundred years. Development would destroy a finite resource contrary to national policy and would not be sustainable.<sup>81</sup>
- 5.6.3. The security of water supply, waste water management and associated environmental impacts have become marginalised. Even with better domestic water efficiency household growth has led to greater demands. Local authorities have failed to understand the longer term consequences of failing to ensure proper infrastructure planning. The lack of a further Water Cycle Study following that of 2010 is a concern.<sup>82</sup>
- 5.6.4. Basingstoke and Deane is at the head of three chalk streams. The condition of the environment in the Loddon catchment would only be worsened by the proposals. The Loddon forms part of the Thames Basin and falls under the Thames River Basin Management Plan. Water is abstracted from the aquifer which relies on rainwater for replenishment. Whilst historically resilient water supply is at risk from population growth and new development. The area is served by three sewage treatment works (STW). Sherborne St John and Loddon STWs are unable to remove phosphates and are not suitable for modernisation. They discharge into the Vyne Stream and Bow Brook respectively. The Basingstoke STW, into which the proposal would discharge, has been modernised and has the capability of reducing the high phosphate load in waste water and of producing dried sludge.<sup>83</sup>
- 5.6.5. High abstraction rates from the headwater aquifer of the Loddon contribute to limiting the flow. The river is then used for waste water management with the STW only 8 kilometres downstream. Thames Water is already under pressure in fulfilling its sewerage undertaker's statutory duties to meet stringent effluent treatment standards to maintain or improve river quality and provide the necessary infrastructure for an area earmarked for continuing development. Although the region is acknowledged to be water stressed water resources are not considered to be a critical issue for growth based on a plan to reduce consumer demand for water by up to 50%. Basingstoke residents use 165 litres per capita and to achieve water neutrality this would have to reduce by 105 litres per capita. Unless the homes were built to Code for Sustainable Homes Level 6 there would be no reduction in the pressure on water supply. The need to protect the aquifer

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<sup>80</sup> SSJ/01 Paras 6.1-6.6, SSJ/06 Para 5.18, 5.20, 5.22

<sup>81</sup> SSJ/01 Paras 7.1-7.10, SSJ/06 Paras 5.34-5.37

<sup>82</sup> SSJ/03 Paras 2.7-2.9, SSJ/06 Para 5.23

<sup>83</sup> SSJ/03 Paras 3.1-3.11, SSJ/06 Para 5.23

from pollution and to maintain the distinctive character of the chalk streams and rivers with their unique fauna and flora is self evident.<sup>84</sup>

- 5.6.6. The supply of potable water is a legal requirement. However, BDBC had little comment on the water supply situation as South East Water advised that a new water supply pipe would be required and Thames Water made no comment in relation to sewage disposal but there is a need to explore measures such as pumping sewage to different catchments further down stream. A paper *South East Housing Development – The Quest for Sustainability: Water and Sewerage Needs*, October 2000 notes that “the solution adopted for Basingstoke will be a challenging one that is likely to incur significant capital and operating costs”. However, it is accepted that water supply and waste water treatment is ‘do-able’. The impact on the River Loddon has not been taken into account. The adequacy of the water supply has not been demonstrated and the assessment of waste water infrastructure implications is wholly inadequate.<sup>85</sup>
- 5.6.7. The importance of good urban design is now well recognised and contributes to promoting good community cohesion. However, the design, quality and styles of recent buildings have been indifferent or poor. Examples of poor workmanship are revealed by roof collapses and chimneys needing replacement. The Code for Sustainable Homes is intended to remedy this but is more concerned with reducing carbon emissions and climate change than the physical longevity of built structures.<sup>86</sup>
- 5.6.8. The relationship of the built environment of the village with the landscape makes an important contribution to the character and appearance of the Sherborne St John Conservation Area. Open spaces provide long views of the village and countryside beyond and identified important views include views south and east from the Chute Recreation Ground. There are also a large number of listed buildings in the village including The Vyne run by the National Trust. The setting of the village is due to the custodianship of The Vyne over many centuries. The introduction of modern development would have an overwhelming effect. Kiln Farm and Kiln Farm Cottages are the closest buildings in the village to the appeal site and would be heavily impacted as their setting is not influenced by the urban edge but is one of rural fields. The adverse impact would not be softened by a proposed enhanced woodland buffer. Similarly, Popley Fields Farm would not be significantly screened by maturing landscape.<sup>87</sup>
- 5.6.9. Sustainability is a major factor in assessing the long term value of the proposals given the presumption in favour of sustainable development in the *Framework*. It is a broad concept. The site should not be considered in isolation but in terms of social, environmental and global implications. Aspects such as need, impact on traffic, and design should be considered. Natural resources are vital and there is a need for better understanding of environmental limits. The proposals are not free standing but would rely on existing services and infrastructure, although Marnel Park is already

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<sup>84</sup> SSJ/03 Paras 4.1-4.17, SSJ/06 Paras 5.24-5.27

<sup>85</sup> SSJ/03 Paras 5.1-5.10, Dr Walters XE Day 4, SSJ/06 Para 5.30

<sup>86</sup> SSJ/01 Paras 8.7-8.8, SSJ/06 Para 5.19, 5.21

<sup>87</sup> SSJ/01 Paras 8.9-8.11, SSJ/02 Paras 6.7-6.9, SSJ/06 Para 2.11, 2.14-2.15, 2.23-2.25

considered to be poorly supported. The site is inappropriate for major development and the material harm caused would outweigh any benefits of development. The proposals should be refused.<sup>88</sup>

## 5.7. Section 106 Agreements and Conditions

- 5.7.1. Whilst provision would be made for education and public art, SSJ would like to see a cultural contribution such as to a museum in the town or the site of Basing House run by the County Council but which could be to any current provision. Heritage is important and BDBC has a cultural strategy. A figure of £15,000 in each case would help interpretation. This should be acceptable in planning terms and would help to build communities.<sup>89</sup>

## 6.0 The Cases for Interested Persons

- 6.1. **Councillor Potter** raised the issues of sustainability and community. The *North Basingstoke Action Plan* 2003 predates the current *Local Plan* by a few years. It is not part of the development plan and has not been updated. However, it is a contract agreed by the local community with BDBC and developers and involved more than 2,000 new units and a complete regeneration of services and infrastructure to support that development. The community understood the level of disruption it would suffer as a consequence. However, at no time was the appeal site part of the *Action Plan* proposals.
- 6.2. The *Action Plan* was about renewing the local community and not just new homes which is why the scale of change was accepted. Over the last 10 years this Plan has been delivered on the ground, although significant elements remain to be completed. The level of change has led to difficult transitions. Popley was a London overspill community and one of the most deprived and close knit in Basingstoke. It has had to bridge differences with new residents to bring the community together. The community has kept its part of the contract and expects others to do the same.
- 6.3. The proposal would add 450 houses and put a strain on the community, which has increased by around 50%, and would not be sustainable. Construction traffic would pass through the existing community to the appeal site. The site is on a limb beyond the ridgeline that defines the boundary of Basingstoke which is supported by the communities of both Popley and Sherborne St John. The proposal lacks accessibility and has the potential to have an impact on ponds and wildlife. Current housing policies are time expired in terms of the *Framework* which identifies that planning should be plan led empowering local people to shape their surroundings. BDBC is preparing a new *Local Plan* and the *Action Plan* remains to be fulfilled. In that context the proposal would be premature.<sup>90</sup>
- 6.4. Development in Popley was supported by **Councillor Frankum**, who has lived in the area since 1971, but these proposals cross a line. The area has been a building site for 10 years and photographs show the level of disruption. The thought of 6 years more of it is horrific. The close knit

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<sup>88</sup> SSJ/01 Paras 5.1-5.11 & 9.1

<sup>89</sup> Submission by Mr Dawson Day 8

<sup>90</sup> OD/1, Cllr Potter XE Day 5

community was a London overspill and the new and old residents are being brought together. People are being asked what they want and the strength of local opposition cannot be underestimated. The community should be considered not ignored.<sup>91</sup>

- 6.5. **Councillor Harvey** submitted a statement by Councillor Washbourne who could not be present. Councillor Harvey also referred to the *Action Plan* that is not yet complete but which was produced as a contract with the local community in line with best practice and is still relevant and coherent. Schools are part of the community and the County insisted on new secondary schools. The community bought into the *Action Plan*, which did not include the appeal site. Ecology is also important. The GCN have been moved once. They are believed to be breeding this year but would be affected again.<sup>92</sup>
- 6.6. The decisions of BDBC are supported by **James Arbuthnot MP** whose constituency includes Sherborne St John. BDBC has given permission for a large number of houses and is creating a new *Local Plan*. Although it is still forming a 5 year land supply this does not make the proposal good. Three points were highlighted. Firstly the scale of development is significant and would prejudice the emerging *Local Plan*. Secondly, there would be a substantial loss of open countryside eroding the gap between Basingstoke and Sherborne St John. The proposal is more than 'rounding off' and people are worried that Sherborne St John will be swallowed up. Moreover, the effect on the setting of Kiln Farm has been severely underestimated. Farms are not inwards facing. The loss of farming land and biodiversity, including GCNs should be taken into account. Thirdly, the site is prominent on a slope and would be all too visible from Sherborne St John as an urban intrusion. The existing planted 'buffer' is inadequate and has not achieved non-intervisibility as residents were led to believe. Marnel Park is lit up like a Christmas tree at night, particularly in winter but its presence should not justify making things worse. Localism means listening to the people.<sup>93</sup>
- 6.7. The Chairperson of the Popley Islands Community Group, **Suzanne Denness**, has been a resident of Jersey Close for 23 years. All the arguments put forwards by Sherborne St John Parish Council are supported but two matters were highlighted. Firstly, access would be taken off Jersey Close and would involve the removal of natural hedgerow and mature oak trees destroying a much loved feature. This access would also cut across a green corridor for GCNs that is part of the Marnel Park mitigation scheme. The road is approximately 6 metres wide. Of the 122 homes in Guernsey and Jersey Closes, less than a third have their own garage and driveway. Everyone else has to battle for a parking space. On-street parking would reduce the available road width making it unsuitable for access to 450 homes, a school, and sports and community facilities. Marnel Park already has severe parking problems that put additional pressure on surrounding areas and there are around 1,000 more houses to come.

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<sup>91</sup> Oral submission Day 5, OD/3

<sup>92</sup> Oral submission Day 5

<sup>93</sup> Oral submission Day 5, OD/5

- 6.8. Secondly, Popley Islands is part of a larger development built to house local authority tenants from Greater London and it has experienced social and economic problems. It is still in the bottom quartile for most of the indices of deprivation. Recent development has sought to broaden the housing mix and care is needed to bring about cohesion of the two disparate communities. Adding 450 more homes would make this difficult and exacerbate existing problems marginalising the residents of the original Popley development. Efforts have been made to instigate local community groups to get involved in drawing up *Local Plans*. It has been difficult to persuade local people that their views do matter. Residents are strongly against further development in the area having already spent many years marooned in the middle of a building site. The community has paid its dues and deserves some respite.<sup>94</sup>
- 6.9. **Alan Fowler** maintains that the appeal site has been cultivated since the Iron Age 2,000 years ago and now forms part of a 30 hectare holding. In terms of the land classification system, most of the site is Grade 3B, but some 3.9 hectares are Grade 3A. However, there is little difference between them as both respond to fertilizer inputs. The grading system dates from a time 25 years ago when food production was not a key priority. The output achieved in 1990 could now be achieved from 25 rather than 30 hectares. However, food security is now linked to global production, supply and demand. The site is also a green lung providing a vista from Sherborne St John village and a socially cohesive resource to the residents of Popley. Giving little weight to the true value of the farming yield does not relate well to the concept of sustainable development and would negate the balance of economic, social and environmental outcomes sought by the *Framework*. Previous appeals indicate that BMV land should only be used where there is clear evidence that there is no lower quality land on which needs could be met. As there is other building land ear-marked for development for the local community, albeit in the hands of another authority and not immediately available, the current use of the land should be retained.<sup>95</sup>
- 6.10. **Edward Davies** spoke for himself and Howard Mills. The applications were unanimously refused and attracted an unprecedented number of objections. They have been through the democratic process and the Councillors' had grave concerns. The appellant has not worked with the community and has not provided a company witness. Continuing on this route will kill the countryside which can only be killed once. Promises made in relation to earlier developments have been broken. There has been little effective maintenance although at the site visit the ponds had been cleared of rubbish. The only argument in favour of the proposals is the lack of a 5 year housing supply but to say that the proposal is 'rounding off' is offensive. The proposals are ill considered and the Secretary of State should listen to local Councillors and residents.<sup>96</sup>
- 6.11. A resident of Anglesey Close, **Daniel O'Loughlin**, made three points. Firstly, the residents of Sherborne St John and Popley resent what is

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<sup>94</sup> Oral submission Day 5 , OD/6

<sup>95</sup> Oral submission Day 5, OD/7

<sup>96</sup> Oral Submission Day 5

happening and are fatigued by development. It is disappointing the evening session of the Inquiry was not held in Popley as public transport in the evenings is not good and people could not make it to the Inquiry. Secondly, Mr O'Loughlin is a scout leader and the site is a green resource that cannot be underestimated as some of the children have never left Basingstoke. In addition neighbours walk their dogs there, which for older people is a big part of their lives. Finally, Mr O'Loughlin lectures at Sparsholt College on animal management and is concerned about GCNs. The north edge of Basingstoke is lucky as the newts are getting to good numbers but they are only part of the biodiversity of the area that is vital. There are also other amphibians, owls and bats. Habitat can become fragmented and isolated for wildlife. Some things promised in connection with earlier development have not happened and building can itself affect water conditions changing the ph value that can have a dramatic effect when the site drains to waterways.<sup>97</sup>

- 6.12. **John Reed** has been a resident of Sherborne St John since 1978. Water quality has deteriorated. Mr Reed used to filter it but now has to double filter it as otherwise it is undrinkable. Chlorine hides many more things. The A340 has got much busier with queues at the Aldermaston Road junction. It beggars belief that putting more traffic through the junction could be considered. There are also delays at the traffic lights by the hospital at the access to Marnel Park. Finally, it is well documented that Popley is an overspill community that is disadvantaged. Communities take time to settle and it is unreasonable to ask them to take another tranche of urbanisation.<sup>98</sup>
- 6.13. **Brian Nagle** is a resident of Sherborne St John. At peak times, and occasionally during the day, the A340 becomes a slow moving car park and so people rat run through the village to the new developments in Popley and on to the ring road. The roads are very narrow and not suitable for such traffic. The proposed dwellings would not have the character of a traditional English village and if extended to Sherborne St John would change its character. This would negate the last 65 years of planning policy that has protected rural communities. In any event, there are existing development plots in Basingstoke that are available and have not been built out.<sup>99</sup>
- 6.14. The growth of Basingstoke, which has doubled in size over the last decade, has been watched by **Kevin O'Kelly** who is no stranger to development but who has never felt moved to protest before. There has been massive development in Popley, which now needs time to produce an integrated community. Sherborne St John has its own character and pace of life and should not be subsumed into Basingstoke. People would not visit The Vyne on the edge of the village if it was in the middle of an estate. There are schools in the village and children cross the road but the volume of traffic due to traffic lights has led to rat runners speeding through the village on roads that are not suitable for that type of traffic. There are bus routes that

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<sup>97</sup> Oral Submission Day 5

<sup>98</sup> Oral Submission Day 5

<sup>99</sup> Oral Submission Day 5, OD/8

have become difficult to negotiate. It is a recipe for an accident and adding 450 more houses would make things worse.<sup>100</sup>

- 6.15. Development is not opposed by **Sid Abraham**, a resident of Sherborne St John, but 450 additional houses when there are only 480 in the village is not reasonable. The residents of Popley have suffered the most and now could be facing 6 more years of development that would affect traffic and everything else. Once the countryside is gone it is gone for good. Why is it unreasonable to seek a strategic gap? There is no need for a shortage as there is brownfield land and landbanks and houses could be built elsewhere.<sup>101</sup>
- 6.16. **Councillor John Leek** notes that it is important to save villages and there will be a strategic gap between Basingstoke and Sherborne St John in the next *Local Plan*.<sup>102</sup>
- 6.17. **Gary Foster** is an environmental scientist in Basingstoke and lives in Sherborne St John. The demand for potable water, disposal of sewerage and water run off is taken for granted. Basingstoke has increased from 15,000 to 100,000 and has less rainfall than Rome and Istanbul. The south-east is the driest region and has the highest demand. Climate change reduces flows and there is drought roughly every 7 years. Consequently homes should meet all 6 criteria for Code Level 6, particularly the water factors. The Halcrow Stage 2 Study states that the area is water stressed and it is essential to manage demand. Water treatment is already a problem and recent modernisation may not be enough and the threshold that the River Loddon can supply might be exceeded. More houses would make this worse and capital investment in new infrastructure is needed. Run-off is a problem as if traps get blocked all sorts of things get into water courses, including at Vyne Park. Water is essential and merits serious consideration.<sup>103</sup>
- 6.18. **Sarah Banfield** is involved with the Marnel Park Community Group. A survey of 750 homes had a 25% response rate and parking is a major problem. Traffic and parking on a bus route is a concern and an accident is anticipated. Traffic on the road to Sherborne St John has broken down the verges and there are potholes on these narrow roads. Hewitt Road is a no through road but Ms Banfield's front door will face 250 dwellings and there would be unpleasant language from builders. Development would make it difficult to sell property and residents would become trapped. The right to the peaceful enjoyment of a home would be compromised. The appeals should be refused.<sup>104</sup>
- 6.19. **Kevin Harrall** considers this to be an opportunistic development and an example of a development too far. Sherborne St John is steeped in history, Popley is a close knit community and Marnel Park has its own identity. Moving the Basingstoke boundary north would mean that these areas would cease to exist in their own rights. It is in the wrong place and the scale is a

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<sup>100</sup> Oral Submission Day 5

<sup>101</sup> Oral Submission Day 5

<sup>102</sup> Oral Submission Day 5

<sup>103</sup> Oral Submission Day 5

<sup>104</sup> Oral Submission Day 5

concern as infrastructure is at breaking point and can't sustain any further growth. The Council can't repair the roads which can't cope with existing traffic.<sup>105</sup>

- 6.20. **Rob Fielder** has been a resident of Marnel Park for 6½ years. He bought a house close to countryside having been told that it was not the intention to build beyond the existing boundary of Basingstoke. Disappointment is an understatement and he would probably not have moved there if the intention has been known. Residents use the fields all the time. If houses were to be built up the slope existing properties would be overlooked. Roads are already busy and are getting dangerous. There are two play areas on the bus route and although they are fenced more traffic would make an accident more likely.
- 6.21. The SoS is urged to protect the community by **Chris Moore** of Kiln Farm. The farm is not in the village and is closer to Marnel Park. Development would be up to the boundary except for a few saplings. It would change the village dynamics, erode its identity and remove a green gap. The impact on Mr Moore's family would, be huge. Kiln Farm is a listed building in a farmland setting and its environment would be damaged. At a weekend around 20 people walk across the crops. The proposal for 450 additional houses is flawed and would make this worse. There would be additional noise and lights at night together with additional traffic on the rat run through the village. The appellant has a financial interest and has not balanced harm against profit. The impact on local residents cannot be overstated and the decision should not be removed from local people.<sup>106</sup>
- 6.22. **Ian Todd** was vice chairman of Sherborne St John Parish Council in the 1990s. A traffic survey has focussed on Marnel Park but Sherborne St John is also affected. Chineham Road is very busy and Sherborne is blocked by school traffic. The situation is very much worse than it used to be. No one has done a survey of who is buying the houses. If they are not needed they will not be able to be sold.<sup>107</sup>
- 6.23. Whilst the UK population has increased from 55 million to 70 million, an increase of 25%, Basingstoke had increased by 400% from 25,000 to 100,000. **Malcolm Turner** considers that the position is simple. Basingstoke has had more than its fair share of development.<sup>108</sup>

## 7.0 **Written Representations**<sup>109</sup>

- 7.1. Many of the matters raised in the evidence of BDBC and SSJ, and in oral submissions by local residents, at the Inquiry were also raised in written representations submitted by Councillor Washbourne, by Councillors Frankum and Potter from constituents, and by local people at both appeal and application stage. The overwhelming majority of representations object to the proposals although there are a few letters of support. The National Trust accepts that there would not be an adverse impact on the setting of

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<sup>105</sup> Oral Submission Day 5

<sup>106</sup> Oral Submission Day 5

<sup>107</sup> Oral submission Day 5

<sup>108</sup> Oral submission Day 5

<sup>109</sup> OD/2, OD/4, OD/9, OD/10, INQ/3, INQ/4

the Grade I listed The Vyne, its surrounding registered landscape, or any archaeological or listed structures within that registered landscape.

- 7.2. The fields that form the appeal site lie outside the settlement boundary and are a valuable recreational resource and open space on the edge of Basingstoke. It is the intention to make provision for a 'strategic gap' in the emerging *Local Plan* but the proposal would erode the village community status of Sherborne St John by reducing the 'strategic gap' between the village and Basingstoke with cramped housing. The elevated nature of the site would cause unacceptable visual intrusion and the provision of level playing fields at the top of the site would affect the undulating nature of the site.
- 7.3. Existing buffer planting has failed to do its job and there is no confidence that additional planting would fare any better. Non-intervisibility was accepted by earlier *Local Plan* Inspectors but has been eroded. Intervisibility means there is now also light pollution at night. The quality of farmland producing local food should be taken into account. Whilst housing land supply may go to the matter of planning principle, detailed issues such as topography and setting should be adequately dealt with. In this case the topography of the site means that a native tree screen would not shield all development from view. In addition, felling will take place in Spier's Copse in 2017 as part of its active management.
- 7.4. Traffic is a major concern both in the immediate neighbourhood and on the wider highway network, including the A340/A339 junction. A Section 106 Obligation to provide funding towards a number of junction improvements would not increase the highway capacity in the area. Additional traffic as a result of the proposals would only make matters worse. The existing roads are not adequate to become through routes and, if used as such, would be likely to lead to accidents. The introduction of a bus route would only add to this problem and would not be used unless it runs after bingo, cinemas and evening classes finish. Residents were told that the roads would not be through routes when purchasing their properties. Rat running through Sherborne St John is likely to increase and there is a danger of accidents due to schools in the village.
- 7.5. The roads are already in a poor state of repair without additional traffic. If adequate parking is not provided then cars will block the roads on the estate making it unsafe for pedestrians, particularly those with young children, as they would have to step out into the road to get past. Indeed, the police seem powerless to stop inconsiderate parking and on-street parking already makes the roads nearly impassable for large vehicles. There is a lack of integrated cycle lanes to complement pedestrians and leisure routes. Parking restrictions to address this would be an unacceptable imposition on existing residents.
- 7.6. There would be an adverse impact on the SINC's around the site from human activity and domestic prey animals. Hedgerows around the site are habitat in their own right and support dormice, bats, birds and moths. There are also deer. Nature should be valued in making decisions but is not a commodity. Access off Jersey and Guernsey Close would remove an ancient oak and part of a hedgerow close to a pond that provides habitat for

GCNs. New planting would be lost if access was taken off Hewitt Road. Mitigation for newts was provided as part of the Marnel Park development. If the proposals go ahead the ponds would be in a small natural area that would be sandwiched between developments one of which would be sited between the ponds and the Basing Wood and Spier's Copse. Basing Wood has reduced in size and the effect of that on mammals, birdlife and flora has not been surveyed.

- 7.7. Sustainability should carry great weight when development is proposed on an urban edge. However, the meaning of sustainability, as defined in the *Framework*, lacks detailed criteria. In that context the key points of the *Framework* should be considered. The existing infrastructure is inadequate. The proposal ought to be considered as a village and needs its own shops and a pub. Water supply is under pressure and local effluent quality already fails to meet EU standards and would deteriorate further. School capacity does not exist and the hospital and health centres cannot cope. There is also a lack of dentists.
- 7.8. The proposal does not adhere to good design principles. It does not focus on old people or those with disabilities, there are no bungalows and three storey buildings are not appropriate alongside countryside.
- 7.9. The deprived community in Popley cannot travel outside the immediate area and so access to the open countryside is a major consideration. In addition, dog walkers have banded together to clear rubbish from the area and have made a real difference but there are things that cannot be removed such as embedded tyres. Horse riders have caused damage and youngsters have set a fire requiring the fire brigade to be called. A path alongside the hedgerow near the basketball field has had several hundred metres length ripped and shredded and no maintenance is carried out on saplings planted. Only intervention stopped builders demolishing one of the small newt ponds. Areas used by the public have been neglected.
- 7.10. Old dwellings have been demolished causing years of disruption but this has been accepted as new buildings will be provided and the community invigorated. However, after ten years of disruption enough is enough. Six additional years of building work is not reasonable for residents to have to endure. Dust has damaged windows and there has been constant noise, mess, disruption, debris and footpath closures. The Council does not have the moral right to continue expanding Basingstoke spoiling the countryside around. More houses would not solve Basingstoke's housing shortage as they would be occupied by incomers who would work elsewhere making the traffic and consequent air and noise pollution worse. House prices would be adversely affected. Quality of life would also be affected with some residents, particularly shift workers, losing views, light, privacy, peace and quiet, causing stress. The proposals would be overbearing and cause overlooking and the health of residents would be adversely affected.
- 7.11. The applications have sought to subvert the planning process by not waiting for the *Local Plan* consultation. Public consultation has been inadequate. If the houses were really needed development opposite the hospital site would already have been built. Landscape Capacity Studies have clearly stated that the impact of the proposals could not be mitigated. The Officer support

for the proposals is contrary to the views of the local community and prejudged the applications. BDBC has met its housing obligations. Development outlined in the *North Basingstoke Action Plan* has yet to be completed. There is land at Merton Rise and at Manydown that has been earmarked for development and that should be built first as north Basingstoke is saturated.

- 7.12. In support of the proposals, there are over 5,500 households on the housing waiting list and so the enjoyment of living next to countryside needs to be balanced against the misery of living in unsuitable accommodation. The proposed houses are much needed and there would also be provision for a school.

## **8.0 The Case for David Wilson Homes Southern**

### **8.1. Introduction**

- 8.1.1. It is common ground that BDBC cannot demonstrate a 5 year supply of deliverable housing sites and so *Framework* paragraph 49 states that policies relating to the supply of housing should be regarded as out of date. The proposals benefit from the *Framework's* presumption in favour of sustainable development. Paragraph 14 of the *Framework* requires that in such circumstances planning permission be granted unless any adverse impacts would 'significantly and demonstrably' outweigh the benefits or where *Framework* policies indicate development should be restricted, which is not the case here.<sup>110</sup>

- 8.1.2. The decisions to refuse both applications were made contrary to the advice of the Case Officer, which was based on a thorough consideration of all relevant issues, contrary to the advice of specialist Officers on landscape, ecology, transport and forward planning, and contrary to the consultation responses of NE on ecology and Hampshire County Council as highway and education authority. Following the abandonment of reasons for refusal relating to agricultural land quality and the impact of development on the wider highway network, the Members' decisions as a whole need careful examination.<sup>111</sup>

### **8.2. Landscape and Visual Impact**

- 8.2.1. Reasons for refusal 3 of Appeal A and 5 of Appeal B allege that the proposal would be an undesirable urban intrusion into a rural landscape that is characterised by its openness, topography and distinctive treed ridge line, resulting in a detrimental impact on the visual amenity and scenic quality of the area through the introduction of new built form. By virtue of the lack of a robust buffer along the western edge of the site, the proposal would be unsympathetic to the local landscape character of the area and views from the existing PROW 17b which leads from Sherborne St John across the application site. The proposal would adversely impact on the quiet enjoyment of the landscape from the existing PROW and be unsympathetic

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<sup>110</sup> DWH/Open Paras 1-3

<sup>111</sup> CD5/1 Para 1.8, DWH/Open Para 6

to the local landscape character of the area and adversely impact on the sense of place and remoteness.<sup>112</sup>

- 8.2.2. Reasons for refusal 2 of Appeal A and 6 of Appeal B maintain that the development would lead to a loss of a substantial swathe of open countryside that exists between the western edge of Popley and the village of Sherborne St John. This would adversely impact on the local character of the area, and the setting of the settlement of Sherborne St John failing to protect its intrinsic character and identity as a rural village. None of these contentions are accepted and all are contrary to the clear advice of the Council's Landscape Officer and Tree Officer whose advice is contained in the Officer's Report. As a result Officers could not support the reasons for refusal.<sup>113</sup>
- 8.2.3. Other than deer parks, the Hampshire County Council *Integrated Landscape Character Assessment* does not identify any other features of significance in the locality of the appeal site. No woodland would be lost and the development would be contained within the existing field pattern. The Vyne, which has played a part in shaping the landscape, would not be affected visually, or physically, and there would be no significant impact on landscape heritage.<sup>114</sup>
- 8.2.4. BDBC's landscape witness relied on the 2010 *Landscape Capacity Study*, which she co-authored. However, this provided the evidence base that informed the Council's allocation of the entire site for 450 dwellings in the 2012 draft *Core Strategy*. Although this has been withdrawn, the site has continued to be included in all subsequent decisions on strategic housing sites in the emerging *Local Plan*. The 2010 *Study* confirms the appropriateness of part of the site, not limited to the western field, for built development. It endorses woodland screening undermining the view that planting was wrong and out of character. The accompanying record sheet characterises the site as 'urban fringe' and 'heavily influenced by the adjacent high density development' and concludes that 'Sherborne St John does not influence the character of this area'.<sup>115</sup>
- 8.2.5. It was suggested that development might be possible provided it did not extend beyond a line drawn diagonally between the northerly part of Marnel Park and the western landscape buffer. This includes the Appeal B site and most of the Appeal A site and it is clear that development on much of the Appeal A site would be appropriate provided that built development on the highest levels did not break the wooded skyline beyond the site. It is accepted that Marnel Park is often conspicuous in the landscape but seen from Sherborne St John the effect is tempered by distance and woodland screening. A 'decent sense of separation' remains between the rural village and urban Basingstoke, and a sufficient swathe of open countryside remains to ensure the maintenance of the separate identities of two different settlements. Despite disagreement on growth rates, it is agreed that the western landscape buffer will establish in time and contain Marnel Park.

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<sup>112</sup> CD4/2, CD4/4, DWH/7 Para 79

<sup>113</sup> CD4/2, CD4/4, DWH/7 Paras 79-80

<sup>114</sup> DWH/LT/2.1 Paras 2.56-2.59

<sup>115</sup> CD4/1 pp 57-58, CD10/18 pp 81-86 & 257-261, DWH/LT/2.1 Paras 2.43-2.55, DWH/7 Paras 81-82

Sherborne St John's separate village identity and landscape setting has been maintained and use of the countryside between has not been materially impaired.<sup>116</sup>

- 8.2.6. The site is physically and visually well contained by landform, woodland, urban development and the maturing western landscape buffer that will, in time, provide the anticipated level of screening. The buffer would be supplemented and strengthened, and eventually would merge with existing trees to provide a 'curtain' to development. It would curtail views of the urban edge and demarcate the urban/rural divide. The site would be on the urban side of the curtain in an area already heavily influenced by the adjacent urban development and would possess none of the rural character of Sherborne St John.<sup>117</sup>
- 8.2.7. In its early years, the development would be seen in some views from Sherborne St John and the PROWS in the intervening countryside but these are glimpsed views through gaps in hedges and the like. Moreover, Marnel Park is already seen in most of them. More open views would be limited to the immediate vicinity of the site. A *Visual Appraisal Plan* reflects the nature of views towards the site. Nothing would be introduced that is not already characteristic of existing views and the magnitude of change has been overestimated by BDBC. Whilst the site is currently unlit, any lighting on the developed site would be seen alongside existing lighting at Marnel Park, in front of Jersey Close, and below the glow of Basingstoke. However, it would be no closer to Sherborne St John. The *Conservation Appraisal* only identifies one view looking east, from the Chute Recreation Ground, in Sherborne St John. As the Council does not allege any harm to the Conservation Area, or its setting, it is difficult to see how there would be any harmful landscape or visual impact. The proposals would not breach the wooded skyline but would be seen, at a distance, alongside Marnel Park and would be increasingly screened by vegetation. The effect on views would be negligible.<sup>118</sup>
- 8.2.8. There has not been a 'strategic gap' policy since the 2006 *Local Plan* but the 1998 *Local Plan* states that the vital requirement of the gap is that a traveller between settlements would have a clear sense of leaving one and passing through an undeveloped area to arrive at another. This would be the situation even if the proposals were allowed. They would sit behind the maturing curtain of vegetation in the western landscape buffer and would not represent any significant westward movement of the urban area beyond the boundary formed by the buffer. Rural countryside would remain between Basingstoke and Sherborne St John.<sup>119</sup>
- 8.2.9. Any development on a greenfield site would have an impact on the character of the immediate vicinity but this would not justify withholding permission when 7-8,000 dwellings are required on greenfield land. This

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<sup>116</sup> BDBC/1/1 Paras 5.27.2-5.27.3, 5.29, 6.85, 7.3, DWH LT/2.4 Para R6-R11, DWH/7 Paras 83-84, Mrs Kirkham XE Day 1

<sup>117</sup> DWH/LT/2.1 Paras 2.111-2.119, DWH/7 Paras 86-87

<sup>118</sup> CD2/5 App 8.2, DWH/LT/2.1 Paras 2.60-2.90 & 2.93-2.96, DWH/LT/2.2 App 1 Fig LT5, DWH/LT/2.4 Paras R26-R27, R38-R42, & R56-R66, DWH/7 Para 88

<sup>119</sup> DWH/LT/2.1 Paras 2.97-2.106, DWH/LT/2.2 App 1 Fig LT5 & App 3 Photos 3-12, BDBC/3/3 Para 6.26, DWH/7 Para 89

undermines any criticism of landscape and visual impact. The site has been endorsed by Members and Officers in the preparation of the emerging *Local Plan* and it is acknowledged as one of the better performing sites. The landscape between Basingstoke and Sherborne St John is valued by residents, but that is the case all round the periphery of Basingstoke. The landscape in this case is unremarkable and has no restrictive designation. Any impact would fall far short of 'significantly and demonstrably' outweighing benefits.<sup>120</sup>

### 8.3. Transportation

- 8.3.1. There are two limbs to reason for refusal 4 in Appeal A and 3 in Appeal B. The first relates to whether the capacity, width and alignment of the roads and pathways leading to the site are adequate to cope with the cumulative traffic from existing and proposed development. The second maintains that if a bus route were to be introduced through the site to improve its sustainability this could lead to the introduction of parking restrictions adversely impacting on existing parking provision and the amenity of neighbours.<sup>121</sup>
- 8.3.2. The Highway Authority accepts that residents of the existing Marnel Park development will be concerned about additional traffic using the proposed accesses. However, the first limb of the reason for refusal specifically contradicts the advice from the Highway Authority that "The geometry and alignment of the existing roads are considered to be appropriate in engineering terms to accommodate the additional traffic movements that are anticipated". BDBC's transportation witness accepts that the accesses have sufficient capacity to accommodate the additional traffic that would be generated. Indeed, it has been demonstrated that each of the four access points could accommodate all the traffic generated by the whole site.<sup>122</sup>
- 8.3.3. The Marnel Park roads have been designed in accordance with modern guidance in MfS. BDBC referred to: *Transport in the Urban Environment* 1997 that relies on 1963 guidance from Buchanan relating to the environmental capacity of roads and is currently being revised to take account of MfS; *Guidelines for the Environmental Assessment of Traffic* 1993 that relies on *Manual for Environmental Assessment* that was superseded by *Design Manual for Roads and Bridges*; and *Planning for Public Transport in Developments* 1999 which stresses that its guidance should not be adhered to slavishly.<sup>123</sup>
- 8.3.4. MfS introduced a significant relaxation in highway engineering. There would be a considerable percentage increase in the volume of traffic on the Marnel Park roads but the baseline is low and traffic flows on the residential access roads would be very modest and well below the 1963 lower range for environmental capacity of 300 vph. Flows of less than 2 vpm would not cause severance or exceed environmental capacity. Indeed, MfS indicates that shared space areas can accommodate flows of up to 100vph and the surrounding streets would be within this threshold or close to it. Traffic

<sup>120</sup> DWH/7 Paras 90-91

<sup>121</sup> CD4/2, CD4/4

<sup>122</sup> HCC/1 App 1 Letter dated 17 May 2012 pp 5-7, DWH/JMc/4/1 Sect 2.4, DWH/7 Paras 41-42

<sup>123</sup> CD6/24, CD6/20, CD6/19, DWH/JMc/4/3 Paras 3.5.1-3.5.6, DWH/7 Para 42

flows on Barrington Drive would be greater but this is a major route through Marnel Park and also serves other developments in the area. *Guidelines for the Environmental Assessment of Traffic* allows for an 18 hour traffic flow to be analysed. Providing an increase of 600vph is not exceeded in the period the impact is considered to be minor. The increases for Appeal A would be 167vph and for Appeal B 68vph. This more realistic environmental capacity would not be exceeded, the impact would be minor, and people would not be inhibited from crossing.<sup>124</sup>

- 8.3.5. It is agreed that the accident record does not indicate that there is a safety problem in Marnel Park, just two accidents have been recorded within the review period and none involved pedestrians or children. Moreover, there is no indication that the Highway Authority has any highway safety concerns. There would be no conflict with saved LP Policy E1 and the proposals would fall far short of the high bar of residual effects being 'severe' set by the *Framework*.<sup>125</sup>
- 8.3.6. Turning to the second limb, since the Council's decisions on the applications an hourly bus service in each direction has commenced and runs along Barrington Drive and Appleton Drive. The primary route through the proposed development has been designed to accommodate buses and Stagecoach is supportive of diverting a bus service along this route. Such a service would benefit from more patronage and support the viability of bus services in the area. Notwithstanding the scepticism of BDBC's transport witness, swept path analyses show that a bus could manoeuvre around parked cars but, in any event, it is likely that the introduction of a bus route would alter parking habits and at least reduce on-street parking.<sup>126</sup>
- 8.3.7. It is accepted that there is more than enough off-street parking provision in parking courts, garages and driveways, at a ratio of 1.5 spaces per dwelling. Taking the highest number of parked vehicles surveyed equates to only 0.77 vehicles per dwelling. There is, therefore, no need to park on-street. This is also undesirable as it obstructs carriageways and footways, hinders visibility and is unsightly. Inconsiderate parking has already given rise to complaints and the reason for refusal refers to Marnel Park as already blighted by parking problems. Consequently, the Highway Authority is considering introducing parking restrictions, at least in particular areas, as part of the adoption process. Notwithstanding this the Highway Authority's recommendation on the appeal schemes was based on the operation of the Marnel Park roads without any restrictions, or the need for them. If there were restrictions, even if limited to locations such as bends, junctions, or bus stops, then the existing road width of 6 metres would be adequate. There is no reason to conclude that a bus service could not be run.<sup>127</sup>
- 8.3.8. Reasons for refusal 5 and 4 of Appeals A and B respectively relate to the impact of the development on the wider network in terms of safety and the free flow of traffic. These objections are no longer defended by BDBC,

<sup>124</sup> BDBC/2/1 Tables 5.1-5.5, DWH/JMc/4/1 Sect 2.3, DWH/JMc/4/4 Paras 3.5.2-3.5.6, 3.8.1-3.8.13, DWH/7 Para 43

<sup>125</sup> DWH/JMc/4/4 Para 2.2.11, DWH/7 Paras 44-45

<sup>126</sup> CD1/9 Para 5.7, DWH/7 Paras 32-33

<sup>127</sup> DWH/JMc/4/1 Paras 2.5.7-2.5.9, DWH/JMc/4/4 Paras 2.2.1-2.2.9, 2.2.12-2.2.14, DWH/7 Para 34

following independent professional advice, but are pursued by SSJ and local residents.<sup>128</sup>

- 8.3.9. SSJ's objection is based on predictions of traffic growth that are extreme and fail to account for the development-led nature of traffic growth in 1012-2013 and so erroneously apply surveyed growth rates on an annual basis. It has assumed growth to 2026 of over 9% pa compared to the transport planning model TEMPRO's 1.6% pa. SSJ therefore predicts a 147% increase in traffic between 2010 and 2026 compared to a 24% increase based on TEMPRO. There is clear evidence that even the TEMPRO growth rates are not actually occurring and even when the economy recovers fully traffic growth may not bounce back. In any event, testing of the operation of the surrounding network has been undertaken on the basis of traffic demand that is higher than the flows surveyed by SSJ.<sup>129</sup>
- 8.3.10. Congestion is an almost universal phenomenon and not unexpected in a town such as Basingstoke which has to accommodate substantial additional housing in the period to 2026. A fair and proportionate financial contribution would enable capacity improvements at a number of off-site junctions, including those of concern to SSJ and local residents, to prevent the additional traffic generated by the development from having a significant adverse effect on the wider highway network. Neither the individual nor cumulative impacts would be 'severe'. Whilst the impact on some junctions would not be material in itself, the cumulative impact across the wider network would be, and would justify the contribution sought.<sup>130</sup>

#### 8.4. Ecology

- 8.4.1. Reason for refusal 8 of the Appeal B scheme maintains that "the loss of Newt Habitat, including that which has previously been relocated as part of the first Marnel Park development, has been insufficiently justified and inadequate mitigation proposals have been submitted to enable the Council to fully assess the impact of the proposed development on the Great Crested Newt. The Local Planning Authority is therefore unable to discharge its statutory obligations under the *Conservation of Habitats and Species Regulations 2010*". Ecology was not raised as a reason for refusal in relation to Appeal A but a letter dated 15 February 2013 confirmed that BDBC "will provide evidence to support reason for refusal 8 of Appeal B in relation to Appeal A".<sup>131</sup>
- 8.4.2. There are no statutory designated sites within 1 kilometre of the appeal sites but Popley Ponds LNR lies approximately 360 metres to the south-east. There are 22 SINC's within 1 kilometre of the development areas of both appeal sites, 18 of which are separate units within Basing Forest. Spier's Copse SINC and part of the Basing Forest SINC complex lie immediately adjacent to the Phase 2 development area. Receptors have been identified and mitigation measures proposed that would be secured by condition or Section 106 Obligation.<sup>132</sup>

<sup>128</sup> CD1/5 Para 1.8, Mr Parsons XE Day 2, DWH/7 Para 92

<sup>129</sup> DWH/JMc/4/1 Sects 3.1-3.5, DWH/JMc/4/4 Paras 2.3.3-2.3.12, DWH/7 Para 92

<sup>130</sup> DWH/JMc/4/1 Paras 3.6.1-3.6.7, DWH/JMc/4/4 Paras 2.1.1-2.1.2, DWH/7 Para 93

<sup>131</sup> CD1/5 Paras 1.8, 11.1-11.2, CD4/4

<sup>132</sup> CD1/5 Paras 11.4-11.13. Table 11.1

- 8.4.3. As a competent authority BDBC is required to have regard to the requirements of the *Habitats Regulations* in exercising its functions. The disturbance of GCNs, a European Protected Species, would be an offence unless a derogation licence was granted by NE. There are three tests for the issue of a derogation licence: that there is an imperative reason of overriding public interest for allowing development (IROPI); that there is no satisfactory alternative; and that the species would be maintained at FCS. NE's *Guide to Licensing* indicates that little is required to meet the IROPI test, and if planning permission were granted it is self evident that there is no satisfactory alternative. BDBC's concern is that there is insufficient information to demonstrate that the FCS test would be met.<sup>133</sup>
- 8.4.4. This objection appears to be an afterthought. It was not raised in the refusal of the outline scheme, but only some 2 months later when the detailed application was considered. It was not extended to both schemes until February 2013. Moreover, it directly contradicts the conclusion of the Council's professionally qualified Biodiversity Officer who, following a request for additional information, was satisfied that there was sufficient information to be satisfied on all three derogation licence tests. Importantly, there was no objection to the proposals from NE, the Government's lead advisor on biodiversity and the competent authority for issuing derogation licences.<sup>134</sup>
- 8.4.5. The Supreme Court has recently clarified the requirement to have regard to the *Regulations* when a European Protected Species is involved. In effect, a local planning authority should grant planning permission unless an offence under the *Regulations* would be likely, and that it would be unlikely to be licensed pursuant to derogation powers. The judgement goes on to say a burden should not be placed on the planning authority to police the fulfilment of NE's duty. The planning authority, therefore, need only ask itself whether NE would be unlikely to grant a licence. As the Secretary of State is now the competent authority that question falls to him in this case.<sup>135</sup>
- 8.4.6. The only matter of dispute between BDBC and the appellant relates to the FCS test in terms of: firstly, the adequacy of mitigation for habitat loss; and, secondly, concerns about the cumulative impact on dispersal routes between the western balancing pond and Kiln Farm Ponds and Popley Ponds SINC and high value terrestrial habitat in Spier's Copse SINC and Basing Forest SINC and the wider area.<sup>136</sup>
- 8.4.7. In terms of mitigation for habitat loss, it is accepted that around 645 newts displaced from terrestrial habitat in Appeal A would not be accommodated in on-site high quality replacement habitat and so would seek alternative habitat outside the site. The calculation is robust as it assumes the maximum density of newts found in the Marnel Park trapping/translocation programme would apply across the whole of the Appeal A site, and it

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<sup>133</sup> CD6/9, DWH/MO/3/1 Paras 4.14-4.32, DWH/7 Paras 55-56

<sup>134</sup> DWH/MO/3/1 Paras 6.1-6.7, DWH/MO/3/2 App II e-mail dated 18 May 2012 from Victoria Smith, DWH/7 Paras 57-58

<sup>135</sup> DWH/MO/3/1 Paras 4.4-4.13, DWH/6, DWH/7 Paras 60-61

<sup>136</sup> DWH/7 Paras 59 and 61

excludes large areas of open space within the site and private garden space all of which would provide some habitat.<sup>137</sup>

- 8.4.8. Whilst the absence of further terrestrial surveys is criticised, this should be overcome by acceptance of the precautionary nature of the calculation. In addition, it is accepted that the trapping/translocation data provides superior information, particularly as terrestrial surveys are likely to under-record populations, and that if earlier mitigation is demonstrated to be successful there would be no need for further surveys. That is the case here.<sup>138</sup>
- 8.4.9. There is almost 26 hectares of high quality habitat in Basing Forest, within 250-500 metres of the eastern balancing pond, capable of supporting some 7,700 newts. The *Newt Mitigation Guidelines* state that it is normally unacceptable to use a receptor site that has a pre-existing GCN population. However, this is not a problem as the population using Basing Forest is the same as that which breeds in Popley Pond and the eastern balancing pond. Basing Forest is the obvious terrestrial habitat for the ponds as it is close to them and the loading on the terrestrial habitat would not increase since the newts would already be heading to it. There is a low number of breeding newts in the Basing Forest Ponds and, although assessed as good for the species, Pond C had no GCNs when recently surveyed. There is nothing to suggest that the carrying capacity of Basing Forest has been reached.<sup>139</sup>
- 8.4.10. Considering the adequacy of mitigation, although large numbers of newts can be found in the arable fields the fields are not a good habitat as large numbers of newts are killed by spraying, harvesting or during autumn cultivation which coincides with juvenile dispersion. As with Marnel Park, the replacement of larger areas of less suitable habitat, such as the arable fields, with smaller areas of much higher quality habitat, such as purpose designed newt corridors with additional ponds, is likely to favour newts and lead to population increases. The Hampshire and Isle of Wight Wildlife Trust objected to policies in the emerging CS but did not object to the appeal proposals. Its letter of 24 February 2012 refers to concerns that BDBC's Ecologist had and advised that they should be dealt with prior to determining the applications. This stance was confirmed in a further letter dated 15 January 2013 but the report to Committee in July 2012 indicates that the Biodiversity Officer had no objection at that time, subject to conditions.<sup>140</sup>
- 8.4.11. The amount of Marnel Park mitigation that would be lost would be small. It would be limited to an access road crossing habitat but newt culverts have been demonstrated to be widely used. When culverts are associated with newt fencing there has been no problem with newts being killed crossing roads.<sup>141</sup>
- 8.4.12. Turning to the impact on dispersal routes, the proposed mitigation is essentially an extension of the existing mitigation protecting existing

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<sup>137</sup> DWH/MO/3/4 Paras R1-R2 & R44, DWH/7 Para 66

<sup>138</sup> DWH/MO/3/4 Figs 6 & 7, DWH/7 Para 67

<sup>139</sup> CD1/15, CD6/5 Para 8.2.1, DWH/MO/3/1 Para 7.24, DWH/MO/3/4 Paras R41-R55, DWH/7 Para 68

<sup>140</sup> SSJ/05 App C, SSJ/05/1, DWH/MO/3/4 Paras R4-R14, DWH/7 Paras 69-70, Mr Davies XE Day 4

<sup>141</sup> DWH/MO/3/1 Para 7.14, DWH/7 Para 71

breeding ponds, providing more ponds, enhancing connectivity and replacing poor quality arable habitat with smaller areas of higher quality habitat. BDBC now accepts that the Carpenter's Down migration corridor, and the purpose built newt culverts under the road, are operating successfully. This is significant as this is an essential part of both the existing and proposed mitigation. It gives confidence that the proposed mitigation would be successful and that a derogation licence would be granted.<sup>142</sup>

- 8.4.13. NE sees the existing mitigation as successful and its former lead amphibian officer has twice brought parties of NE Officers to inspect it and has written an article lauding it. The newly created eastern balancing pond has been so well colonised by GCNs and other amphibians that it is considered worthy of national status as a SSSI. The western balancing pond and the eastern enhancement pond have begun to be colonised and demonstrate that the central newt corridor is being used.<sup>143</sup>
- 8.4.14. It is important that numbers in Popley Pond remain similar to pre-construction levels but BDBC considers that more recent information shows this not to be true. The GCN monitoring report 2012 shows that the overall population of Popley Pond, the eastern balancing Pond and the Swale Pond is growing. Newt numbers fluctuate and there is a difficulty in recording actual numbers in a large pond such as Popley. However, the 2013 data shows a substantial increase in Popley Pond newt numbers compared to previous years. There may be reasons why numbers were high in 2005 and 2008, such as trapping in 2004 and 2007 leading to large numbers deposited on the northern margins of Popley Pond, and low in 2012, due to a very dry spring. It is also possible that some of the Popley Pond population moved to the eastern balancing pond of their own volition as it is closer to Basing Forest terrestrial habitat. There is no basis to suggest that GCNs have been adversely affected by the Marnel Park development.<sup>144</sup>
- 8.4.15. The main north/south Carpenter's Down habitat corridor from Popley Pond to the eastern balancing pond would be extended north, to the optimal terrestrial habitat in Basing Forest, avoiding the need to cross arable fields with their dangers.<sup>145</sup>
- 8.4.16. The central corridor running from Popley Pond to the eastern enhancement pond provides a safe route for newts dispersing towards the north-west and the Kiln Farm Ponds. From the eastern enhancement pond there is a choice of routes. Newts could go north to the western balancing pond and then west along a new newt corridor with two additional ponds to the western landscape buffer. Alternatively, they could go west via a new western enhancement pond, due to be provided by early next year, to the western landscape buffer. From the landscape buffer they would pass across the arable fields beyond. Off-site mitigation in the form of field margins, conservation headlands, and additional species rich hedgerows would be provided and aid dispersal. Whilst regular interconnection with the Kiln

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<sup>142</sup> DWH/MO/3/4 Paras R29-R40, DWH/7 Paras 61-62

<sup>143</sup> DWH/MO/3/1 Paras 5.6-5.9, DWH/MO/3/4 App 2, DWH/7 Para 63-64

<sup>144</sup> Dwh/mo/3/4 Paras R18-R28, DWH/7 Paras 63 and 65

<sup>145</sup> DWH/3/1 Para 7.12 & Sect 8, DWH/MO/3/2 Fig 9.4b, DWH/7 Para 73

Farm Ponds GCN population is unlikely given the distances, connectivity would be enhanced. The landscape corridor along the northern edge of Marnel Park would also be enhanced enabling safe movement between the eastern and western balancing ponds.<sup>146</sup>

- 8.4.17. The answer to whether NE would be likely to grant a licence must be yes. The proposed mitigation strategy is an extension of the existing which has been successful, particularly the movement corridors and culverts for newts. The colonisation of the eastern balancing pond has been so rapid it is now considered to be worthy of SSSI designation. Popley Pond, the eastern balancing pond and the Swale Pond have increased populations of GCNs and more detailed knowledge is available from long term monitoring. The cessation of arable farming close to the eastern balancing pond would prevent many dispersing newts from being killed by agricultural practices.<sup>147</sup>
- 8.4.18. Moreover, NE was prepared to vary the existing licence to facilitate further development, it did not object to the applications, and it informed BDBC's ecology witness that it was not currently aware of any reason that would prevent a licence being granted for subsequent phases. NE assisted in the design of the Marnel Park mitigation and has knowledge of how it has performed over the years. The evidence therefore points to NE being likely to grant a licence and the Secretary of State as the competent authority could grant planning permission.<sup>148</sup>

## 8.5. Land Supply and Prematurity

- 8.5.1. In terms of housing land the appellant considers that there is a 2.6 years supply, using the revoked *Regional Spatial Strategy* housing requirement, whilst the Council maintains that there is 3.4 years supply, using the Council's preferred local requirement of 770 dwellings per annum. The parties agree that the difference is not material and that the shortage is 'serious and significant'.<sup>149</sup>
- 8.5.2. A prematurity objection was made by SSJ at application stage, but after careful assessment the Officer's Report concluded that the Council would have 'no defensible position' for refusing on this ground. Notwithstanding that the first reason for refusal in both appeals states that "The scale of the proposed development is considered so significant that it would prejudice the development of the spatial vision for the Borough and would prejudice decisions about the size, scale, sustainability and phasing of new housing development within the Borough and furthermore undermine wider policy objectives".<sup>150</sup>
- 8.5.3. Guidance is provided in PSGP paragraphs 17-19 which need to be read together. It is accepted that permission should not normally be refused on prematurity grounds unless the circumstances fall within paragraph 17, and in accordance with paragraph 18 it would seldom be justified to refuse permission on prematurity grounds if the emerging plan had only reached

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<sup>146</sup> DWH/MO/3/1 Para 7.13 & 7.15 & Sect 8, DWH/MO/3/4 Para R3, DWH/7 Paras 74-75

<sup>147</sup> DWH/7 Paras 76-77

<sup>148</sup> DWH/7 Paras 77-78

<sup>149</sup> CD1/5A

<sup>150</sup> CD4/1 pp42-44, CD4/2, CD4/4

consultation stage. Moreover, prematurity on its own is not sufficient to lead to refusal. It should be demonstrated that the development concerned would prejudice the outcome of the *Local Plan* and not just the process.<sup>151</sup>

- 8.5.4. Even if these schemes fell within paragraph 17, as BDBC maintains, paragraph 18 first bullet point would apply. All development plan policy relevant to housing provision has expired and an emerging plan has not been issued. The programme for the new *Local Plan* has already been delayed by the withdrawal of the first draft following the Manydown legal challenge, and consultation on a replacement pre-submission draft has been pushed back twice from April to July and again to August 2013. Moreover, there is no guarantee that the latest timescale will be adhered to if further assessment work is to be carried out following the Cabinet decision of 15 April 2013. The Council describes the emerging *Local Plan* as 'embryonic' and does not suggest that its policies should carry weight. Given the 'serious and substantial' shortfall in the 5 year housing land supply a prematurity objection is not justified due to the consequential delay.<sup>152</sup>
- 8.5.5. BDBC's stance that paragraph 18 first bullet cannot affect the circumstances in which reliance is put on paragraph 17 is incorrect. Recent decisions by Inspectors and the Secretary of State have not applied the PSGP in that way.<sup>153</sup>
- 8.5.6. Even if the matters in paragraph 17 are considered, the scale of provision for the plan period to 2029, based on the Council's untested requirement of 770 dwellings a year that is described as a provisional working hypothesis, is up to 13,860 dwellings, or more given a recent report by GVA Edge. Even on BDBC's figures Appeal A would represent just over 3% of the total or fewer than 6% of the calculated remaining requirement. BDBC concludes that the proposals would not prejudice the scale of development being addressed in the emerging *Local Plan*.<sup>154</sup>
- 8.5.7. Turning to location, the appeal site was a proposed allocation for 450 houses in the withdrawn draft CS and has been carried forward in all subsequent assessments of sites that will form the evidence base for the emerging *Local Plan*. It is an appropriate location for the scale of development proposed and whilst all sites have some constraints, Officers are clear it is one of the better performing sites. The site would not open up more land for development as it is contained by woodland and strategic planting whose purpose is to screen the site and curtail views towards the urban edge of Basingstoke.<sup>155</sup>
- 8.5.8. In terms of phasing, in the light of the 'serious and significant' shortfall there is a pressing need to release sites for development now, as the *Framework* requires, to meet the deficit. The appeal site is one of 6 put forward for allocation in the first five year period of the emerging *Local Plan*

<sup>151</sup> CD5/4, DWH/NPN/1.4 Para R18, DWH/7 Para 18

<sup>152</sup> CD1/4 Para 5.9, BDBC/3/1 Paras 6.1 & 6.9, DWH/NPN/1.1 Para 4.17, DWH/NPN/1.4 App R1, DWH/7 Paras 19-20

<sup>153</sup> CD12/1, CD12/6, CD12/5 DL21 & IR14.27-14.30, DWH/7 Para 20

<sup>154</sup> BDBC/3/1 Para 9.4, BDBC/3/2 App 2, DWH/NPN/1.4 Para R19, DWH/7 Para 21

<sup>155</sup> CD10/2 Site Assessment pp89-90, CD10/5 SHLAA pp123-124, CD10/7 Biodiversity Assessment pp35-39, CD10/14 Housing Site Appraisal pp66-79, CD10/15 Sustainability Appraisal pp83-98, BDBC/1/1 Para 5.2.39 & App L9, DWH/7 Paras 22-23

and would make an important contribution of some 30% of the total number of dwellings required in that five year period. The urgency of the need means it would be inappropriate to refuse the appeals on prematurity grounds.<sup>156</sup>

- 8.5.9. Notwithstanding the Council's confidence, the emerging *Local Plan* is at considerable risk of being found to be unsound as it falls well short of meeting the full objectively assessed needs of the area. Its adoption in August 2014 is therefore at risk and the 'short delay' anticipated by BDBC if the proposal were to be deferred until after completion of the *Local Plan* is undermined. Whilst it might be easy to wait for the *Local Plan* completion with the intention of making up the provision of houses later in the plan period, that is the antithesis of the *Framework's* presumption in favour of releasing sites for development where there is not a 5 year housing land supply.<sup>157</sup>
- 8.5.10. It is contended that, contrary to the *Localism Act*, the local community would be deprived of its democratic right to be involved in the process of allocating land if the appeals were allowed. This argument would negate the advice in PSPG as in most cases where a LP has not been adopted it could be argued that the release of land would be prejudicial. The SoS has not been persuaded by such arguments previously and has made it plain that whilst local communities have been given more say, it carries with it a responsibility to ensure that LPs are prepared expeditiously to make provision for needs. This view has been supported in the High Court. In this case action is required now to assist in overcoming a serious and significant housing land supply shortfall.<sup>158</sup>
- 8.5.11. Reference has been made to a *Sherborne St John Neighbourhood Plan*. Consultation has taken place on a boundary for the plan but as yet there is no published outcome. Even if such a plan existed the *Framework* requires that it should not promote less development than set out in the *Local Plan* or undermine its policies. It would not provide a basis for not meeting the full objectively assessed housing needs of the Borough.<sup>159</sup>
- 8.5.12. The prematurity argument is not justified by the PSGP or the *Localism Act* but in any event falls short of representing an impact that would 'significantly and demonstrably outweigh the benefits' of the proposals.<sup>160</sup>

## 8.6. Other Matters

- 8.6.1. Reasons for refusal 6 of Appeal A and 2 of Appeal B maintain that the appeal site is insufficiently sustainable due to inadequate options for travel by public transport, inadequate local facilities and inadequate access to local services.<sup>161</sup>
- 8.6.2. In terms of public transport, the Jazz 3 and Service 4 buses serve the town centre, hospital, and the Chineham District Centre and are considered good

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<sup>156</sup> CD10/2 p65, DWH/NPN/1.4 Table R1, DWH/7 Para 24

<sup>157</sup> BDBC/3/1 Para 9.7, DWH/7 Para 25

<sup>158</sup> CD12/5 DL32, CD12/6 Paras 55-71, CD12/7 DL39, DWH?NPN/1/4 App3 p3, DWH/7 Paras 26-28

<sup>159</sup> DWH/7 Para 28

<sup>160</sup> DWH/7 Para 29

<sup>161</sup> CD4/2, CD4/4, DWH/7 Para 30

services by the highway authority. At the time of the application there was no service on the route through Marnel Park but this has now begun with an hourly bus in both directions along Barrington Drive and Appleton Drive. The highway authority confirms that this provides public transport within an acceptable walking distance of the proposed development. Isochrones showing 300m and 400m walk distances from the proposed bus stops indicate that most of the houses in Appeal B would be within 400m, as would a proportion of the Appeal A houses. The 800m 'walkable neighbourhood' referenced in MfS is not shown but would cover the entire development. This ought to overcome BDBC's objection but it maintains that a service should run through the site itself.<sup>162</sup>

- 8.6.3. The primary route through the site has been designed to accommodate buses and Stagecoach is supportive of diverting a route through the site as it would be likely to have better patronage aiding viability. Despite BDBC's concerns, swept path analyses have been produced, and seen by Stagecoach, and buses would be able to manoeuvre around parked cars. The long term viability of bus services has been queried but the scale of development, with 751 houses in Marnel Park, 950 in Merton Rise, and 450 on the appeal sites, means viability should not be in doubt and that if anything service frequency would be likely to increase.<sup>163</sup>
- 8.6.4. In terms of local facilities, the report to Cabinet notes that there are education, retail, employment and health facilities within walking and cycling distances, a view shared by the highway authority. No concerns were expressed by any statutory consultees provided that appropriate financial contributions were made in relation to community provision, open space, affordable housing, transport and education.<sup>164</sup>
- 8.6.5. Appeal A would lead to provision of a community hall, sports facilities and recreational open space on the site, together with a reserved site for a new primary school should the education authority decide that would be preferable to expanding existing schools or re-opening a nearby school that recently closed. BDBC confirmed that a new local centre in Merton Rise would be provided by 2016 which would be within the 2 kilometre maximum walk distance suggested by MfS and the 2 miles cycle distance suggested by Sustrans. The Council agreed in a Statement of Common Ground that there would be significant sustainability benefits, including a cohesive and sustainable community by the provision of a community centre and new school. Compared to many sites this is probably one of the most sustainable.<sup>165</sup>
- 8.6.6. The third limb of the reason for refusal adds little to the first two. There is excellent provision of pedestrian and cycling routes connecting to the wider network and the new bus service through Marnel Park provides adequate access to local facilities and services. The fact that there would be some reliance on existing facilities does not make the proposals unacceptable in

<sup>162</sup> CD1/9 Para 5.6-5.7, CD4/1 Para 47, CD6/2 Para 4.4.1 & Table 3.2, BDBC/2/4, HCC1 App 1, DWH/JMc/4.1 Sect 4.3, DWH/JMc/4/4 Para 3.4.5, DWH/7 Paras 31-32

<sup>163</sup> DWH/7 Paras 33-35

<sup>164</sup> CD4/1 p47, DWH/JMc/4.1 Sect 4.2, DWH/JMc/4/4, Para 3.4.2-3.4.4, DWH/JMc/4.6, DWH/7 Para 36

<sup>165</sup> CD1/5 Para 13.20, CD1/9 Sect 5, CD6/2 Para 4.4.1, DWH/NPN/1.4 Para R24DWH/7 Paras 37-38, Mr McKechnie XiC Day 6

planning terms. Overall, there is no conflict with saved LP Policy A2 and nothing in the objection to significantly and demonstrably outweigh the benefits that would be provided.<sup>166</sup>

- 8.6.7. The impact on community cohesion, and the quality of life for existing residents, of several more years of construction activity, on top of the ten years that have already been endured, is the basis for reasons for refusal 7 of Appeal A and 9 of Appeal B. Members were advised that although development would cause frustrations locally, in terms of construction traffic, noise, and dust amongst others, this should not be a reason for refusing the proposals. The rate of development at 70 dwellings a year is not large and would be for a finite period. Conditions and a *Construction Method Statement* would ensure that impacts were minimised and construction traffic would pass across Phase 2 rather than through Marnel Park. Community cohesion was addressed when the site was considered for inclusion as a strategic housing site in the emerging *Local Plan* on a number of occasions but did not lead to it being rejected.<sup>167</sup>
- 8.6.8. The reason for refusal only cites the second bullet of *Framework* paragraph 69, which refers to safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. It is now agreed that the proposals would reduce crime through the implementation of *Secured by Design* principles creating a cohesive and sustainable community. Other factors aiding cohesion are the mix of dwelling sizes, the community hall and school, and 40% affordable homes to meet local needs.<sup>168</sup>
- 8.6.9. Whilst Popley residents have expressed concerns about further development, construction activity would occur in any event at Merton Rise. Any additional effects from the proposed development would be modest and controlled to minimise impact. BDBC's strategy has been for substantial development in the area. The 2003 *Action Plan* was not a contract but a means of ensuring the most appropriate implementation of large scale development. The proposals are a good fit with the objectives set out in the *Action Plan* and would provide further community facilities. Residents have expressed a desire for 'breathing space' for the community to consolidate but Sentinel, which manages a large number of homes in Popley, has expressed no such concern. The scale of local housing need requires more homes to be provided. The proposal would not lead to the release of further land and the site would be contained behind robust boundaries.<sup>169</sup>
- 8.6.10. The Council indicated in a letter dated 15 February 2013 that it would not defend reason for refusal 7 of Appeal B relating to the loss of BMV agricultural land. However, SSJ maintains an objection on this basis. The *Framework* defines BMV as grades 1, 2 and 3a. There is no BMV land in the Appeal B site and only 3.8 hectares of grade 3a 'good quality' land in the Appeal A site. 82% of the land in Appeal A is the poorer grade 3b 'moderate quality' land. It is incorrect to suggest productive aspects are not

<sup>166</sup> DWH/NPN/1.4 Para R28, DWH/7 Paras 39-40

<sup>167</sup> CD1/5 Para 13.20, CD4/1 p77, DWH/NPN/1.1 Para 5.1, DWH/7 Paras 46 & 49-50

<sup>168</sup> CD1/5 Para 13.20, BDBC/5 App1, DWH/NPN/1.1 App1, DWH/7 Para 47-48

<sup>169</sup> CD9/6 Para 2.2, DWH/NPN/1.1 Para 5.3-5.16, DWH/7 Para 52-54

taken into account as the inherent productive capability of the land is at the heart of the grading system. The loss of 3.8 hectares of grade 3a land would not be significant. In any event, land around the periphery of Basingstoke is likely to be a higher grade, particularly on the western side where there are extensive tracts of grade 2 and 3a land. The site is a small part of a holding on the margins of a farm and its loss to farming would be of only minor significance.<sup>170</sup>

- 8.6.11. Whilst the SSJ has concerns about water resources and quality, the documents submitted demonstrate that there are currently no water supply or waste water quality constraints affecting the development. The statutory authorities confirm that there is a sufficient supply capacity of potable water and that the 'state of the art' Basingstoke STW to which the waste from the appeal site would be directed has adequate capacity. The Council accepts that neither water quality nor water supply is likely to inhibit housing growth and there is no evidence that the proposed growth cannot be accommodated in infrastructure terms.<sup>171</sup>
- 8.6.12. Whilst SSJ has some criticisms of the phase 1 designs, the majority of feedback following a public exhibition agreed that the proposals should include similar design elements and materials to those in Marnel Park. Moreover, the Council takes a different view to SSJ and agrees that the proposal would be of high quality and distinctive appearance. Build quality is also queried but the appellant, which is part of Barratt Developments, has a 5\* rating in the House Builders Federation National New Home Customer Satisfaction Survey.<sup>172</sup>
- 8.6.13. In terms of heritage assets SSJ, but not BDBC, asserts that the settings of the Grade II Kiln Farm and the Sherborne St John Conservation Area would be harmed. English Heritage (EH) has not expressed any concerns and using EH's methodology for assessment the change to the setting would not alter the significance of the asset and there would be no 'significant' harm to the asset or setting. The Conservation Area boundary includes areas beyond the village that are important to its character and appearance. There is a substantial area of countryside outside the settlement boundary to the north and northwest over which the Conservation Area appraisal map shows vistas. There are no such areas on the eastern side apart from the view from the Chute Recreation Ground. The setting of the Conservation Area would not be significantly adversely affected.<sup>173</sup>
- 8.6.14. The development plan for the locality consists of the saved policies in the 2006 *Local Plan*. The housing provision and settlement boundary policies relate to the period up to 2011 and are time expired but in any event given the housing land supply shortfall the *Framework* indicates they should be considered out of date and given little, if any, weight. Consequently permission should be granted unless any adverse impacts of doing so would

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<sup>170</sup> DWH/NPN/1.1 Paras 6.4-6.5 & App8, DWH/NPN/1.2 App 10 of APP 8 & Para 5.02, DWH/7 Paras 94-95

<sup>171</sup> CD10/1 Para 5.5, SSJ/03/1, SSJ/03/2, SSJ/03/3, SSJ/03/4, SSJ/03/5, DWH/NPN/1.1 Para 6.2 & App6, DWH/NPN/1.4 Para R31 & App R7, DWH/7 Para 97

<sup>172</sup> CD1/5 Para 9.9, DWH/NPN/1.1 Para 6.6-6.25, DWH/NPN/1.4 Para R32, DWH/7 Para 98

<sup>173</sup> DWH/NPN/1.1 Para 6.3 & App 7, DWH/NPN/1.2 App 7, DWH/NPN/1.4 App R6, DWH/LT/2.7, DWH/7 Para 96

'significantly and demonstrably outweigh the benefits' of allowing development.<sup>174</sup>

- 8.6.15. Whilst BDBC accepts that saved Policy D6, relating to housing development outside settlement boundaries, cannot be relied on it seeks to rely on Policy E6 that requires all development to be sympathetic to the landscape character and quality of the area. This is plainly out of date at least insofar as it is relied on to resist development on greenfield sites beyond the settlement boundary of Basingstoke. It is out of sympathy with the *Framework's* drive to significantly boost the supply of housing particularly where there is a serious and significant housing land supply shortfall and so in accordance with Framework paragraph 215 should attract little weight. In any event, there is no suggestion that there are other sites where residential development beyond the settlement boundary would be more appropriate than here.<sup>175</sup>
- 8.6.16. Apart from the housing land supply considerations the *Framework* requires housing applications to be considered in the context of a presumption in favour of sustainable development. The *Framework* indicates that sustainable development has three dimensions, economic, social and environmental. BDBC accepts that the proposals would perform an economic and social role. At Sandbach, (APP/R0660/A/10/2141564) the SoS considered this sufficient for the development to be considered sustainable. In this case the proposal would also perform an environmental role through the provision of open space, enhanced landscaping and improved aquatic and terrestrial habitat for GCNs.<sup>176</sup>
- 8.6.17. In relation to the gap between Sherborne St John and Basingstoke, a strategic gap policy in the 1998 *Local Plan* was not continued in the 2006 *Local Plan*. Notwithstanding the lack of a formal policy, the principle of non-intervisibility was raised. It is agreed that this principle has been breached and Marnel Park is visible in some views from the village of Sherborne St John. However, it is accepted that additional planting as part of any approved scheme would contribute towards reducing intervisibility and would be in keeping with the landscape character of the area. Moreover, a number of assessments by BDBC envisage at least some development on the appeal sites beyond the defined settlement boundary and Cabinet has endorsed the inclusion of the site for 450 dwellings in the emerging *Local Plan*.<sup>177</sup>
- 8.6.18. The *Framework* emphasises a hierarchical approach to landscape protection with distinctions between international, national and locally designated sites. The weight to be attached to the protection of land must be commensurate with its status. An extensive area to the west of Sherborne St John lies within the North Wessex Downs AONB and great weight should be attached to its protection but the appeal site has no landscape designation at all and so its protection attracts far less weight than the AONB.<sup>178</sup>

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<sup>174</sup> CD5/1 Para 49, DWH/NPN/1.4 Para R3, DWH/7 Paras 2-4 & 12

<sup>175</sup> CD10/2 Para 42, DWH/7 Para 12

<sup>176</sup> CD5/1 Paras 7, 8, 49, 197, CD12/7 DL38, DWH/7 Paras 5-6, Mrs Jones XX Day 4

<sup>177</sup> CD1/5 Para 2.9, CD10/2, DWH/NPN/1.4 App R1, DWH/7 Paras 13-14

<sup>178</sup> DWH/7 Para 15

- 8.6.19. The proposal would provide very significant benefits. It is agreed that 260 dwellings could be built in the 5 year period representing between 11 and 26% of the deficit in housing supply. Even though only addressing part of the shortfall the benefit would be significant. As Appeal B is a detailed scheme a start could be made as soon as pre-commencement conditions were discharged. No other sites have been identified that could be brought forward in a similar timescale, but in any event there is a need for more sites to be released. Provision would also have a qualitative benefit in terms of the mix of smaller and lifetime homes.<sup>179</sup>
- 8.6.20. BDBC accepts that there is a 'rising and substantial need for affordable housing' in the Popley area. There is an unmet annual need for 423 affordable homes and the provision of 180 affordable dwellings as part of the proposals is much needed as the supply of such houses is falling. The majority would be for social rent bringing the added benefit of maximum affordability. The provision of affordable houses would be policy compliant and no request has been made for more affordable units. Considerable weight should be given to the provision.<sup>180</sup>
- 8.6.21. Other important benefits include enhanced terrestrial and aquatic habitats for newts, retaining ecological features such as native hedgerows, high quality design and distinctive appearance, direct employment provision on site and the provision of housing to cater for unmet needs that constrain employment and the economy, and strengthening the western landscape buffer reducing intervisibility. There would also be sustainability benefits such as improvements to local bus services, pedestrian and cycling routes and sustainable construction criteria using sustainable materials and minimising waste. Once delivered there would be real benefits to the local community.<sup>181</sup>

## 8.7. Section 106 Agreements and Conditions

- 8.7.1. Reasons for refusal 8 in relation to Appeal A and 10 in relation to Appeal B maintain that the absence of a suitable S106 Obligation means there would be inadequate provision for community and infrastructure contributions in relation to play area/recreation, playing fields, community facilities, education, affordable housing, on-site provision for art and Basingstoke Environmental Strategy for Transport to offset impacts of the development. There was also a lack of a Travel Plan, Landscape Management Plan, Protected Species Management Plan and ecological compensation habitat.<sup>182</sup>
- 8.7.2. Prior to the close of the Inquiry signed S106 Agreements were submitted to address these items. Supporting documentation demonstrates that the Obligations would meet the tests in CIL Regulation 122. A number of conditions have been agreed with BDBC that are required to make the proposal acceptable in planning terms. These would meet the tests in Circular 11/95.<sup>183</sup>

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<sup>179</sup> DWH/NPN/1.1 Sect 3, DWH/7 Para 7

<sup>180</sup> CD1/5 Paras 7.4-7.5, CD10/29 p12, BDBC/5 App6 Para 10.4, DWH/NPN/1.1 Para 3.18, DWH/NPN/1.2 App1 Paras 5.1 & 7.2, DWH/NPN/1.4 Paras R11-R15, DWH/7 Paras 8-10

<sup>181</sup> CD1/5 Paras 9.9-9.11 & 13.2, DWH/NPN/1.4 App3, DWH/7 Para 11

<sup>182</sup> CD4/2, CD4/4, DWH/NPN/1.1 Paras 7.1-7.6

<sup>183</sup> CD1/11B, CD1/12, CD1/13B, CD1/14, BDBC/6, BDBC/7, BDBC/8. BDBC/9, DWH/NPN/1,1 Para 7.7

## 9.0 Inspector's Conclusions

[The references in square brackets are to earlier paragraph numbers in this report]

### 9.1. Introduction

9.1.1. Decisions should be made in accordance with the development plan, which in this case consists of the saved LP policies, unless they are outweighed by material considerations. The *Framework* is a material consideration and includes a presumption in favour of sustainable development. BDBC cannot demonstrate a 5 year housing land supply and so its housing supply policies should be considered out of date in accordance with *Framework* paragraph 49. BDBC accepts that Policy D6 is outdated. In these circumstances paragraph 14 of the *Framework* indicates that planning permission should be granted unless in the balance between benefits and harm the latter 'significantly and demonstrably' outweigh the former. In addition, BDBC accepts that the highways element of Policy E1 should be considered in the light of the 'severe' test in the *Framework*. Policy E6 deals with more than housing but, to the extent that it could be used to resist development on greenfield sites, I consider it to conflict with the aims of the *Framework* and so attracts very little weight. [3.1, 4.1.1, 4.6.4, 5.1.1, 8.1.1, 8.6.14, 8.6.15]

### 9.2. Landscape and Visual Impact

9.2.1. The site lies in the countryside outside the Basingstoke Settlement Policy Boundary. The *Framework* seeks to enhance the natural environment by protecting valued landscapes and requiring recognition of 'the intrinsic character and beauty of the countryside'. The landscape character of the site is open and rural with a network of PROWs across farmland linking settlements, providing views towards the appeal site, and forming an open landscape buffer to Sherborne St John. An area to the west of the village lies within the North Wessex Downs AONB, the protection of which attracts great weight. However, there are no statutory landscape designations in the vicinity of the appeal site and, despite the landscape between Basingstoke and Sherborne St John being valued by residents, it is unremarkable and its protection attracts far less weight than the AONB. [2.1, 2.4, 4.2.5, 5.2.1, 7.2, 8.6.18]

9.2.2. Landscape character assessments allow judgements to be made about landscape capacity. The *Basingstoke, Tadley and Bramley Landscape Capacity Study 2008* identifies the site as a gently sloping open landscape of farmland that, due to a ridgeline, is relatively prominent. The landscape capacity was assessed as 'Low' as it was considered that there was limited potential for mitigation as new areas of screen planting would have an adverse impact on an area that contains little woodland. However, there are a number of trees and woodlands around the site including Marnel Dell, Spier's Copse, Carpenter's Barn and Barn Copse that form part of Basing Forest, and Great German's Copse, not to mention new planting on the northern boundary of Marnel Park and the western landscape buffer. [4.2.6, 4.2.7, 5.2.2, 7.11, 8.2.6]

9.2.3. The *Landscape Capacity Study – Site Options 2010* assesses the site as having 'Medium/Low' capacity due, in part, to the influence of Marnel Park. The site is characterised as 'urban fringe' and 'heavily influenced by the

adjacent high density development'. The *Study* confirms the appropriateness of part of the site, not limited to the western field, for built development. In contrast to the 2008 *Study* it endorses woodland screening, undermining the view that planting would be out of character, and concludes that 'Sherborne St John does not influence the character of this area'. SSJ's contention that this is partly because no account has been taken of the role the site plays in providing a gap between settlements is considered later in this section.<sup>[4.2.7, 5.2.2, 7.11, 8.2.4, 8.2.5]</sup>

- 9.2.4. A shortfall in housing land supply means that 7-8,000 dwellings are needed on greenfield sites and any development on such a site would have an impact on the immediate surroundings creating an urban character. However, in this case development would not move significantly closer to Sherborne St John. Housing would be kept to the lower parts of the site and although the plateau in the north-eastern part of the site, would no longer be field it would predominantly consist of open areas.<sup>[4.2.8, 4.2.9, 7.2, 8.2.9]</sup>
- 9.2.5. Whilst the proposal might not be 'rounding off', the site is physically, and visually, contained by landform, woodland, urban development and the maturing western landscape buffer. The buffer links Marnel Dell to the south-west with Spier's Copse in the north. The latter is a large woodland that effectively screens views from the north, although some felling would take place in 2017 as part of its management. A series of Copses form an extensive wooded area that also screens views from the wider landscape to the north-east. An existing western landscape buffer would be strengthened to mitigate the proposal, and eventually would merge with existing trees to provide a 'curtain' to development. It would curtail views of the urban edge and clearly define the urban/rural boundary. The site would be on the urban side of the 'curtain' in an area already heavily influenced by the adjacent development and would possess none of the rural character of Sherborne St John, which would be preserved.<sup>[4.2.4, 6.10, 6.12, 7.3, 8.2.6]</sup>
- 9.2.6. The Hampshire County Council *Integrated Landscape Character Assessment* does not identify any features of significance in the locality, other than deer parks. The development would be contained within the existing field pattern and no woodland would be lost. The National Trust acknowledges that The Vyne, which has played a part in shaping the landscape, would not be affected visually, or physically, and there would be no significant impact on landscape heritage. The principal impact would be the loss of some 21 hectares of arable farming land that has little intrinsic value in visual terms.<sup>[4.2.5, 7.1, 8.2.3]</sup>
- 9.2.7. The 2010 *Landscape Capacity Study* is part of the evidence base that informed the Council's allocation of the overall appeal site for 450 dwellings in the 2012 draft CS. Although the draft CS has been withdrawn, the site has been included in all subsequent decisions on strategic housing sites for inclusion in the emerging *Local Plan*. It has been endorsed by Members and Officers more than once and is acknowledged as one of the better performing sites.<sup>[8.2.4, 8.2.9]</sup>
- 9.2.8. Visual impact assessments have been carried out for both appeals. Viewpoints from the site, from the edges of Basingstoke and Sherborne St

John and from the network of PROWs in the intervening countryside have been assessed.<sup>[4.2.13]</sup>

- 9.2.9. The high point of the site is approximately 90 metres AOD. The maximum ridge height of the two storey housing in Phase 2 would be 99.5m AOD. In Phase 1 (Appeal B) the maximum ridge heights would be 89.5m AOD adjacent to the central open space and western boundary and up to 95m AOD in the centre of that phase. The proposed school, if built, would have a ridge height of some 103m AOD, despite being single storey, whilst the proposed community centre would be a similar height. The plateau area at the high point of the site would include playing fields, allotments, and open space. A spine of open green space would break up built form along the line of the Vyne Brook and PROW 17b. Development should not break the wooded skyline beyond the site, although the ridges of some buildings might be seen amongst trees.<sup>[4.2.1, 4.2.2, 4.2.3, 7.2, 8.2.7]</sup>
- 9.2.10. In views from Sherborne St John, Marnel Park is screened to some extent by woodland and the impact softened by distance. Despite disagreement on growth rates, it is agreed that the western landscape buffer will establish in time and contain Marnel Park and the proposed development. There would be sufficient separation and countryside between the village and Basingstoke to preserve the separate identities of the two different settlements.<sup>[4.2.11, 7.3, 8.2.7]</sup>
- 9.2.11. Existing residents' views of the open countryside north of Marnel Park would be blocked but there is no right to a view and development would be screened to some extent by the landscape buffer to the south of the appeal site. Despite the rising ground, the separation distances would be adequate to prevent any overlooking. Initially, the development would be seen in some views from Sherborne St John, and the PROWS in the intervening countryside, but these would be glimpses through gaps in hedges and the like that already give views of Marnel Park. More open views would be limited to the immediate vicinity of the site. Nothing uncharacteristic would be introduced and, in time, the reinforced landscape buffer would mature reducing intervisibility. The Sherborne St John Conservation Area boundary includes areas outside the village that contribute to its character and appearance and over which views are identified. Areas to the east are more restricted and include only one view from the Recreation Ground in which the proposal would sit behind the reinforced landscape buffer. The setting of the Conservation Area would remain that of a village in a rural setting and there would be no significant harm to it. The effect on views would be slight.<sup>[4.2.13, 6.20, 8.2.7, 8.6.13]</sup>
- 9.2.12. There would also be an extension of lighting at night. Darkness reinforces the night time perception of Sherborne St John as a rural village. However, whilst the site is currently unlit, lighting on the appeal site would be seen alongside existing lighting at Marnel Park, against the backdrop of Jersey Close, and below the glow of Basingstoke. It would be only slightly closer to Sherborne St John and would not significantly affect the sense of separation.<sup>[4.2.13, 6.6, 6.14, 6.21, 7.3, 8.2.7]</sup>
- 9.2.13. Sherborne St John lies in a shallow valley and Basingstoke is largely hidden from view by rising ground to the south. This led LP Inspectors in 1995 and

2005 to identify a principle of non-intervisibility between Basingstoke and Sherborne St John. The *Sherborne St John Village Design Framework* emphasises the importance of views towards the appeal site. A shallow valley extends south-east from the Chute Recreation Ground from where there is intervisibility between the village and the recent Marnel Park development. This is due, at least in part, to the fact that the 35 metres deep woodland buffers, planted as mitigation for the Marnel Park development, have not matured as quickly as expected. However, the landscape experts agree that, in time, the buffer will reduce intervisibility and the proposals would provide strengthening of the buffer to make it effective and substantial as originally intended. [4.2.11, 5.2.3, 7.3]

- 9.2.14. The topography of the site would lead to some views of roofscape above the trees in the western buffer, particularly as the heights claimed for planting would appear to be optimistic given the rate of growth in the western buffer and the height of the mature trees on the appeal site. However, whilst there would be a slight urbanising influence on the countryside between the two settlements the development would not break the wooded skyline. [4.2.11, 7.3, 8.2.7]
- 9.2.15. The open landscape between the edge of Basingstoke and Sherborne St John is valued for its role in maintaining the separate identities of the settlements. The 1998 *Local Plan* included a 'strategic gap' but 'strategic gaps' are no longer recognised in planning policy. However, the importance of preventing coalescence is still a valid planning objective. The *Sherborne St John Village Design Framework* was produced by residents and adopted as Supplementary Planning Guidance in February 2004. The attributes of open countryside and the separate identity of the village were identified by over 90% of respondents to the *Design Framework* consultation and SSJ considers the existing gap to be too narrow. [4.2.10, 5.2.4, 8.2.8, 8.6.17]
- 9.2.16. At present the gap between Jersey Close to the east of the site and Sherborne St John is up to 2 kilometres, and screened by a belt of trees on the eastern side of the appeal site. However, the Marnel Park development is much closer to Sherborne St John. The proposals would range from approximately 750 metres to 900 metres from Sherborne St John but would not move urban development significantly closer to the village. [4.2.12, 6.6]
- 9.2.17. The gap between the appeal site and Sherborne St John is crossed by Chineham Lane and PROWs 17b and 501. The *Local Plan* set out that a vital requirement of a gap is that a traveller between settlements should have a clear sense of leaving one and passing through an undeveloped area to arrive at another. The journey from Popley to Sherborne St John only takes a few minutes by car and this would not alter. Slightly more of Basingstoke would be visible, due to the proposed development being on rising land, and the depth of open countryside would be reduced. When walking between the two settlements across the fields the proposals would sit behind a maturing curtain of vegetation consisting of a 'reinforced' western landscape buffer and an appreciable area of rural countryside would remain between Basingstoke and Sherborne St John. [4.2.12, 6.6, 6.15, 6.16, 6.19, 6.21, 7.2, 8.2.8]
- 9.2.18. Whilst there would be a localised urbanising effect, the wider landscape character of the area would not be significantly affected. There would also

be a slight visual impact but this would be mitigated in time by the western landscape buffer maturing. In addition, the buffer would create a clear boundary to built development and there would be no significant decrease in the distance of the nearest development to Sherborne St John preserving the individuality of the two settlements. Whilst there would be some conflict with the aims of saved LP Policy E6 and *Framework* paragraph 17, this would be slight in the wider context. The proposal would maintain the character of Sherborne St John as a rural village and in that respect would comply with the aims of saved LP Policy E6(iii).

### 9.3. Transportation

- 9.3.1. Two main concerns were identified by BDBC: the environmental capacity of the existing Marnel Park road network; and, the impact of the introduction of a bus route. A third matter, the impact of the traffic generated on the wider highway network is raised by SSJ and local residents. [4.3.1, 5.3.4, 8.3.1, 8.3.8]
- 9.3.2. Residents were not informed that some cul-de-sacs would become access points to the appeal site but the highway authority maintains that "The geometry and alignment of the existing roads are considered to be appropriate in engineering terms to accommodate the additional traffic movements that are anticipated". Although less than a third of homes in Guernsey and Jersey Closes have their own garage and driveway, and on-street parking is at a premium, even before a school and community facilities are provided, BDBC's transportation witness accepts that the accesses to the appeal site have sufficient capacity to accommodate the traffic that would be generated. Indeed, each of the four access points on its own could cope with the traffic that would be generated by the whole site. [5.3.2, 6.3, 6.7, 7.4, 8.3.2]
- 9.3.3. The Marnel Park roads were designed in accordance with MfS which introduced a significant relaxation in highway engineering. Guidance referred to by BDBC is now dated, going back to Buchanan in 1963, and various of the documents are either in the process of being updated or are guidance not intended to be followed slavishly. [8.3.3, 8.3.4]
- 9.3.4. Whilst there might be large percentage increases in traffic flows they are from a very low base and are misleading. They would be well below the 1963 lower range of environmental capacity of 300vph. MfS indicates that even shared spaces can accommodate flows of up to 100vph and the Marnel Park roads would be within or close to this threshold. Flows on Barrington Drive, a through route, would be greater but *Guidelines for the Environmental Assessment of Traffic* allows for analysis of an 18 hour flow. Increases up to 600vph on such a road are considered minor. The increases for Appeal A would be 167vph and for Appeal B 68vph. People would have to cross the road to catch a bus, depending on the direction of travel, but even if they had walked more than 400 metres they would not be discouraged from crossing the road and catching a bus by these flows. Roads that are currently 'links' would generally remain 'links' whilst those that are 'places' would not be significantly affected. [4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 6.3, 8.3.4]
- 9.3.5. Accident records do not indicate a safety problem with just two accidents in the review period, neither of which involved pedestrians or children. There

is no indication that the highway authority has any safety concerns. [5.3.3, 6.18, 6.20, 7.4, 8.3.5]

- 9.3.6. Turning to bus services, an hourly service along Barrington Drive and Appleton Drive through Marnel Park has begun since BDBC's decisions but due to walk distances BDBC considers that it would be desirable to divert a bus route through the Appeal A development. A primary route through the appeal site has been designed to accommodate buses and swept path analyses have been carried out including on-street parking of cars. If a route were introduced then parking habits might change. Stagecoach is supportive of such a route as it would be open to a greater patronage aiding viability. [4.3.7, 6.14, 6.18, 7.4, 8.3.6]
- 9.3.7. Streets adjacent to the appeal site are subject to on-street parking that in some cases is significant. However, taking the highest number of parked vehicles from a parking survey indicates an average of 0.77 vehicles per dwelling, although off-street parking was provided in parking courts, garages and driveways at an average of 1.5 vehicles per dwelling. There is, therefore, no need for on-street parking. However, inconsiderate parking has already led to complaints and as a result parking restrictions are being considered as a part of the road adoption process. Parking restrictions would make a bus route easier to traverse but are not necessary to allow a bus service on the roads that are 6 metres wide. [4.3.8, 4.3.9, 5.3.3, 7.5, 8.3.7]
- 9.3.8. On professional advice, BDBC no longer pursues the impact of the traffic that would be generated by the development on the wider highway network. Although SSJ maintains that the appellant's traffic data is flawed, its own figures are based on traffic growth in 2012-2013. During this period development was still taking place. As a consequence the increase in traffic is due to more than just annual growth. SSJ's annual growth figure is 9%, giving an increase of 147% between 2010 and 2026, when the TEMPRO transport planning model predicts only 1.6% a year equating to an increase of 24% to 2026. There is clear evidence that even the TEMPRO growth forecasts are not actually occurring, but in any event the modelling of the network was undertaken on the basis of a traffic demand higher than the flows actually observed by SSJ and so is robust. [4.3.1, 5.3.4, 8.3.8, 8.3.9]
- 9.3.9. The capacity of a number of junctions on the wider network is under stress leading to rat running at speed through Sherborne St John where there are schools and the roads leading to Popley are narrow and potholed. Some junctions would be adversely affected, although many wouldn't. However, the latter would contribute to a cumulative impact. The highway authority has identified a number of schemes that could be implemented to offset these impacts. These would be achieved by contributions secured through Section 106 Agreements in relation to each appeal. An assessment in each case demonstrates that the contributions sought would be fair and reasonable and would meet the tests in CIL Regulation 122. [5.3.1, 5.3.5, 6.12, 6.13, 6.14, 6.18, 6.19, 6.22, 7.4, 8.3.10]
- 9.3.10. I conclude that there would be no material conflict with the aims of saved LP Policy E1. Provision would be made for the use of sustainable modes of transport and the impact of the proposals would fall far short of the 'severe' test set by the *Framework*. [4.3.10, 8.3.5]

## 9.4. Ecology

- 9.4.1. The protection of species and habitats is a policy objective at all levels. Paragraph 109 of the *Framework* indicates that the planning system should seek to enhance the natural environment whilst saved LP Policy E7 seeks to protect habitats and seeks opportunities to restore, enhance or create new habitats. GCNs are a European Protected Species. Migration to breeding sites takes place in the spring and adult newts leave the breeding sites from late May. Juveniles emerge from the aquatic habitat around early August and spend between 2 and 4 years on land before becoming mature and returning to breeding ponds. The terrestrial habitat surrounding breeding sites is, therefore, vitally important. GCNs can migrate over 1.3 kilometres but more commonly move between ponds that are around 250 metres apart.<sup>[3.2, 4.4.2, 5.4.1, 5.4.2]</sup>
- 9.4.2. There are no statutory designated sites within 1 kilometre of the appeal sites but Popley Pond, some 360 metres to the south-east, is a LNR. There are 22 SINCs within 1 kilometre of the development area of the appeal sites, 18 of which are separate units within Basing Forest. Spier's Copse SINC and part of the Basing Forest SINC complex lie immediately adjacent to the Phase 2 development area. The main populations in the area of the appeal site are Popley Ponds SINC, the Eastern Balancing Pond, Basingstoke Forest SINC and Kiln Farm Ponds.<sup>[4.4.2, 8.4.2]</sup>
- 9.4.3. Ecology was originally only raised in relation to Appeal B, some 2 months after Appeal A had been considered. A letter dated 15 February 2013 confirmed that BDBC "will provide evidence to support reason for refusal 8 of Appeal B in relation to Appeal A". The reason for refusal maintains that due to inadequate information BDBC is unable to discharge its statutory obligations under the *Conservation of Habitats and Species Regulations 2010*". This contradicts the conclusion of the Council's professionally qualified Biodiversity Officer who, following a request for additional information, was satisfied that there was sufficient to be satisfied on all three derogation licence tests. Moreover, there was no objection to the proposals from NE, the Government's lead advisor on biodiversity and the competent authority for issuing derogation licences.<sup>[4.4.1, 6.3, 6.5, 8.4.1, 8.4.4]</sup>
- 9.4.4. BDBC is required to have regard to the *Habitats Regulations* in exercising its functions. The disturbance of GCNs requires a derogation licence, granted by NE, which imposes three tests. NE's *Guide to Licensing* indicates that little is required to meet the IROPI test, and if planning permission were granted it would be self evident that there was no satisfactory alternative sites. BDBC's concern is that there is insufficient information to demonstrate that the FCS test would be met. The Supreme Court, in Morge, clarified that a local planning authority should grant planning permission unless an offence under the *Regulations* would be likely, and that it would be unlikely to be licensed pursuant to derogation powers. It need only ask itself whether NE would be unlikely to grant a licence. As the SoS is now the competent authority that question falls to him in this case.<sup>[8.4.3, 8.4.5]</sup>
- 9.4.5. The only matter of dispute between BDBC and the appellant relates to the FCS test in terms of: firstly, the adequacy of mitigation for habitat loss in the arable fields; and, secondly, concerns about the cumulative impact on

dispersal routes. SSJ and local residents are concerned that habitat fragmentation and loss would lead to a decline in GCNs exacerbated by the lack of maintenance of the existing Marnel Park mitigation.<sup>[4.4.1, 5.4.2, 5.4.3, 6.11, 8.4.6]</sup>

- 9.4.6. The absence of further terrestrial surveys, to gain information on the extent to which the arable fields are used, as well as on migratory patterns, is criticised as Popley Ponds SINC is of regional importance and the Eastern Balancing Pond is eligible to be designated as a SSSI due to its outstanding amphibian assemblage. However, the existing trapping/translocation data provides much better information, particularly as terrestrial surveys are likely to under-record populations. The earlier mitigation is accepted to be successful, despite SSJ concerns about maintenance, and so to some extent obviates the need for further surveys. Around 645 newts displaced from terrestrial habitat in Appeal A would not be accommodated in on-site high quality replacement habitat and would have to seek alternative habitat outside the site. This calculation is robust as it assumes the maximum density of newts found in the Marnel Park trapping/translocation programme would apply across the whole of the Appeal A site, although much of it is arable field where fewer newts were found away from the hedgerows, and it excludes large areas of open space within the site and private garden space, all of which would provide some habitat.<sup>[4.4.4, 4.4.7, 5.4.3, 8.4.7, 8.4.8]</sup>
- 9.4.7. In addition, there is almost 26 hectares of high quality habitat in Basing Forest, within 250-500 metres of the eastern balancing pond, capable of supporting some 7,700 newts. This is the obvious terrestrial habitat for the population in Popley Pond, and the eastern balancing pond, as it is close to them. The population using Basing Forest is the same as that which breeds in the ponds and the loading on the terrestrial habitat would not increase since the newts would already be heading to it. There are few breeding newts in the Basing Forest Ponds. Indeed, although assessed as good for the species, Pond C had no GCNs when recently surveyed although that is the only survey of that pond. However, there is nothing to suggest that the carrying capacity of Basing Forest has been reached and I do not consider that further data is required.<sup>[4.4.7, 8.4.9]</sup>
- 9.4.8. The surveys for the Marnel Park development found newts using the arable fields up to 20 metres from the hedgerow, although only 16.7% were recorded more than 2 metres from the hedgerow. However, its importance must be doubtful. Arable fields are generally considered to be poor terrestrial habitat for GCNs and although large numbers were found there, many would be killed by spraying, harvesting or during autumn cultivation that coincides with juvenile dispersion. As with Marnel Park, far from fragmenting GCN habitats, the replacement of larger areas of less suitable habitat, such as the arable fields, with smaller areas of much higher quality habitat, such as purpose designed newt corridors with additional ponds, is likely to favour newts and lead to population increases.<sup>[4.4.4, 5.4.3, 8.4.10]</sup>
- 9.4.9. Access to the appeal site would cross habitat created as part of the Marnel Park mitigation some 14 metres from the Eastern Balancing Pond on a key migratory route, and between the Eastern and Western Balancing Ponds. Although NE considers an isolating feature within 50 metres of a breeding pond as a high impact, the mitigation lost would be limited to an access

road crossing habitat but with newt culverts which, notwithstanding SSJ's concern about maintenance have been demonstrated to be successful. When culverts are associated with newt fencing there has been little problem with newts being killed crossing roads. [4.4.3, 5.4.3, 5.4.4, 6.3, 6.7, 6.10, 7.6, 8.4.11]

- 9.4.10. In terms of dispersal routes, the proposed mitigation is essentially an extension of the existing protecting breeding ponds, providing more ponds, enhancing connectivity and replacing poor quality arable habitat with smaller areas of higher quality habitat. It is significant that the Carpenter's Down migration corridor, and the purpose built newt culverts under the roads, are operating successfully as these are an essential part of the existing and proposed mitigation. Although SSJ has concerns about fragmentation and lack of maintenance, NE has twice brought parties of NE Officers to inspect the mitigation and its former lead amphibian officer has written an article lauding it. The newly created eastern balancing pond has been so well colonised by GCNs and other amphibians that it is considered worthy of national status as a SSSI. The western balancing pond and the eastern enhancement pond have begun to be colonised and demonstrate that the central newt corridor is also being used. [4.4.2, 5.4.3, 8.4.12, 8.4.13]
- 9.4.11. Newt numbers fluctuate but the GCN monitoring report 2012 shows that the overall population of the eastern balancing Pond and the Swale Pond is growing. There is a difficulty in recording actual numbers in a large pond such as Popley. However, the 2013 data shows a substantial increase in Popley Pond newt numbers compared to previous years. There may be reasons why numbers were high in 2005 and 2008, such as trapping in 2004 and 2007 leading to large numbers deposited on the northern margins of Popley Pond, and low in 2012, due to a very dry spring. It is also possible that some of the Popley Pond population moved to the eastern balancing pond of their own volition as it is closer to the Basing Forest terrestrial habitat. However, there is no basis to suggest that GCNs have been adversely affected by the Marnel Park development or that there is any doubt about FCS. [4.4.8, 8.4.14]
- 9.4.12. The north/south habitat corridor from Popley Pond to the eastern balancing pond would be extended to the terrestrial habitat in Basing Forest, avoiding the need to cross arable fields with their dangers. The central corridor from Popley Pond to the eastern enhancement pond provides a safe route for newts dispersing towards the north-west and the Kiln Farm Ponds. There would not be a direct route to Kiln Farm Ponds but high quality habitat would be provided in lieu of the arable fields with their dangers. From the eastern enhancement pond GCNs could go north to the western balancing pond and west along a new corridor with two additional ponds to the western landscape buffer. Alternatively, they could go west via a new western enhancement pond, due to be provided early next year, to the western landscape buffer. From the buffer they would pass across the arable fields beyond. The landscape corridor along the northern edge of Marnel Park would also be enhanced enabling safe movement between the eastern and western balancing ponds. [4.4.6, 8.4.15, 8.4.16]
- 9.4.13. The Kiln Farm Ponds have a low population of breeding GCNs. Whilst regular interconnection with the Kiln Farm Ponds GCN population is unlikely

given the distances, connectivity would be enhanced and the Marnel Park trapping data indicates large numbers of juveniles head in that direction. Off-site mitigation for other species in the form of field margins, conservation headlands, and additional species rich hedgerows would be provided and although these would not be designed with GCN interlinkages in mind, they would be safer habitat than arable fields. [4.4.5, 4.4.6, 6.11, 7.6, 8.4.16]

- 9.4.14. The proposed mitigation strategy is an extension of the existing which has been successful, particularly the movement corridors and culverts for newts. It is now accepted that the Carpenter's Down corridor, part of the Marnel Park mitigation measures, is being used for migration and only 3 newts have been found dead on the roads. The eastern balancing pond is considered to be worthy of SSSI designation and the Swale Pond has an increased population of GCNs. Moreover, the cessation of arable farming close to the eastern balancing pond would be likely to prevent dispersing newts from being killed by agricultural practices. There is no reason, from long term monitoring, to think there is a problem with Popley Pond or that there would be an adverse impact in terms of a viable breeding population that would threaten the FCS. [4.4.2, 5.4.4, 7.6, 8.4.17]
- 9.4.15. The Hampshire and Isle of Wight Wildlife Trust objected to a number of policies in the pre-submission version of the emerging CS in a letter dated 23 March 2012. However, in relation to the application on the overall site the Trust's letter of 24 February 2012 did not object but referred to concerns that BDBC's Ecologist had and advised that they should be dealt with prior to determining the applications. This stance was confirmed in a further letter dated 15 January 2013. The report to Committee in July 2012 indicates that the Biodiversity Officer had no objection at that time, subject to conditions. [5.4.5, 8.4.10]
- 9.4.16. NE assisted in the design of the Marnel Park mitigation and has knowledge of how it has performed over the years. Moreover, it varied the existing licence, did not object to the applications, and informed BDBC's ecology witness that it was not currently aware of any reason that would prevent a licence being granted for subsequent phases. The evidence indicates that NE would be likely to grant a licence and the Secretary of State as the competent authority could, therefore, grant planning permission. [4.4.8, 5.4.4, 8.4.18]

## 9.5. Land Supply and Prematurity

- 9.5.1. SSJ, like BDBC, considers that the evidence base supporting the *South East Plan* is now outdated, albeit that it has been tested at examination. SSJ also has concerns about the appellant's figures arising from the modelling methodology used. However, although the appellant and BDBC disagree on the evidence base to be used in relation to housing land supply, they agree that the difference between them is not material as in both cases the shortfall is 'serious and significant' and should carry weight. I agree with this despite SSJ's view that the latest statistics indicate a downwards revision in population and household estimates. [4.5.1, 4.5.2, 5.5.1, 5.5.2, 8.5.1]
- 9.5.2. Turning to prematurity, SSJ objected on that ground at application stage but the report to Committee concluded that there was 'no defensible position' for such a refusal. Notwithstanding that advice, both appeal schemes were

refused, amongst other reasons, as they would prejudice the development of the spatial vision for the Borough through the *Local Plan* process in terms of the size, scale, sustainability and phasing of new housing. [4.5.3, 6.6, 8.4.16]

- 9.5.3. Although the *Framework* does not mention prematurity, the PSGP does. The appellant and BDBC disagree on the interpretation of PSGP paragraphs 17 and 18. The appellant maintains, in the light of the first bullet point in paragraph 18, that there cannot be a prematurity argument as there is not yet even a consultation draft *Local Plan* and refers to a number of previous appeal decisions in support of that view. However, there is no evidence that arguments about paragraphs 17 and 18 were raised in those cases. BDBC maintains that the two paragraphs address two different circumstances and that in this case it is paragraph 17, which is concerned with pre-empting decisions not yet made in the *Local Plan* process, that would apply. [4.5.4, 4.5.5, 8.5.3, 8.5.4, 8.5.5]
- 9.5.4. BDBC accepts that the emerging Local Plan is 'embryonic'. Consultation on a pre-submission draft has been put back twice from April to July and then to August 2013 and there is no guarantee that the latest timetable would be adhered to in light of the Cabinet decision of 15 April 2013 to require further assessment work. If the appellant's interpretation is correct there is no case for a prematurity argument. If BDBC's interpretation is right then refusal might be justified if the proposal is so substantial or where the cumulative effect would be so significant that granting permission would prejudice the Plan by predetermining decisions about scale, location or phasing. [4.5.4, 8.5.4]
- 9.5.5. BDBC accepts that the scale of housing to be delivered would be unlikely to be prejudiced. On its figures, Appeal A would represent just over 3% of the total, or fewer than 6% of the calculated remaining requirement. In terms of location, the site was a proposed allocation for 450 houses in the now abandoned draft CS but there is no certainty it would be allocated in the emerging plan. However, although there are other sites being assessed, it has been carried forward in every subsequent assessment of sites that will inform the emerging *Local Plan*. All sites have some constraints but Officers are clear this is one of the better performing locations. Although the site is some 21 hectares it would not be significantly closer to Sherborne St John than existing development and would be on the opposite side of a landscape 'curtain' that already exists but which would be reinforced. It would not significantly affect the identity of Sherborne St John or its relationship to Basingstoke and is not 'so substantial' that its future should of necessity be resolved through the *Local Plan* process. [4.5.6, 4.5.9, 8.5.6, 8.5.7]
- 9.5.6. Turning to phasing, the site is one of 6 currently put forward for allocation in the first 5 year period of the emerging *Local Plan*. Although it would not be built out in the first 5 year period it would make an important contribution of around 30% of the total number of dwellings required in that period. Notwithstanding the current state of the housing market, the 'serious and significant' shortfall means that there is an urgent need to release sites for development now. Moreover, as noted above, there can be no certainty that the emerging *Local Plan* would be adopted by August 2014. Waiting for the *Local Plan* to be adopted and then making up the housing provision later in the plan period would be the antithesis of the approach advocated in the *Framework*. [4.5.10, 5.5.3, 6.3, 7.11, 8.5.8, 8.5.9, 9.5.4]

- 9.5.7. In the light of these conclusions a prematurity argument is not justified regardless of which interpretation of PSGP paragraphs 17 and 18 is considered correct.
- 9.5.8. Planning involves people and the *Framework* states that it should be planned empowering local people to shape their surroundings. However, the Secretary of State has made clear that whilst local communities have been given a greater say by the *Localism Act* that brings the responsibility to prepare *Local Plans* in a timely manner to make provision for needs. In this case there is no up-to-date *Local Plan* but there is a serious and significant shortfall in housing. Allowing the appeals would not deprive local people of the right to be heard as many local residents have made representations, in writing and in person, to the Inquiry, including at an evening session. I do not consider that the prematurity argument is justified by either the PSGP or the *Localism Act*.<sup>[4.5.8, 4.5.10, 4.6.2, 6.6, 7.11, 8.5.10, 8.5.12]</sup>
- 9.5.9. Reference has been made to a *Sherborne St John Neighbourhood Plan* but no weight can be given to the emerging *Neighbourhood Plan* as it is only at a very early stage with no published outcome following a consultation on the plan boundary.<sup>[8.5.11]</sup>
- 9.6. **Other Matters**
- 9.6.1. Local residents in Popley, a London overspill community that is deprived but close-knit, have endured construction works for around 10 years which for some has caused stress and affected health. The disruption was accepted partly because of the *North Basingstoke Action Plan 2003* that set out an agreement between BDBC, developers and the community. The scale of change was accepted in return for the regeneration of services and infrastructure but it has been difficult to bridge differences with new residents to bring the community together. Basingstoke has grown at a faster rate than the UK population generally and the strength of feeling that the area has made its contribution and the desire for a respite is understandable. However, although 450 more houses might be built, Members must have had this in mind when proposing to allocate the site for development on a number of occasions.<sup>[4.6.2, 5.6.1, 6.1, 6.2, 6.3, 6.4, 6.5, 6.8, 6.11, 6.12, 6.14, 6.15, 6.23, 7.1, 7.10, 7.11, 8.6.7, 8.6.9]</sup>
- 9.6.2. Access to the countryside would not be lost but would be moved a short distance. Although some people might find it difficult to sell their houses due to the construction works and have the peaceful enjoyment of their home disrupted for a time the impacts would be finite and outweighed by the wider public interest in providing new houses. Impacts could be minimised by conditions and a Construction Method Statement. Access to the Appeal B site would be across Phase 2 of the Appeal A site. In any event, construction activity would occur at Merton Rise as it is built out and the proposals would add only a modest amount to the impacts of that development. Community cohesion would be aided by reduced crime through the implementation of *Secured by Design* principles, by the mix of dwellings, a community hall, a school if built, and affordable house to meet local needs. Whilst residents of Sherborne St John feel threatened by development the proposal would have no significant impact on the character

of the village. The impact on amenity would not justify refusing the proposals. [5.6.1, 6.11, 6.13, 6.18, 6.20, 7.9, 7.10, 8.6.7, 8.6.8, 8.6.9]

- 9.6.3. The Framework indicates that there are three dimensions to sustainable development, economic, social and environmental. BDBC accepts that the proposal would meet the economic, and partly meet the social role of sustainable development. I note that the Secretary of State, in an appeal decision at Sandbach (APP/R0660/A/10/2141564), considered this sufficient for development to be considered sustainable. [4.6.3, 5.6.9, 8.6.16]
- 9.6.4. The reasons for refusal cite inadequate options for public transport, local facilities and services. Bus services serve the town centre, hospital and Chineham District Centre and since BDBC's decision a service has started to run on Barrington and Appleton Drives. The walk distance to a bus stop would be within 400m for most of the houses in Appeal B whilst an 800m walk distance would cover the entire development. The highway authority considers this acceptable. The primary route through the site would accommodate buses and Stagecoach is supportive of diverting a route through the proposal to aid viability. [7.7, 8.6.1, 8.6.2, 8.6.3]
- 9.6.5. In terms of services and facilities, there would be a small format Tesco store, a takeaway, a community hall, and possibly a primary school if built, within a 10 minute walk distance, there would be other facilities within a 15 minute walk distance and education, retail, employment and health facilities within a 25 minutes walk or easy cycle distance. By 2016 there would also be a new local centre in Merton Rise within 2 kilometres maximum walk distance suggested by MfS and within a 2 mile distance suggested by Sustrans for cycling. The proposal would also perform an environmental role through the provision of open space, enhanced landscaping, and improved habitat for GCNs. The fact that the proposals would not be free standing but rely on existing services and infrastructure would not be a reason to refuse the proposals. The proposals would not conflict with saved LP Policy A2. [4.6.3, 5.6.9, 7.7, 8.6.4, 8.6.5, 8.6.6, 8.6.16]
- 9.6.6. BMV land is defined as grades 1, 2 and 3a. There is no BMV land on the Appeal B site and only some 3.8 hectares on the Appeal A site. This amounts to only 18% of the site. Productive aspects are considered in the grading system and the loss of 3.8 hectares would not be significant, even in terms of food security, as land elsewhere around the periphery of Basingstoke is likely to be of a higher grade with the western side having extensive tracts of grade 2 and 3a land. Whilst the land might be farmed profitably, the site is a small part of the holding on the periphery of the farm and its loss would be of minor significance. [5.6.2, 6.9, 8.6.10]
- 9.6.7. Infrastructure in the form of water supply, waste water management and associated environmental impacts are important and some residents have detected deterioration in quality. However, neither water quality nor water supply is likely to inhibit growth as infrastructure can be improved, albeit at a cost. Indeed, SSJ's witness accepted that coping with the impacts of the proposal was 'do-able'. There is no objection from the statutory consultees who, from papers submitted, are well aware of the challenges. High abstraction rates have limited flows, particularly in the River Loddon, affecting water quality but in this case waste water would go to the 'state of

the art' Basingstoke STW which has adequate capacity. Thames Water is encouraging consumers to reduce water consumption and South East Water advised that a new water supply pipe would be required. Although SSJ would like to see a further Water Cycle Study for the area, concerns about water supply and waste water would not justify refusal and were not raised by BDBC. [5.6.3, 5.6.4, 5.6.5, 5.6.6, 6.12, 6.17, 7.7, 8.6.12]

- 9.6.8. The Council advances no case in relation to design and impact on heritage assets. SSJ maintains that the design and quality of recent buildings in Popley have been indifferent or poor. However, feedback from a public exhibition indicated that the proposals should reflect recent development in terms of design features and materials. In terms of build quality the appellant is part of Barratt Developments which has a 5\* rating in the House Builders Federation New Home Customer Satisfaction Survey. [4.6.1, 5.6.7, 7.8, 8.6.12]
- 9.6.9. The impact on the Sherborne St John Conservation area has already been considered under landscape and visual impact. The Grade II listed Kiln Farm and Kiln Farm Cottages are the nearest listed buildings to the appeal site. The farm buildings have a countryside setting and although development would be sited closer than at present it would be separated from the farm buildings by the reinforced landscape buffer. There would be some change but the setting would remain as countryside. EH's methodology has been used in the ES to assess the change and indicates no significant change to the asset or its setting. EH has not raised any objection. [5.6.8, 6.6, 6.21, 8.6.13]
- 9.6.10. The proposals would provide 260 out of 450 dwellings in the first 5 year period of the emerging *Local Plan* representing between 11 and 26% of the housing deficit with the remainder following on. The housing mix is acceptable to BDBC to meet local needs. The Appeal B scheme is in detail and could commence on site as soon as pre-commencement conditions were discharged. Although this would only address part of the deficit, no other sites have been identified that could be brought forward in a similar period. Moreover, there are more than 5,500 households on the housing waiting list and the provision of 180 affordable homes would be important in addressing the unmet annual need for 423 such units, particularly as the majority would be for social rent giving the maximum affordability. This may be only the provision required by policy but it could be provided quickly and there has been no request for a larger proportion of affordable housing provision. [4.6.5, 8.6.19, 7.8, 7.12, 8.6.20]
- 9.6.11. Other benefits include construction jobs, and possibly some permanent jobs if a Primary School were built. There would be enhanced habitat for GCNs, hedgerows would be retained, and the western landscape buffer would be reinforced reducing intervisibility. Local bus services would be improved, as would pedestrian and cycling routes. High quality design, the provision of on-site open space, and the use of sustainable materials and minimised waste would carry little if any weight as these are matters that should be expected of any new development. [4.6.5, 7.5, 8.6.21]
- 9.6.12. Just because the benefits of providing housing where there is a shortfall have been found elsewhere to outweigh harm, the circumstances and

weight to be given to both sides in the planning balance may be different and each case should be considered on its own merits.<sup>[4.6.6]</sup>

- 9.6.13. In terms of mitigation, provision is made in the design for newt corridors and additional ponds, other mitigation matters such as a protected species management plan, ecological compensation habitat, and junction improvements would be provided through Section 106 Agreements whilst yet other measures such as additional landscaping would be required by conditions. Agreements and conditions are considered below.

## 9.7. **Section 106 Agreements and Conditions**

- 9.7.1. A completed Section 106 Agreement has been submitted for each application. Both Agreements make provision for: community facilities, open space, play areas and playing fields, public art, affordable housing, education, transport and a travel plan, a protected species management plan and ecological compensation habitat. In addition, the Agreement relating to the outline scheme includes provision for a landscape management plan. A similar requirement in relation to the detailed scheme in Appeal B would be covered by a condition agreed between BDBC and the appellant. Justification for the education and transport matters and the travel plan has been provided by Hampshire County Council as the education and highways authorities. Justification for the other matters in terms of their necessity to make the development acceptable in planning terms, how they are directly related to the development and why they are fairly and reasonably related in scale and kind to the development has been provided by BDBC and the appellant. This includes the policy underpinning the matters and the calculation of any contributions. These documents confirm that the Agreements satisfy the tests in CIL Regulation 122 and are necessary to make the proposals acceptable.<sup>[4.7.2, 8.7.1, 8.7.2]</sup>
- 9.7.2. In addition, SSJ maintains that there should also be a cultural contribution of some £15,000 to a museum in the town or to the site of Basing House run by the County. Whilst BDBC has a cultural strategy and culture and heritage are important, there is no justification in terms of policy, why such a contribution would be necessary to make the proposal acceptable in planning terms, or how the sum suggested would reflect the scale and kind of development. Such a contribution would not, therefore, meet the tests in CIL Regulation 122.<sup>[5.7.1]</sup>
- 9.7.3. A number of conditions were agreed between BDBC and the appellant. There was some duplication and the wording of other conditions have been altered where necessary in the interests of clarity.<sup>[4.7.1, 8.7.2]</sup>
- 9.7.4. In relation to Appeal A suggested conditions 2, 3 and 4 are standard conditions relating to commencement and should be attached, whilst suggested condition 1 listing the approved drawings would be in the interests of certainty and good planning. Similarly, condition 6 sets out application documents that define principles relating to the reserved matters. The housing mix reflecting local needs is a significant benefit of the scheme and condition 7 would ensure the appropriate mix. Phasing details to enable monitoring of timing and implementation of the scheme should be required by condition 5.

- 9.7.5. Suggested conditions 9 to 16 and 22 relate to hard and soft landscaping and the protection of trees. Landscaping is a critical element in making the proposal acceptable and all these conditions are required, including that requiring a landscape management plan, to ensure the required level and quality of landscaping and its future management is achieved. Condition 17 is unnecessary as details of boundary treatments are required by condition 9. Details of all external materials should be submitted as suggested in condition 8 to ensure compatibility with existing development.
- 9.7.6. Suggested condition 18 should be attached to ensure the sustainability credentials of the scheme through the Code for Sustainable Homes. To prevent flooding and ensure the easy movement of GCNs details of any bridges, as required by suggested condition 19, should be submitted. Surface water drainage details as in suggested condition 20 should be required to prevent any increased risk of flooding although condition 21 is not necessary as that is a matter for the Building Regulations and the requirements of other legislation should not be duplicated by conditions.
- 9.7.7. No demolition or development should be commenced until NE has granted a European Protected Species Licence and then it should be carried out in accordance with the ES Ecology chapter to safeguard the GCNs on the site as in suggested conditions 23 and 35, although condition 23 should refer to the related Section 106 Agreement dated 10 May 2013. Suggested condition 24 is also required to ensure that the nearby SINC that are used by the GCNs are monitored and if necessary any impact mitigated. As artificial light can affect the ecology of an area details of any external and street lighting within 20 m of Vyne Brook should be submitted for approval as in suggested condition 36.
- 9.7.8. The site is in use as agricultural land and a Phase 1 Desk Study dated December 2011 identified a pollutant linkage as potentially being active on the site. Suggested conditions 25 and 26 relating to identification and where necessary remediation of any contaminant found should be attached. A scheme of archaeological investigation and a construction method statement should be required before commencement to ensure any finds are recorded and that environmental considerations and public amenity is safeguarded as suggested conditions 27 and 28. Working hours should be restricted and burning on site prevented, as in suggested conditions 37 and 38 in the interests of amenity.
- 9.7.9. Suggested conditions 29 to 34 and 41 to 42 relate to highway matters and are required in the interests of highway safety and supporting sustainable modes of transport. Details of community benefits such as children's play areas, kickabout areas, formal sports provision and park and allotments should be required prior to commencement to ensure appropriate provision as suggested conditions 39 and 40.
- 9.7.10. Many of the conditions suggested in relation to Appeal A are repeated in connection with Appeal B and for the reasons given above should be attached. Some conditions have altered as they relate to a full rather than an outline proposal. Suggested conditions 8, 11, 12, 18, 19, 21, 22, and 23 for Appeal B all relate to access, parking, and highway safety and should all be attached in the interest of amenity and safety.

- 9.7.11. Appeal B suggested conditions 25, 27, 28 and 32 relate to tree protection, planting, enclosure and landscape management. Landscape is an important element of the scheme and these conditions should be attached to safeguard the landscape and visual amenity of the surrounding area.
- 9.7.12. The site includes rising ground and to safeguard visual amenity an additional condition relating to a measured survey and requiring a plan showing existing and proposed ground levels and finished floor levels of the proposed houses to be approved should also be attached in the case of both appeals. Schedules of conditions that should be attached to any permissions, in accordance with the reasons set out above, are included in Appendices 3 and 4.

## 10.0 Overall Conclusions and Recommendations

### 10.1 Overall Conclusions

- 10.1.1. There is a difference in interpretation of PSGP paragraphs 17 and 18 but regardless of which interpretation is accepted there is no justification for a prematurity argument. Either there is no case as there is a housing shortfall and not even a consultation draft *Local Plan*, or the proposals would not be so substantial, or cumulatively so significant, that the plan would be prejudiced in terms of scale, location or phasing. Indeed, although prematurity was a reason for refusal in both appeals, Officers informed Members that there was 'no defensible position' for a refusal on prematurity grounds. In terms of the *Localism Act*, local people have had an opportunity to participate and make representations both in writing and in person at the Inquiry, including at an evening session.<sup>[9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6, 9.5.7, 9.5.8]</sup>
- 10.1.2. The decisions on the two appeals are not co-dependent but many of the benefits and disbenefits relating to Appeal A also apply to Appeal B. The appeals are made against a background of a 'serious and significant' shortfall in housing land supply in Basingstoke. The proposals would provide between 11 and 26% of the shortfall in the first 5 years of the emerging *Local Plan* period with a mix to meet local needs. Indeed, the Appeal B scheme could commence on site as soon as pre-commencement conditions have been discharged.<sup>[1.4, 4.6.7, 9.5.1, 9.6.10]</sup>
- 10.1.3. There are more than 5,500 households on the housing waiting list and an unmet need for 423 affordable units a year. The proposals would provide 180 affordable houses quickly in accordance with policy. In addition, some construction jobs would be created, GCN habitat would be improved and the western landscape buffer reinforced reducing intervisibility between Popley and Sherborne St John. Local bus services would be improved as would walking and cycling routes. These benefits need to be balanced against the harm that would be caused.<sup>[9.6.10, 9.6.11]</sup>
- 10.1.4. A number of issues would be neutral in the planning balance. There would be no material conflict with saved LP Policy E1 and any residual transportation impact would fall far short of the 'severe' test in the *Framework*. In terms of ecology, the reason for refusal contradicts the conclusion of the Council's professionally qualified Biodiversity Officer. There is no objection from NE who informed BDBC's ecology witness that it

was not aware of any reason to prevent a derogation licence being issued for the proposals. There would be no adverse impact on GCNs and the SoS could grant planning permission as the test in Morge would be met. [9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.3.7, 9.3.8, 9.3.9, 9.3.10, 9.4.10, 9.4.11, 9.4.12, 9.4.13, 9.4.14, 9.4.16]

- 10.1.5. BDBC accepts that the proposal would meet the economic and social dimensions to sustainable development, at least in part. Bus services now run through Marnel Park and could be diverted through the development. There are some services and facilities within a 10 minute walk distance and a range within a 25 minute walk or easy cycling distance. Given open space, landscape and habitat improvements the proposal would also satisfy the environmental dimension. [9.6.3, 9.6.4, 9.6.5]
- 10.1.6. Only some 18% of the site would be BMV land and its loss would be of minor significance. Water supply and waste water management are important but can be satisfied. There were no objections from statutory consultees who are aware of the difficulties. No design issue is raised by the Council and feedback from the public indicated the proposals should reflect recent development in terms of design and materials. There would be no significant impact on the setting of the Sherborne St John Conservation Area or the Grade II listed Kiln Farm and Kiln Farm Cottages and there was no objection from EH. [9.6.6, 9.6.7, 9.6.8, 9.6.9]
- 10.1.7. Turning to those matters where harm would be caused, the most significant harm would be in terms of impact on community cohesion and amenity, and landscape and visual intrusion. Local people have endured 10 years of construction activity and there is significant support for the view that the area has made its contribution and deserves a respite. Noise and disturbance might affect the enjoyment of their homes and cause some stress but the construction would be for a finite period. In any event, it would add little in the way of disturbance due to construction activity that would be occurring at Merton Rise and impacts could be minimised by conditions and a Construction Method Statement. [9.6.1, 9.6.2]
- 10.1.8. In terms of landscape and visual intrusion, development on a greenfield site would impact on the landscape character of the immediate area, as it would anywhere. However, the site is contained by topography, and existing and new landscaping. Roof ridges would be seen amongst the trees as the reinforced western landscape buffer matures. Views of the development from Sherborne St John would be mitigated by distance and planting and, whilst some residents on the edge of Marnel Park would lose direct views of open countryside, development would be screened, in part, by planting. Lighting at night would be seen against the backdrop of existing lighting alongside the lights of Marnel Park. The gap between development in Basingstoke and Sherborne St John would be only slightly reduced and mitigated by the reinforced western landscape buffer preserving the individuality of the two settlements. The landscape and visual impact in this case would conflict with saved LP Policy E6 but the impact would be slight. [9.2.4, 9.2.5, 9.2.10, 9.2.11, 9.2.12, 9.2.14, 9.2.17, 9.2.18]
- 10.1.9. In both cases Section 106 Agreements would make provision for a number of matters. These would all meet the tests in CIL Regulation 122 and are necessary to make the proposal acceptable. In addition a number of

conditions are needed and would meet the tests in Circular 11/95. [9.7.19.7.29.7.39.7.49.7.59.7.69.7.79.7.89.7.99.7.109.7.119.7.12]

10.1.10. In the case of both Appeal A and B the benefits, in the context of a serious and significant shortfall in housing land supply, would clearly outweigh the temporary, albeit lengthy, construction impacts that the local community would have to endure and the slight impact on landscape character and visual intrusion in the wider locality that would, in time, be mitigated by the reinforced landscaping.

10.2. **Recommendations**

10.2.1. I therefore recommend that both Appeal A and Appeal B are allowed, subject to the conditions set out in the attached Schedules 3 and 4 respectively.

*K D Barton*

INSPECTOR

## **APPENDIX 1**

### **APPEARANCES**

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Michael Bedford of Counsel	Instructed by Head of Governance and Monitoring Officer, Basingstoke and Deane Borough Council
He called	
Bettina Kirkham DipTP BLD CMLI	Director, Kirkham Landscape Planning Limited (Landscape and Visual)
Steven Parsons HNC DipTPE MCIHT	Technical Director, Motion Consultants Limited (Transportation)
James Pattenden BSc MSc MIEEM	Principal Consultant, RSK (Ecology)
Fiona Jones BSc(Hons) BTP MRTPI	Chartered Planner (Planning)

#### **FOR SHERBORNE ST JOHN PARISH COUNCIL:**

Andrew Dawson	Instructed by GL Hearn
He called	
Natasha Rougier	(Landscape and Visual Intrusion)
Julian Crawley	(Transport, Planning, and Impact on Community)
Edward Davies	(Ecology)
Roger Walters	(Water)

#### **FOR DAVID WILSON HOMES SOUTHERN:**

Richard Phillips QC	Instructed by Osborne Clarke, One London Wall, London EC2Y 5EB
He called	
Lisa Toyne BA(Hons) DipLA MLI DipTP CMLI	Landscape Planning Director, Barton Willmore (Landscape and Visual)
Mike Oxford BSc MSc MIEEM	The Landmark Practice (Ecology)
James McKechnie BSc DipTE CMILT MIHT	Transportation Technical Director, Hydrock Consultants Limited (Traffic Impact and Sustainability)
Nick Patterson-Nield BA(Hons) MPhil MRTPI	Director, Barton Willmore (Planning)

**INTERESTED PERSONS:**

Councillor Potter	Borough Councillor
Councillor Frankum	Borough Councillor
Councillor Harvey	Borough Councillor
James Arbuthnot MP	Constituency Member of Parliament
Ms Suzanne Denness	Local resident
Alan Fowler	Local resident
Edward Davies (also speaking on behalf of Howard Mills)	Local resident
Daniel O'Loughlin	Local resident
John Reed	Local resident
Brian Nagle	Local resident
Kevin O'Kelly	Local resident
Sid Abraham	Local resident
Cllr John Leek	Local resident
Gary Foster	Local resident
Sarah Banfield	Local resident
Kevin Harrall	Local resident
Rob Fielder	Local resident
Chris Moore	Local resident
Ian Todd	Local resident
Malcolm Turner	Local resident

**APPENDIX 2****DOCUMENTS****Core Documents**

<b>CD1</b>	<b>Appeal Documents –Appeals A &amp; B</b>
CD1/1	Appeal Documents submitted to the Planning Inspectorate on 21 November 2012
CD1/2	Council Appeal Questionnaire, including supporting documents and relevant development plan policies (January 2013)
CD1/3	Appellants' Statement of Case – Outline Appeal (February 2013)
CD1/4	Council Statement of Case (February 2013)
CD1/5	Appellant/Council Statement of Common Ground (February 2013)
CD1/5A	Addendum to Appellant/Council Statement of Common Ground re Housing Land Supply (Hand written and typed versions)
CD1/6	Sherborne St John Parish Council Statement of Case (February 2013)
CD1/7	Appellants' Statement of Case – Full Appeal (February 2013)
CD1/8	Appellant/Hampshire County Council Statement of Common Ground - Education
CD1/9	Appellant/Hampshire County Council Statement of Common Ground - Highways Appeal A
CD1/10	Appellant/Hampshire County Council Statement of Common Ground - Highways Appeal B
CD1/11	Section 106 Obligation Appeal A
CD1/11A	Amended Section 106 Obligation Appeal A
CD1/11B	Completed Section 106 Obligation Appeal A
CD1/12	Compliance Statement Appeal A Obligation
CD1/13	Section 106 Obligation Appeal B
CD1/13A	Amended Section 106 Obligation Appeal B
CD1/13B	Completed Section 106 Obligation Appeal B
CD1/14	Compliance Statement Appeal B Obligation
CD1/15	Statement of Common Ground on Pond C
<b>CD2</b>	<b>Planning Application Documents –Appeal A</b>
CD2/1	Planning Application Form, Certificate of Ownership and Agricultural Holdings Certificate dated 19 January 2012
CD2/2	Amendment Letter from Barton Willmore dated 12 April 2012
CD2/3	Amendment Letter from Barton Willmore dated 2 May 2012
CD2/4	Environmental Statement
CD2/5	Environmental Statement Appendices
CD2/6	Environmental Statement Non Technical Summary
CD2/7	Planning Statement dated January 2012, prepared by Barton Willmore
CD2/8	Design and Access Statement (Outline Application) dated January 2012 prepared by Barton Willmore
CD2/9	Statement of Community Involvement dated December 2011, prepared by Curtin & Co
CD2/10	Environmental Sustainability Report dated January 2012, prepared by URS Scott Wilson
CD2/11	Utilities Appraisal Report dated December 2011, prepared by Hydrock
CD2/12	Application Masterplan (drawing number 12 Rev M)
CD2/13	Land Use Parameters Plan (drawing ref 23 Rev K)
CD2/14	Residential Density Parameters Plan (drawing ref 24 Rev K)

CD2/15	Building Heights Parameters Plan (drawing ref 25 Rev K)
CD2/16	AOD Heights Parameters Plan (drawing ref 26 Rev K)
CD2/17	Illustrative Layout (drawing number 34 Rev D)
<b>CD3</b>	<b>Planning Application Documents –Appeal B</b>
CD3/1	Planning Application Form, Certificate of Ownership and Agricultural Holdings Certificate dated 19 January 2012
CD3/2	Letter from Barton Willmore dated 26 January 2012
CD3/3	Amendment Letter from Barton Willmore dated 1 February 2012
CD3/4	Amendment Letter from Barton Willmore dated 20 February 2012
CD3/5	Amendment Letter from Barton Willmore dated 12 April 2012
CD3/6	Amendment Letter from Barton Willmore dated 2 May 2012
CD3/7	Amendment Letter from Barton Willmore dated 6 June 2012
CD3/8	Amendment Letter from Barton Willmore dated 24 August 2012
CD3/9	Environmental Statement
CD3/10	Environmental Statement Appendices
CD3/11	Environmental Statement Non Technical Summary
CD3/12	Planning Statement dated January 2012, prepared by Barton Willmore
CD3/13	Design and Access Statement (Detailed Application) dated January 2012 prepared by Barton Willmore
CD3/14	Statement of Community Involvement dated December 2011, prepared by Curtin & Co
CD3/15	Environmental Sustainability Report dated January 2012, prepared by URS Scott Wilson
CD3/16	Code for Sustainable Homes: Pre Assessment dated January 2012, prepared by URS Scott Wilson
CD3/17	Utilities Appraisal Report dated December 2011, prepared by Hydrock
CD3/18	Drainage Strategy drawing ref: 10186-C005 Rev B
CD3/19	Memorandum of Advice from Forbes-Laird Arboricultural Consultancy, dated April 2012
CD3/20	Parking Assessment and Strategy Note prepared by DWH dated 30 <sup>th</sup> April 2012
CD3/21	Road Safety Audit prepared by Hydrock
CD3/22	Traffic Count for Chineham Lane and associated note prepared by Hydrock
CD3/23	Explanatory note setting out changes made to landscape plans and the response to comments raised by the Council's landscape officer
CD3/24	Land Use Parameters Plan (drawing ref 23 Rev K)
CD3/25	Residential Density Parameters Plan (drawing ref 24 Rev K)
CD3/26	Building Heights Parameters Plan (drawing ref 25 Rev K)
CD3/27	AOD Heights Parameters Plan (drawing ref 26 Rev K)
CD3/28	Planning Layout (drawing ref HNP5/PL/01 Rev P)
<b>CD4</b>	<b>Local Planning Authority Committee Documents and Decision Notice – Appeals A &amp; B</b>
CD4/1	Planning Officer's Report to Basingstoke and Deane's Development Control Committee held 4 <sup>th</sup> July 2012
CD4/2	Decision Notice dated 2 <sup>nd</sup> August 2012
CD4/3	Planning Officer's Report to Basingstoke and Deane's Development Control Committee held 19 <sup>th</sup> September 2012
CD4/4	Decision Notice dated 1 <sup>st</sup> October 2012
CD4/5	Basingstoke and Deane Borough Council letter clarifying Reasons for Refusal dated 15 <sup>th</sup> February 2013

<b>CD5</b>	<b>National Planning Policy</b>
CD5/1	National Planning Policy Framework (2012)
CD5/2	Department of Communities and Local Government Letter to Chief Planning Officer dated 6 <sup>th</sup> July 2010
CD5/3	Minister of State for Decentralisation, "Planning for Growth" – Written Ministerial Statement dated 23 <sup>rd</sup> March 2011
CD5/4	The Planning System: General Principles (2005)
<b>CD6</b>	<b>Other National Planning Policy and Guidance (Extracts where appropriate)</b>
CD6/1	By Design – Urban Design in the Planning System (DETR, 2000)
CD6/2	Manual for Streets (DLCG, 2007)
CD6/3	Manual for Streets 2 – Wider Application of the Principles (CIHT, 2010)
CD6/4	Secure by Design 'New Homes' (2010)
CD6/5	Great Crested Newt Mitigation Guidelines (English Nature, 2001)
CD6/6	Gent, T. and Gibson S, (1998, 2003) Herpetofauna Workers Manual, Joint Nature Conservation Committee (JNCC), London
CD6/7	Conservation of Habitats and Species Regulations 2010 (Statutory Instrument 2010 No. 490)
CD6/8	HMSO (1981, 1998), Wildlife & Countryside Act 1981, and amendments, incl. Third Quinquennial Review of Schedules 5 & 8 to the Wildlife & Countryside Act, 1998
CD6/9	European Protected Species and the Planning Process, Natural England's Application of the 'Three Tests' to Licence Applications? (Natural England, 2010)
CD6/10	Bat mitigation guidelines (Mitchell-Jones & English Nature, 2004)
CD6/11	Standing advice for ancient woodland (SE England) (Natural England, 2011)
CD6/12	Standing advice species sheets: badgers, breeding birds (incl. barn owls), bats, great crested newts and reptiles (Natural England, 2011)
CD6/13	Badgers and Development: A Guide to Best Practice and Licensing. Interim Guidance Document (Natural England, 2011)
CD6/14	Technical Information Note TIN49 'Agricultural Land Classification: protecting the best and most versatile agricultural land' (Natural England, 2012)
CD6/15	Lighting in the Countryside: Towards Good Practice (Department of the Environment/Countryside Commission, 1997)
CD6/16	Landscape Character Assessment Guidance for England and Scotland (Countryside Agency, 2002)
CD6/17	Design Manual for Roads and Bridges, Section 1, Part 3, TA79/99 <i>Traffic Capacity of Urban Roads</i> (DfT, 2013)
CD6/18	Companion Document to Manual for Streets (Hampshire County Council)
CD6/19	Guidelines for Planning for Public Transport in Development (Institute of Highways and Transportation)
CD6/20	Institute of Environmental Assessment (IEA) publication entitled Guidelines for the Environmental Assessment of Road Traffic
CD6/21	Department for Transport, 'Guidance on Transport Assessment' (2007)
CD6/21A	Additional Excerpts from Department for Transport, 'Guidance on Transport Assessment' (2007)
CD6/22	Institute of Highways and Transportation, 'Providing for Journeys on Foot' (2000)
CD6/23	Institute of Highways and Transportation, 'Cycle Friendly Infrastructure' (1996)
CD6/24	Institute of Highways and Transportation's, 'Transport in the Urban Environment' (1997)
CD6/25	Lodden Catchment Implementation Plan – Environment Agency 2012
CD6/26	The Case for Change – Current & Future Water Availability – Environment Agency
<b>CD7</b>	<b>Circulars and Regulations</b>
CD7/1	Circular 11/95: The Use of Conditions in Planning Permissions

CD7/2	Circular 6/05: Biodiversity and Geological Conservation
<b>CD8</b>	<b>Regional Planning Documents</b>
CD8/1	The South East Plan - Regional Spatial Strategy for the South East (2009)
<b>CD9</b>	<b>Local Planning Policy and Guidance</b>
CD9/1	The Basingstoke and Deane Borough Local Plan (2006)
CD9/2	Local Plan Inspectors Report (2005)
CD9/2A	Additional Excerpt from Local Plan Inspectors Report (2005)
CD9/3	Basingstoke and Deane Borough Local Plan <u><a href="#">Saving Direction: List of Saved Policies within the Basingstoke and Deane Borough Local Plan</a></u> (2006)
CD9/4	Withdrawn Basingstoke and Deane Pre-Submission Draft Core Strategy (2012)
CD9/5	Emerging Basingstoke & Deane Borough Council Local Plan (2013) (if available)
CD9/6	Basingstoke and Deane North Basingstoke Action Plan SPD (2003)
CD9/7	Basingstoke and Deane Affordable Housing SPD (2007)
CD9/8	Basingstoke and Deane Design and Sustainability SPD (2008/Amended 2012)
CD9/9	Design and Sustainability SPD Appendix 4 – The Historic Environment
CD9/10	Design and Sustainability SPD Appendix 5 – Construction Statements
CD9/11	Design and Sustainability SPD Appendix 6 – Waste and Recycling
CD9/12	Design and Sustainability SPD Appendix 7 – Places to Live
CD9/13	Design and Sustainability SPD Appendix 14 – Countryside Design Summary
CD9/14	Design and Sustainability SPD Appendix 16 – Residential Amenity Design Guidance
CD9/15	Basingstoke and Deane Housing Mix and Lifetime Mobility Standards SPD (2007)
CD9/16	Basingstoke and Deane Landscape and Biodiversity SPD (2008)
CD9/17	Basingstoke and Deane Trees and Development SPG
CD9/18	Basingstoke and Deane Residential Parking Standards SPD (2008)
CD9/19	Basingstoke and Deane Parking Standards SPG
CD9/20	Hampshire County Council Local Transport Plan 3 (LTP3) 2011-2031
CD9/21	Basingstoke Environment Strategy for Transport (BEST) SPG
CD9/22	Sherborne St John Village Design Statement (VDS) SPG (2004)
CD9/23	S106 Planning Obligations and Community Infrastructure Interim Planning Guidance (2005/Amended 2012)
CD9/24	Sherborne St John Conservation Area Appraisal, Basingstoke and Deane (Adopted as SPG 17th July 2003)
CD9/25	Hampshire County Council/Basingstoke and Deane District Council, 'Draft Infrastructure Delivery Plan' (2012)
<b>CD10</b>	<b>Local Planning Authority Committee Papers and Other Background Documents (Extracts where appropriate)</b>
CD10/1	Basingstoke and Deane Cabinet Meeting Held 30 <sup>th</sup> October 2012: Minutes, Agenda and Reports
CD10/2	Basingstoke and Deane Cabinet Meeting Held 28 <sup>th</sup> February 2013: Minutes, Agenda and Reports
CD10/3	Basingstoke and Deane Annual Monitoring Report (2012)
CD10/4	Basingstoke and Deane Statement of Community Involvement (2007)
CD10/5	Basingstoke and Deane Borough Council Strategic Housing Land Availability Assessment (SHLAA) – Version 7 (2013)
CD10/6	Basingstoke and Deane Borough Council Affordable Housing Viability Study (2010)
CD10/7	Basingstoke and Deane Borough Council Biodiversity Assessment for the Local Development Framework Core Strategy (Stage 1) (2010)
CD10/8	Basingstoke and Deane Borough Council Biodiversity Assessment for the Local Development

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	Framework Core Strategy (Additional Sites) (2011)
CD10/9	Basingstoke and Deane Borough Council Biodiversity Assessment for the Local Development Framework/Local Plan (Additional Sites 2012) (2013)
CD10/10	Central Hampshire and New Forest Strategic Housing Market Assessment (2007)
CD10/11	Central Hampshire and New Forest Housing Market Monitoring Report – Update (2008)
CD10/12	Central Hampshire and New Forest Housing Market Monitoring Report - Update (2009)
CD10/13	Central Hampshire and New Forest Housing Market Monitoring Report – Update (2010)
CD10/14	Basingstoke and Deane Borough Council Local Plan Housing Site Assessment - Volumes 1, 2 & 3 (2013)
CD10/15	Basingstoke and Deane Borough Council Local Plan Sustainability Appraisal of Sites – Volumes 1, 2 & 3 (2013)
CD10/16	Basingstoke and Deane Landscape Assessment (2001)
CD10/17	Basingstoke, Tadley and Bramley Landscape Capacity Study (2008)
CD10/18	Basingstoke and Deane Borough Council Landscape Capacity Study: Site Options (2010)
CD10/19	Basingstoke and Deane Borough Council Neighbourhood Housing Stock Analysis (2009)
CD10/20	Basingstoke and Deane Borough Council Strategic Flood Risk Assessment for Local Development Framework (2010)
CD10/21	Basingstoke and Deane Borough Council Strategic Flood Risk Assessment – Update (2012)
CD10/22	The Sustainability of Settlements in Basingstoke and Deane Borough Council – a Draft Settlement Hierarchy (2008)
CD10/23	Basingstoke Transport Model – Local Development Framework: Core Strategy Scenario Testing (2009)
CD10/24	Basingstoke and Deane Sustainability Appraisal (SA) Draft Scoping Report (2007)
CD10/25	Basingstoke and Deane Borough Council Core Strategy Sustainability Appraisal (2008)
CD10/26	Basingstoke and Deane LDF Sustainability Appraisal of Sites (2011)
CD10/27	Economic Growth and Employment Land Requirements in North Hampshire (2008)
CD10/28	Basingstoke and Deane Employment Land Review (2009)
CD10/29	Basingstoke and Deane Housing, Homelessness and Benefits Strategy 2008-2011, continuing into 2012/13
CD10/30	Basingstoke and Deane Council Plan 2012 to 2015
CD10/31	Basingstoke and Deane Planning and Infrastructure Overview and Scrutiny Committee Meeting Held 18 <sup>th</sup> October 2012: Minutes, Agenda and Reports
CD10/32	Basingstoke and Deane Estimating Local Housing Requirements – A Review and Scrutiny Report (GVA Edge Analytics - February 2013), presented to the Basingstoke and Deane Planning and Infrastructure Overview and Scrutiny Committee Meeting on 12th March 2013
CD10/33	Basingstoke and Deane Planning and Infrastructure Overview and Scrutiny Committee Meeting Held 12 <sup>th</sup> March 2013: Minutes, Agenda and Reports
CD10/34	Basingstoke and Deane Planning and Infrastructure Overview and Scrutiny Committee Meeting Held 3 <sup>rd</sup> October 2012: Minutes, Agenda and Reports
CD10/35	Basingstoke Area Strategic Partnership – Pride In Our Place – a Sustainable Community Strategy for Basingstoke and Deane 2011 - 26 (September 2011)
CD10/37	Hampshire County Council Integrated Character Assessment (2012) (in final form pending adoption)
CD10/38	The Hampshire Landscape: A Strategy for the Future (2000)
CD10/39	Pride in Our Place -The Community Strategy for Basingstoke and Deane 2006 – 2016
CD10/40	Pride in Our Place A Sustainable Community Strategy for Basingstoke and Deane 2011-2026
CD10/41	Basingstoke and Deane Borough Council Report to Portfolio Holder for Planning & Appendix 1 - June 2012

<b>CD11</b>	<b>Other (Extracts where appropriate)</b>
CD11/1	Blank
CD11/2	Blank
CD11/3	Blank
CD11/4	Blank
CD11/5	Blank
CD11/6	Blank
CD11/7	National Amphibian and Reptile Recording Scheme (NARRS) (undated), Great Crested Newt Habitat Suitability Index Guidance notes
CD11/8	The Landmark Practice (2006) 'Marnel Park, Popley, Basingstoke: Great crested newt monitoring report 2005-06'
CD11/9	The Landmark Practice (2008) 'Marnel Park, Popley, Basingstoke: Great crested newt monitoring report 2007'
CD11/10	The Landmark Practice (2009a) 'Marnel Park, Popley, Basingstoke: Great crested newt monitoring report 2008'
CD11/11	The Landmark Practice (2009b) 'Marnel Park, Popley, Basingstoke: Great crested newt monitoring report 2009'
CD11/12	The Landmark Practice (2011) 'Marnel Park, Popley, Basingstoke: Great crested newt monitoring report 2010'
CD11/13	The Landmark Practice (2012) 'Marnel Park, Popley, Basingstoke: Great crested newt monitoring report 2011'
CD11/14	The Landmark Practice (2013) 'Marnel Park, Popley, Basingstoke: Great crested newt monitoring report 2012'
CD11/15	Countryside Character Volume 7 - South-East and London, Character Area 129: Thames Basin Heaths (Countryside Commission, 1999)
CD11/16	Guide Notes for the Reduction of Obtrusive Light (Institute of Lighting Professionals, 2011)
CD11/17	Landscape Institute and Institute of Environmental Management and Assessment, "Guidelines for Landscape and Visual Impact Assessment" Second Edition (Spon Press) (2002)
CD11/18	Great Crested Newt Conservation Handbook (Langton T, Beckett C and Foster J (2001). Great Crested Newt Conservation Handbook. Froglife, Suffolk)
CD11/19	Conservation and Management of Great Crested Newts document (Gent A and Bray R (eds) (2001). Conservation and Management of Great Crested Newts. English Nature, Peterborough)
CD11/20	Cresswell and Whitworth, 2004. English Nature Research Report Number 576: An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt <i>Triturus cristatus</i> . English Nature, Peterborough
CD11/21	Laan, R. & Verboom, B., 1990. Effects of pool size and isolation on amphibian communities. <i>Biological Conservation</i> , 54, pp. 251-262
CD11/22	Swan M.J.S. & Oldham, R.S., 1993. National amphibian survey. Peterborough: English Nature Research Reports, No. 38
CD11/23	Swan, M.J.S & Oldham, R.S., 1994. <i>Amphibians and landscape composition</i> . In: J.W. DOVER, ed. Fragmentation in agricultural landscapes. Proc. 3rd Annual International Association of Landscape Ecology (UK) Conference, Preston, pp. 176-183
CD11/24	David Wilson Homes Southern Limited on behalf of Basingstoke and Dean Borough Council, 'Popley Fields Design Concept Statement' (2006)
<b>CD12</b>	<b>Relevant Appeal Decisions (including High Court Judgments)</b>
CD12/1	Land at Manchester Road/Crossings Road, Chapel-en-le-Frith, High Peak, Derbyshire (PINS Appeal Ref – APP/H1033/A/11/2159038) dated 23 <sup>rd</sup> August 2012
CD12/2	Land between Station Road and Dudley Road, Honeybourne, Worcestershire (PINS Appeal Ref - APP/H1840/A/12/2171339) dated 24 <sup>th</sup> August 2012
CD12/3	Cala Homes (South) Limited v. Secretary of State for Department for Communities and Local Government & Winchester City Council (No. 2) (Ref – [2011] EWHC97 (Admin)) dated 7 February 2011
CD12/4	Land at Burgess Farm, Hilton Lane, Worsley, Manchester (PINS Appeal Ref -

	APP/U4230/A/11/2157433) dated 16 July 2012
CD12/5	Homelands Farm & Deans Farm, Bishops Cleeve, Gloucestershire (PINS Appeal Refs – App/G1630/A/11/2146206 & APP/G1630/A/11/2148635) dated 16 July 2012
CD12/6	Tewkesbury Borough Council v. Secretary of State for Department for Communities and Local Government, Comparo Limited & Welbeck Strategic Land LLP (Ref – [2013] EWHC286 (Admin)) dated 20 February 2013
CD12/7	Land off Abbey Road and Middlewich Road, Sandbach, Cheshire (PINS Appeal Ref – APP/R0660/A/10/2141564) dated 7 February 2013
CD12/8	Forest Ridge and land r/o Old Brighton Road, Pease Pottage, West Sussex (PINS Appeal Ref APP/D3830/A/12/2184075 dated 26 <sup>th</sup> March 2013

## **Basingstoke and Deane Borough Council Documents**

BDBC/Open	Opening Submissions
BDBC/1/1	Proof of Evidence and Appendices of Bettina Kirkham (Landscape and Visual)
BDBC/2/1	Proof of Evidence and Appendices of Steven Parsons (Transportation)
BDBC/2/2	Plan showing walking isochrones for Appeal A site
BDBC/2/3	Plan showing walking isochrones for Appeal B site
BDBC/2/4	Plan showing walking distances to bus stops
BDBC/3/1	Proof of Evidence and Appendices of Fiona Jones (Planning)
BDBC/3/2	Rebuttal Proof of Evidence and Appendices of Fiona Jones (Planning)
BDBC/3/3	Extract from 1998 Local Plan
BDBC/3/4	Extract from Proposals Map Inset 2 and Inset 35
BDBC/4/1	Proof of Evidence and Appendices of James Pattenden (Ecology)
BDBC/4/2	E-mail communications with Natural England
BDBC/5	Planning Obligations Statement, March 2013
BDBC/6	Suggested conditions relating to Appeal A
BDBC/7	Suggested conditions relating to Appeal B
BDBC/8	Additional conditions for Appeal A and B
BDBC/9	Reason for suggesting land contamination conditions
BDBC/10	Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland)
BDBC/11	Closing Submissions on behalf of Basingstoke and Deane Borough Council

## **Hampshire County Council Document**

HCC/1	Proof of Evidence of Ben Howard (Section 106 Obligation)
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## **Sherborne St John Parish Council Documents**

SSJ/Open	Opening Submissions
SSJ/01	Proof of Evidence and Appendices of Julian Crawley and Edward Davies (Planning and Impact on Community)
SSJ/02	Proof of Evidence and Appendices of Natasha Rougier and Julian Crawley (Landscape and Visual Intrusion)
SSJ/02/1	Amended Summary to Proof of Evidence of Natasha Rougier and Julian Crawley
SSJ/03	Proof of Evidence and Appendices of Dr Roger Walters and Julian Crawley (Water Resources)
SSJ/03/1	South East Housing Development – The Quest for Sustainability
SSJ/03/2	Statutory Instrument 2013 No 427 The Regional Strategy for the South East (Partial Revocation) Order 2013

SSJ/03/3	Synopsis of Commissioned Evidence Infrastructure Hearing
SSJ/03/4	Basingstoke Water Cycle Study Phase 2 October 2009
SSJ/03/5	Basingstoke Water Cycle Strategy Appendix 1 Ecological Appraisal January 2007
SSJ/03/6	Newspaper article 25/4-1/5/2013
SSJ/04	Proof of Evidence and Appendices of Julian Crawley and Richard Morgan (Transport)
SSJ/04/1	2 sheets correcting errors in Proof of Evidence and Appendices of Julian Crawley and Richard Morgan
SSJ/05	Proof of Evidence and Appendices of Edward Davies (Biodiversity and Habitats)
SSJ/05/1	Letters dated 24 Feb 2012 and 15 Jan 2013 from Hampshire & Isle of Wight Wildlife Trust
SSJ/06	Rebuttal Proofs of Evidence
SSJ/07	Closing Submissions on behalf of Sherborne St John Parish Council

## Other Documents

OD/1	Statement read by Councillor Potter
OD/2	Letter submitted by Councillor Frankum
OD/3	Survey details submitted by Councillor Frankum
OD/4	Statement and attachments submitted by Councillor Washbourne
OD/5	Statement read by James Arbuthnot MP
OD/6	Statement read by Suzanne Denness, Chairperson, Popley Islands Community Group
OD/7	Statement read by Alan Fowler
OD/8	Statement read by Brian Nagle
OD/9	Letter from R K Yarsley submitted by Cllr Potter
OD/10	Representation by George Poulter submitted by Cllr Potter

## David Wilson Homes Southern Documents

DWH/Open	Opening Submissions
DWH/NPN/1.1	Proof of Evidence of Nicholas Patterson-Nield (Planning)
DWH/NPN/1.2	Appendices to Proof of Evidence of Nicholas Patterson-Nield (Planning)
DWH/NPN/1.3	Summary Proof of Evidence of Nicholas Patterson-Nield (Planning)
DWH/NPN/1.4	Rebuttal Proof of Evidence and Appendices of Nicholas Patterson-Nield (Planning)
DWH/LT/2.1	Proof of Evidence of Lisa Toyne (Landscape and Visual)
DWH/LT/2.2	Appendices to Proof of Evidence of Lisa Toyne (Landscape and Visual)
DWH/LT/2.3	Summary Proof of Evidence of Lisa Toyne (Landscape and Visual)
DWH/LT/2.4	Rebuttal Proof of Evidence and Appendices of Lisa Toyne (Landscape and Visual)
DWH/LT/2.5	A1 & A3 copy of Photographs in Appendices
DWH/LT/2.6	Forbes-Laird Drawing
DWH/LT/2.7	Map of Sherborne St John Conservation Area
DWH/MO/3.1	Proof of Evidence of Michael Oxford (Ecology)
DWH/MO/3.2	Appendices to Proof of Evidence of Michael Oxford (Ecology)
DWH/MO/3.3	Summary Proof of Evidence of Michael Oxford (Ecology)
DWH/MO/3.4	Rebuttal Proof of Evidence and Appendices of Michael Oxford (Ecology)
DWH/MO/3.5	C8 Document
DWH/MO/3.6	Changes in Overall Population Counts for Great Crested Newts

DWH/JMc/4.1	Proof of Evidence of James McKechnie (Traffic Impact and Sustainability)
DWH/JMc/4.2	Appendices to Proof of Evidence of James McKechnie (Traffic Impact and Sustainability)
DWH/JMc/4.3	Summary Proof of Evidence of James McKechnie (Traffic Impact and Sustainability)
DWH/JMc/4.4	Rebuttal Proof of Evidence and Appendices of James McKechnie (Traffic Impact and Sustainability)
DWH/JMc/4.5	Key to Parking Survey
DWH/JMc/4.6	Three A3 Isochrone Maps
DWH/JMc/4.7	Traffic Numbers Tables and Graphs
DWH/5	Letter dated 3 April 2013 Responding to Pre-Inquiry Meeting Notes and Updated Non Technical Summary to Environmental Statement
DWH/6	Morge (FC)(Appellant) v Hampshire County Council (Respondent)
DWH/7	Closing Submissions on behalf of David Wilson Homes

## **Inquiry Documents**

INQ/1	Pre-Inquiry Meeting Notes
INQ/2	Plan of view points for Accompanied Site Visit 29 April 2013
INQ/3	Bundle of representations made at application stage submitted by the Council
INQ/4	Bundle of representations made at appeal stage

## **APPENDIX 3**

### **SCHEDULE OF CONDITIONS TO BE ATTACHED TO APPEAL A SHOULD PLANNING PERMISSION BE GRANTED**

- 1) Details of the layout, scale, external appearance of the proposed buildings, and the 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 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:
  - Outline Planning Application Boundary Plan (drawing ref 53 Rev A) received on 19<sup>th</sup> January 2012;
  - Land Use Parameters Plan (drawing ref 23 Rev K) received on 19 January 2012;
  - Residential Density Parameters Plan (drawing ref 24 Rev K) received on 19 January 2012;
  - Building Heights Parameters Plan (drawing ref 25 Rev K) received on 19 January 2012;
  - AOD Heights Parameters Plan (drawing ref 26 Rev K) received on 19 January 2012;
  - Primary Access to Phase 2 off Jersey Close (Drawing no. HBH10090/D09 Rev G) received 12 April 2012;
  - Road Link A between Phase 1 and 2 (Drawing no. HBH10090/D19 Rev C) received 2 May 2012;
  - Primary Access to Phase 1 off Hutchins Way (Drawing no. HBH10090/D20 Rev B) received 12 April 2012;
  - Secondary Access to Phase 1 off Hewitt Road (Drawing no. HBH10090/D21 Rev B) received 12 April 2012;
  - Footway/Cycleway Access to Phase 1 off Carter Drive (Drawing no. HBH10090/D22 Rev B) received 12 April 2012;
  - Secondary Access to Phase 2 off Cleeve Road (Drawing no. HBH10090/D23 Rev B) received 12 April 2012;
  - Landscape Strategy for Access Proposals to Phase 2 Jersey Close (Drawing no. L101 Rev A) received 12 April 2012;
  - Landscape Strategy for Access Proposals to Phase 2 Cleeve Road (Drawing no. L102 Rev A) received 12 April 2012;

Landscape Strategy for Access Proposals to Phase 1 Hewitt Road (Drawing no. L103 Rev A) received 12 April 2012;

Landscape Strategy for Access Proposals to Phase 1 Hutchins Way (Drawing no. L104 Rev A) received 12 April 2012;

Landscape Strategy for Footway/Cycleway to Phase 1 Carter Drive (Drawing no. L105 Rev C) received 2 May 2012;

Landscape Strategy for Access Road Link A Between Phase 1 and 2 (Drawing no. L113 Rev B) received 2 May 2012;

Access of Jersey Close Proposed Footway Impact on Tree Roots (Drawing no. HBH10090/SK12 Rev A) received 2 May 2012;

Tree Protection Plan, Jersey Close Access (Drawing no. 30-1020.03 Rev A) received 2 May 2012.

In addition, the reserved matters applications for this development shall broadly accord with the following drawings:

Master Plan (Drawing no. 12 Rev M) received 12 April 2012;

Illustrative Layout (Drawing no. 34 Rev D) received 12 April 2012;

Buffer Planting Strategy (Drawing no. L114 Rev A) detailing reinforcement of planting to existing landscape buffer along western site boundary received 12 April 2012;

Annotated version of Ecological Master Plan (Figure 9.4a of Environmental Statement) detailing protected species habitat creation and translocation strategy received 12 April 2012;

Annotated version of drawing no. 34 Rev C detailing woodland mitigation/management measures received 12 April 2012;

Useable Open Space Assessment (Drawing no. 55) received 12 April 2012;

Traffic Calming Strategy for Cleeve Road and Access (Drawing no. 127 Rev A) received 12 April 2012;

Main Square School pick-up / Drop-off point (Drawing no. 127 Rev A<sup>184</sup>) received 12 April 2012;

Phase 2 open space ground modelling plan (Drawing no. 129) received 12 April 2012;

Perspective View from Southern Site Access (Drawing no. 1058) received 12 April 2012.

- 5) No development shall take place until a phasing scheme has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing scheme.
- 6) Applications for the approval of reserved matters shall be in accordance with the principles described and illustrated in the Design and Access Statement January 2012 and additional information (including the Indicative Master Plan, Drawing No 12 Rev M, received 12 April 2012) and

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<sup>184</sup> Please Note there are two drawings no 127 Rev A but they are distinguishable by the drawing titles.

- the approved Environmental Statement Parameter Plans detailed in condition 4.
- 7) The level of market sector dwellings of 2 bedrooms or less within the development shall not exceed 30% of the total of market sector dwellings within the overall scheme. 80% of small dwellings (dwellings of 1 and 2 bedrooms) on any Phase shall have a gross internal floor area not exceeding 70m<sup>2</sup>. Not less than 15% of the market dwellings shall be built to Lifetime Mobility Standards.
  - 8) No development shall take place in any phase as agreed under condition 5 of this permission until a materials schedule detailing the types and colours of external materials to be used in that phase, including colour of mortar, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.
  - 9) The development of each phase hereby permitted shall not commence until full details of both hard and soft landscape proposals for that phase have been submitted to, and approved in writing by, the local planning authority. These details shall include, as appropriate, proposed site levels or contours, means of enclosure and boundary treatments, pedestrian and cycle access and circulation areas, hard surfacing materials, water features and minor artefacts and structure (e.g. furniture, boardwalks, signs, street lighting, external services, etc).
  - 10) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
  - 11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme submitted to, and approved in writing by, the local planning authority.
  - 12) The development of each phase hereby permitted shall not commence until:
    - i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
    - ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
    - iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
    - iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;

- v) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
- In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.
- 13) The plans and particulars submitted in accordance with condition 12 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.
- 14) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the commencement of the permitted use.
- i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 15) The development shall be carried out in accordance with the Buffer Planting Strategy (Drawing no. L114 Rev A) detailing reinforcement of planting to the existing landscape buffer along the western site boundary. Planting will be carried out in accordance with a timetable that has been submitted to, and approved in writing by, the local planning authority prior to commencement of development.
- 16) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 17) Prior to the first occupation within each residential phase of development as agreed under condition 5, a 'Code for Sustainable Homes', 'Design Stage Assessment' of the residential development, hereby approved, must be carried out by an independent licensed Code for Sustainable Homes assessor, and the results of the assessment incorporating the 'Design Stage

Assessment' report and 'interim certificate' from the BRE, must be submitted to the local planning authority in writing.

The BRE Design Stage Assessment 'interim certification' must show that the residential development is likely to achieve a 'Code Level 3 standards' or 'Code Level 3 equivalent percentage points score' for the development in accordance with the approved plans and particulars.

Prior to occupation of each dwelling a 'Code for Sustainable Homes' 'Post Construction Stage Review' is to be completed by an independent licensed Code for Sustainable Homes assessor demonstrating that the dwelling is expected to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score' and the results of the review must be submitted to the local planning authority in writing.

'Final Certification' from BRE or equivalent body, for each dwelling within a phase, must be submitted to the local planning authority within 3 months of completion of the development phase.

The 'Final Certification' must show that the residential dwelling has been constructed and completed to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score'.

- 18) Prior to the commencement of development, details of any bridges proposed on site shall be submitted to, and approved in writing by, the local planning authority in consultation with the Lead Local Flood Authority. Thereafter the bridges shall be constructed as set out in the approved details.
- 19) No development in any phase shall take place until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the local planning authority. This should include demonstrating that each phase is wholly self sufficient. The scheme shall subsequently be implemented in accordance with the approved details before the development of that phase is complete. The scheme shall include:
  - i) Demonstration that the SUDs hierarchy has been clearly followed, with justification for the methods chosen.
  - ii) Demonstration of the conveyance of water across the site
  - iii) Demonstration that the proposed drainage strategy is able to cope with up to the 1 in 100 year plus suitable allowance for climate change storm event.
  - iv) Details of the maintenance and general management of the proposed drainage strategy.
- 20) No development shall take place until a scheme for the provision and management of a buffer zone alongside the Vyne Brook has been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme which shall include:
  - i) Plans showing the extent and layout of the buffer zone;
  - ii) Details of the planting scheme (for example, native species);

- iii) Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
  - iv) Details of any footpaths, fencing, lighting etc.
- 21) No development, including any demolition works, soil moving, or storage of materials shall take place until a European Protected Species Licence has been granted by Natural England, a copy of which shall be submitted to the local planning authority. All works are to be carried out in strict accordance with the approved Licence, and the Detailed Mitigation Method Statement and Protected Species Management Plan as secured by a S106 Agreement dated 10 May 2013.
- 22) Prior to first occupation of any part of the development, a baseline survey of visitor use of the Basing Forest Sites of Importance for Nature Conservation (SINC), (including number of visitors, starting point, seasonal variation, single or multiple visit, duration and purpose of visit etc.) shall be undertaken and submitted to the local planning authority. The baseline survey will establish the level of recreational access to the woodland.
- Prior to occupation of any part of Phase 2, installation of signage to actively direct pedestrians to use the Public Right of Way; and installation of simple, focussed interpretation facilities at woodland access points to encourage understanding of, and respect for, the woodland shall be provided in accordance with details submitted to, and approved in writing by, the local planning authority.
- Upon occupation of the 250th unit (Phase 1 and 50 units in Phase 2) a repeat visitor survey shall be undertaken to identify changes in numbers and characteristics of woodland access. This shall be submitted to the local planning authority. In the event that the findings of the repeat survey conclude that a significant change in the biodiversity resource/condition is evident, a mitigation scheme will be submitted to the local planning authority that will outline targeted mitigation and long-term monitoring requirements and is to include a timetable for the implementation of the scheme. This mitigation scheme must be approved in writing by the local planning authority and thereafter implemented in accordance with the approved timetable.
- A monitoring survey will be undertaken annually for the duration of 5 years following completion of the development hereby approved, and will be submitted annually to the local planning authority.
- 23) No works within a phase pursuant to this permission shall commence until there has been submitted to, and approved in writing by, the local planning authority for that phase:
- i) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by a desk study in accordance with BS10175: 2001- Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed by the local planning authority,
  - ii) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring.

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

If during any works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to, and approved in writing by, the local planning authority.

- 24) The development of each phase hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority a verification report prepared by the competent person approved under the provisions of condition 23 ii) that any remediation scheme required and approved under the provisions of condition 23 ii) has been implemented fully in accordance with the approved details. The verification report to be submitted shall comprise;
- i) As built drawings of the implemented scheme;
  - ii) Photographs of the remediation works in progress;
  - iii) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 23 ii).

- 25) No development within a phase shall commence on site until an archaeological investigation of that phase has been carried out in accordance with a written scheme of investigation submitted to, and approved in writing by, the local planning authority. The investigation shall be carried out in accordance with the approved details.
- 26) No development shall take place within each phase until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) The routing, parking and turning of vehicles of site operatives and visitors (all to be established within one week of the commencement of development);
  - ii) The provision of details of notices to be displayed at the site exit indicating to construction workers and drivers details of routing to leave the site. The approved signs shall be displayed before any operations commence on site and shall be maintained throughout the construction period. The signs shall be permanently removed before the first occupation of the penultimate dwelling on the site;
  - iii) Loading and unloading of plant and materials;
  - iv) Storage of plant and materials used in constructing the development;
  - v) Wheel washing facilities or an explanation why they are not necessary;
  - vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vii) Measures to control the emission of dust and dirt during construction;

- viii) A scheme for recycling and disposing of waste resulting from demolition and construction work; and
  - ix) Deliveries of construction materials, plant and machinery, and any removal of spoil from the site shall take place only between the hours of 0730 and 1800 Monday to Friday, and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or recognised public holidays. These hours shall be adhered to for the duration of the construction period. The contractor(s) should avoid movements to/from the site during the AM Peak (08:00 – 09:00) and the PM Peak (16:30 – 18:00) Monday to Friday.
  - x) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before 0730 nor after 1800 hours Monday to Friday, before 0800 nor after 1300 hours Saturdays nor at all on Sundays or recognised public holidays.
- 27) No development within each phase shall take place on site until details of the width, alignment, drainage, gradient and type of construction proposed for the pathways, roadways, structures and parking areas, including all relevant horizontal cross sections and longitudinal sections for that phase plus a programme for their implementation have been submitted to, and approved in writing by the local planning authority, in consultation with the highway authority for that phase. The agreed details shall be fully implemented in accordance with the approved programme.
- 28) Notwithstanding the details shown on Drawing no. HBH10090/D09 Rev G (Primary Access to Phase 2 off Jersey Close) the footway to the west of Marls Lane shall be constructed using a bound material, details of which shall be submitted to, and approved in writing by, the local planning authority prior to commencement of any work with regard to this access.
- 29) No residential unit shall be occupied within a phase of development until all proposed vehicular accesses, driveways, parking and turning areas serving that residential unit have been constructed in accordance with details that have been submitted to, and approved in writing by, the local planning authority.
- 30) Prior to the commencement of development within each phase details of the cycle parking for that phase shall be submitted to, and approved in writing by, the local planning authority. No dwelling within that phase shall be occupied until the approved cycle parking serving that dwelling has been provided on site. The approved cycle parking shall be retained thereafter for its intended purpose.
- 31) No development shall take place on site until details of fences or other means of enclosure at road and pathway junctions and the sight lines so formed have been submitted to, and approved in writing by, the local planning authority. The land within the sight lines and anything on it, including any vegetation, shall not interrupt the space between 0.6 metres and 2.0 metres above the level of the carriageway. The resultant visibility splays shall thereafter be kept free of obstacles.

- 32) The school and community building hereby permitted shall not be occupied until the provision for the turning of vehicles and the parking of commercial and staff vehicles, including for disabled use, and the secure storage of bicycles has been made in compliance with current parking standards in order to serve that part of the development. The areas of land provided for these uses shall not be used for any other purposes than parking, storage and turning.
- 33) No development, including any demolition works, soil moving, temporary access construction/widening, or storage of materials shall take place other than in strict accordance with the Environmental Statement, Ecology chapter, by Landmark Practice, dated January 2012, Section 9.
- 34) Prior to commencement of each phase, a scheme for external lighting and street lighting of that phase within 20m of Vyne Brook shall be submitted to, and approved in writing by, the local planning authority. Artificial lighting should be directed away from the river corridor and focused with cowlings.
- 35) There shall be no burning on site of waste materials including demolished materials, trees, greenery etc.
- 36) Prior to the commencement of development within each relevant phase, details of the layout, phasing and specification for children's play areas, kickabout areas and formal sports provision serving that phase shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 37) Prior to the commencement of development within phase 2, details of the layout phasing and specification for the proposed park and allotments shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 38) The development hereby approved shall be constructed in accordance with the details of the vehicular and footway/cycle accesses as shown on the following drawings:
  - HBH10090/D09 REV G
  - HBH10090/D019 REV C
  - HBH10090/D020 REV B
  - HBH10090/D021 REV B
  - HBH10090/D022 REV B
  - HBH10090/D023 REV BThe accesses shall be constructed in accordance with a programme to be submitted to, and approved in writing by, the local planning authority prior to the occupation of any dwelling.
- 39) Prior to the commencement of development, details of the required off site highway works on Carter Drive onto Hutchins Way in accordance with the principles shown on drawing No HBH10090/SK11 and including a programme for implementation, shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed in accordance with the approved programme.

- 40) No development shall take place in any phase as agreed under condition 5 of this permission until a measured survey for that phase has been undertaken and a plan, prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark, has been submitted to, and approved in writing by, the local planning authority. The works shall be completed in accordance with the approved details.

## **APPENDIX 4**

### **SCHEDULE OF CONDITIONS TO BE ATTACHED TO APPEAL B SHOULD PLANNING PERMISSION BE GRANTED**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Full Planning Application boundary plan (Drawing no. 1054 Rev A);

Land Use Parameters Plan (Drawing no. 23 Rev K);

Residential Density Parameters Plan (Drawing no. 24 Rev K);

Building Heights Parameters Plan (Drawing no. 25 Rev K);

AOD Heights Parameters Plan (Drawing no. 26 Rev K);

SO1048 Rev A received 19 January 2012;

SO1047 Rev A received 19 January 2012;

SO1649 Rev A received 19 January 2012;

SO1650 Rev A received 19 January 2012;

SO1651 received 19 January 2012;

S741/09 Rev A received 19 January 2012;

S741/10 Rev A received 19 January 2012;

S741/11 Rev A received 19 January 2012;

H2114/SWF/01 received 19 January 2012;

BS220277/01 Rev B received 19 January 2012;

H2050/KR received 19 January 2012;

Autotracks Sheet 1 of 3 (Refuse Vehicle) (drawing ref H----/AT/01);

Autotracks Sheet 2 of 3 (Refuse Vehicle) (drawing ref H----/AT/02);

Autotracks Sheet 3 of 3 (Refuse Vehicle) (drawing no H----/AT/03);

Vehicular Priority Change (Drawing no. HBH10090/SK11);

House Type X406B5 Planning 1 and 2 of 2 received 19 January 2012;

House Type ZFC3 Planning 1 and 2 of 2 received 19 January 2012;

House Type X332D5 Planning received 19 January 2012;

House Type X341D5 Planning 1 and 2 of 2 received 19 January 2012;

House Type X406BE5 Planning 1 and 2 of 2 received 2 February 2012;

House Type X286BE4 - X286BI4 Planning received 19 January 2012;

House Type X286D4 Planning received 19 January 2012;

House Type X286RG4 Planning received 19 January 2012;

House Type ZH46BE5/ZH46BI5 Planning 1 and 2 of 2 received 19 January 2012;

House Type Z206BE5 Planning received 19 January 2012;  
House Type Z206BI5 Planning received 19 January 2012;  
House Type ZH234--5 Planning 1 and 2 of 2 received 2 February 2012;  
House Type Z286BE4/Z286BI4 Planning 1 and 2 of 2 received 19 January 2012;  
House Type Z323ERH5 Rev A Planning 1 of 2 received 2 February 2012;  
House Type Z323ERH5 Planning 2 of 2 received 19 January 2012;  
House Type Z326ERH5 Rev A Planning 1 of 2 received 2 February 2012;  
House Type Z326ERH5 Planning 2 of 2 received 19 January 2012;  
House Type Z323-I-5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type Z341-E-5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type XH332-D5 Planning received 19 January 2012;  
House Type XH332-E5 Planning received 19 January 2012;  
House Type X332-E5 Planning received 19 January 2012;  
House Type ZH17E5/ZH17I5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type ZH19E5/ZH19I5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type ZH34-EH4 Planning 1 and 2 of 2 received 19 January 2012;  
House Type XH19-I5/XH19-E5 Rev A Planning 1 and 2 of 2 received 2 February 2012;  
House Type XH341-D5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type XH341-WD5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type X436B-5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type X469---5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type X469---H5 Planning 1 and 2 of 2 received 2 February 2012;  
House Type X497B--5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type X433B5 Planning 1 and 2 of 2 received 19 January 2012;  
House Type X341E5 Planning 1 of 2 received 19 January 2012;  
House Type X341E5 Rev A Planning 2 of 2 received 2 February 2012;  
House Type X341WD5 Rev A Planning 1 of 2 received 2 February 2012;  
House Type X341WD5 Planning 2 of 2 received 19 January 2012;  
House Type X323IR5 Rev A Planning 1 of 2 received 2 February 2012;  
House Type X323IR5 Planning 2 of 2 received 19 January 2012;  
House Type X323ERH5 Rev A Planning 1 of 2 received 2 February 2012;  
House Type X323ERH5 Planning 2 of 2 received 19 January 2012;  
House Type ZH426EH5 Rev A Planning 1 of 2 received 2 February 2012;

House Type ZH426EH5 Planning 2 of 2 received 19 January 2012;  
House Type Z341-WD5 Planning 1 of 2 received 19 January 2012;  
House Type Z341-WD5 Rev A Planning 2 of 2 received 2 February 2012;  
House Type ZH34-I-4 Planning 1 of 2 received 19 January 2012;  
House Type ZH34-I-4 Rev A Planning 2 of 2 received 2 February 2012;  
House Type X497-H5 Rev A Planning 1 of 2 received 2 February 2012;  
House Type X497-H5 Planning 2 of 2 received 19 January 2012;  
House Type XH17-I5/XH17-E5 Rev A Planning 1 and 2 of 2 received 2 February 2012;  
House Type XH341-WE5 Rev A Planning 1 of 2 received 2 February 2012;  
House Type XH341-WE5 Planning 2 of 2 received 19 January 2012;  
Revised Plot Schedule received 12 April 2012;  
Buffer Planting Strategy (Drawing no. L114 Rev A) received 12 April 2012;  
Materials Plan (Drawing no. H----/MP/01 Rev A) received 12 April 2012;  
Drainage Strategy (Drawing no. 10186-C005 Rev B) received 12 April 2012;  
Tree Protection Plan Phase 1 (Drawing no. 30-1020.02 Rev A) received 12 April 2012;  
Tree Protection Plan Jersey Close Access (Drawing no. 30-1020.03) received 12 April 2012;  
Provisional Finish Floor Levels (Drawing no. C10186-C004 Rev B) received 12 April 2012;  
Affordable Plan (Drawing no. H----/AP/01 Rev A) received 12 April 2012;  
Storey Heights Plan (Drawing no. H----/SHP/01 Rev A) received 12 April 2012;  
X & Z House Type Plan (Drawing no. H----/XZHP/01 Rev A) received 12 April 2012;  
Surveillance & Protection Plan (Drawing no. H----/SPP/01 Rev A) received 12 April 2012;  
Streetscenes Sheet 1 (Drawing no. H----/SS/01 Rev B) received 12 April 2012;  
Streetscenes Sheet 2 (Drawing no. H----/SS/02 Rev B) received 12 April 2012;  
Automated Entrance Gates to FOG's (Drawing no. H2114:AG:02B) received 12 April 2012;  
Swept Path Analysis of Phoenix 2 One-Pass (Refuse Vehicle) (Drawing no. HBH10090/AT20) received 12 April 2012;  
Swept Path Analysis of Dart SLF 11.20m Bus (Drawing no. HBH10090/AT21) received 12 April 2012;  
Footway/Cycleway Access to Phase 1 off Carter Drive (Drawing no. HBH10090/D08 Rev D) received 12 April 2012;

Annual phasing dwelling completion plan (Drawing no. HNP5/PP/01) received 12 April 2012;

1.5m wide Gravel Pathway Detail (Drawing no. LS5/POP07 Rev A) received 12 April 2012;

Bar Railing Detail (Drawing no. SO-10-46) received 12 April 2012;

House Type X433BS-5 (Floor plans and Elevations) Sheets 1 and 2 of 2 received 12 April 2012;

House Type X206BE-5 (Floor plans and Elevations) received 12 April 2012;

House Type ZSB7 (Floor plans and Elevations) Sheets 1, 2 and 3 of 3 received 12 April 2012;

Refuse Collection Plan (Drawing no. HXXXX/RC/01 Rev A);

Car Parking Access Plan (Drawing no. HXXXX/CP/01 Rev A);

Road Link A between Phase 1 and 2 (Drawing no. HBH10090/D17 Rev G) received 2 May 2012;

Primary Access to Phase 1 off Hutchins Way (Drawing no. HBH10090/D06 Rev D) received 2 May 2012;

Secondary Access to Phase 1 off Hewitt Road (Drawing no. HBH10090/D07 Rev F) received 2 May 2012;

Phase 1 S38 Highway Adoption Plan (Drawing no. HNP5/538/01 Rev B) received 2 May 2012;

House Type Z230---5 Revision C (Floor plans and Elevations) received 2 May 2012;

Garages G1C, G1D, G2H, G2G Rev C, G3H and G4H (Floor plans and Elevations) received 2 May 2012;

House Type ZH230-I-5 (Plot 84) Rev C received 2 May 2012;

House Type ZH230-I-5 (Plots 160 & 185) Rev C received 2 May 2012;

House Type XH231VD5 (Plots 165 & 166) Rev C received 2 May 2012;

House Type XH231VD5 (Plot 76) Rev C received 2 May 2012;

Cycle Shelter (Drawing ref. H2114/CS/01) received 2 May 2012;

SSE Contracting Outdoor Lighting Report and associated Drawing ref. SSE465060-01 Rev B received 2 May 2012;

Electric Gate Specification for FOG under passes received 2 May 2012;

Planting Plan Phase 1 Sheet 1 of 6 (Drawing no. L106 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 2 of 6 (Drawing no. L107 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 3 of 6 (Drawing no. L108 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 4 of 6 (Drawing no. L109 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 5 of 6 (Drawing no. L110 Rev C) received 6 June 2012;

Planting Plan Phase 1 Sheet 6 of 6 (Drawing no. L111 Rev C) received 6 June 2012;

Planting Plan Phase 1 Overall (Drawing no. L112 Rev C) received 6 June 2012;

Planning Layout (Drawing no. HNP5/PL/01 Rev P) received 6 June 2012;

Landscape Management Plan (Drawing no. L115) received 24 August 2012.

- 3) No development, including any soil moving, or storage of materials shall take place until a European Protected Species Licence has been granted by Natural England, a copy of which shall be submitted to the local planning authority. All works are to be carried out in strict accordance with the approved Licence, and the Detailed Mitigation Method Statement and Protected Species Habitat Management Plan as secured by a S106 Agreement dated 10 May 2013.
- 4) No works pursuant to this permission shall commence until there has been submitted to, and approved in writing by, the local planning authority:
  - i) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by a desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites -, Code of Practice; and, unless otherwise agrees in writing by the local planning authority,
  - ii) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

If during any works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to, and approved in writing by, the local planning authority.

- 5) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority a verification report prepared by the competent person approved under the provisions of condition 4 ii) that any remediation scheme required and approved under the provisions of condition 4 ii) has been implemented fully in accordance with the approved details. The verification report to be submitted shall comprise:
  - i) As built drawings of the implemented scheme;
  - ii) Photographs of the remediation works in progress;
  - iii) Certificates demonstrating that imported and/or material left in situ is free of contamination.

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

- 6) No development within a phase shall commence on site until an archaeological investigation has been carried out in accordance with a written scheme of investigation submitted to, and approved in writing by, the local planning authority. The investigation shall be carried out in accordance with the approved details.
- 7) Prior to the commencement of development, details of the required off site highway works on Carter Drive onto Hutchins Way in accordance with the principles shown on drawing No HBH10090/SK11 and including a programme for implementation, shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed in accordance with the approved programme.
- 8) No part of the development hereby approved shall be commenced until details of a temporary construction access from Jersey Close and associated haul road to the north of the existing Marnel Park development, including details of the restoration of the land following completion of the development and a programme, have been submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed and the land subsequently restored in accordance with the approved programme.
- 9) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) The routing, parking and turning of vehicles of site operatives and visitors (all to be established within one week of the commencement of development);
  - ii) The provision of details of notices to be displayed at the site exit indicating to construction workers and drivers details of routing to leave the site. The approved signs shall be displayed before any operations commence on site and shall be maintained throughout the construction period. The signs shall be permanently removed before the first occupation of the penultimate dwelling on the site;
  - iii) Loading and unloading of plant and materials;
  - iv) Storage of plant and materials used in constructing the development;
  - v) Wheel washing facilities or an explanation why they are not necessary;
  - vi) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - vii) Measures to control the emission of dust and dirt during construction;
  - viii) A scheme for recycling and disposing of waste resulting from demolition and construction work; and
  - ix) Deliveries of construction materials, plant and machinery, and any removal of spoil from the site shall take place only between the hours of 0730 and 1800 Monday to Friday, and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or recognised public

holidays. These hours shall be adhered to for the duration of the construction period, unless otherwise agreed in writing by the Local Planning Authority. The contractor(s) should avoid movements to/from the site during the AM Peak (08:00 – 09:00) and the PM Peak (16:30 – 18:00) Monday to Friday.

- x) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before 0730 nor after 1800 hours Monday to Friday, before 0800 nor after 1300 hours Saturdays nor on Sundays or recognised public holidays.
- 10) No development shall take place on site until details of the width, alignment, drainage, gradient and type of construction proposed for the pathways, roadways, structures and parking areas, including all relevant horizontal cross sections and longitudinal sections plus a programme for their implementation have been submitted to, and approved in writing by, the local planning authority in consultation with the highway authority. The agreed details shall be fully implemented in accordance with the approved programme.
- 11) No development shall commence until details of the private parking driveways, including means of construction, materials and methods to contain surface water on-site and prevent run-off to the public highway, have been submitted to, and approved in writing by, the local planning authority. No dwelling hereby permitted shall be occupied until the car parking spaces, bicycle storage and (if shown) garaging serving that residential dwelling as detailed on the approved planning layout drawing have been constructed in accordance with the approved details. The parking shall be allocated in accordance with the plot numbers shown on the approved planning layout drawing. The areas shown for car parking, including any garages, shall not be used for any purpose other than parking, loading and unloading of vehicles.
- 12) No development shall commence on site until details of the surfacing, marking-out, signage of the unallocated spaces, means of preventing vehicle overhang of adjacent pathways and the provision to be made for ongoing maintenance, have been submitted to, and approved in writing by, the local planning authority. The areas of unallocated visitor parking shall thereafter be constructed in accordance with the approved details. There shall be no restriction on the use of the unallocated car parking spaces shown on the approved plan by either occupiers of, or visitors to, any of the dwellings hereby permitted and they shall remain available for general community usage.
- 13) Prior to the commencement of development, details of any bridges proposed on site shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority. Thereafter the bridges shall be constructed as set out in the approved details.
- 14) No development shall take place until a surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the local planning authority. This should include demonstrating that the development is wholly self sufficient. The scheme

shall subsequently be implemented in accordance with the approved details before the development is complete. The scheme shall include:

- i) Demonstration that the SUDs hierarchy has been clearly followed, with justification for the methods chosen;
  - ii) Demonstration of the conveyance of water across the site;
  - iii) Demonstration that the proposed drainage strategy is able to cope with up to the 1 in 100 year plus suitable allowance for climate change storm event;
  - iv) Details of the maintenance and general management of the proposed drainage strategy.
- 15) Prior to the first occupation a 'Code for Sustainable Homes', 'Design Stage Assessment' of the residential development, hereby approved, must be carried out by an independent licensed Code for Sustainable Homes assessor, and the results of the assessment incorporating the 'Design Stage Assessment' report and 'interim certificate' from the BRE, must be submitted to the local planning authority in writing.

The BRE Design Stage Assessment 'interim certification' must show that the residential development is likely to achieve a 'Code Level 3 standard' or 'Code Level 3 equivalent percentage points score' for the development in accordance with the approved plans and particulars.

Prior to occupation of each dwelling a 'Code for Sustainable Homes' 'Post Construction Stage Review' is to be completed by an independent licensed Code for Sustainable Homes assessor demonstrating that the dwelling is expected to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score' and the results of the review must be submitted to the local planning authority in writing.

'Final Certification' from BRE or equivalent body for each dwelling must be submitted to the local planning authority within 3 months of completion of the development.

The 'Final Certification' must show that the residential dwelling has been constructed and completed to achieve 'Code 3 standards' or 'Code Level 3 equivalent percentage points score'.

- 16) Prior to commencement of development, a scheme for external lighting and street lighting within 20m of Vyne Brook shall be submitted to, and approved in writing by, the local planning authority. Artificial lighting should be directed away from the river corridor and focused with cowlings. The approved scheme shall be implemented before the completion of the development.
- 17) The development hereby approved shall be constructed in accordance with the details of the vehicular and footway/cycle accesses as shown on drawings:
- HBH10090/D06 REV D
  - HBH10090/D07 REV F
  - HBH10090/D17 REV G
  - HBH10090/D08 REV D

The accesses shall be constructed in accordance with a programme to be submitted to, and approved in writing by, the local planning authority prior to the occupation of any dwelling.

- 18) Any vehicular access gates provided (for the avoidance of doubt this excludes approved garden gates) shall be set back a minimum distance of 6 metres from the edge of the carriageway of the adjoining highway and shall be thereafter retained.
- 19) No part of the proposed buildings and structures, including any projections, doorway and window openings, roof eaves and drainage down pipes shall overhang or project into the public highway.
- 20) No development shall take place on site until details of fences or other means of enclosure at road and pathway junctions and the sight lines so formed have been submitted to, and approved in writing by, the local planning authority. The land within the sight lines and anything on it, including vegetation, shall not interrupt the space between 0.6 metres and 2.0 metres above the level of the carriageway. The resultant visibility splays shall thereafter be kept free of obstacles.
- 21) No building erected on the land shall be occupied until there is a direct connection from it, less the final carriageway and footpath surfacing, to an existing highway made up in accordance with the approved specification programme and details. 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 for which permission is hereby granted.
- 22) The development site shall be constructed in accordance with the approved layout drawing ref: HNP5/PL/01 Rev P; including visibility splays, road and footway geometry, access points and bin collection points. Notwithstanding the approved layout, minor details may subsequently be altered to comply with the necessary safety and technical requirements of a road adoption agreement.
- 23) The accesses to dwellings hereby approved shall be provided with splays to the highway at an angle of 45 degrees for a distance of 1metre and shall thereafter be retained.
- 24) No development shall take place until protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions have been carried out in accordance with the 'Tree Protection Plan Phase 1' drawing submitted by Forbes-Laird Arboricultural Consultancy referenced 30-1020.02 Rev A.
- 25) The development shall be carried out in accordance with the approved Materials Plan (Drawing no. H----/MP/01 Rev A) received 12 April 2012 and retained as such thereafter.
- 26) The development shall be landscaped in accordance with the following approved plans:
  - i) Planting Plan Phase 1 Sheet 1 of 6 (Drawing no. L106 Rev C);
  - ii) Planting Plan Phase 1 Sheet 2 of 6 (Drawing no. L107 Rev C);
  - iii) Planting Plan Phase 1 Sheet 3 of 6 (Drawing no. L108 Rev C);

- iv) Planting Plan Phase 1 Sheet 4 of 6 (Drawing no. L109 Rev C);
- v) Planting Plan Phase 1 Sheet 5 of 6 (Drawing no. L110 Rev C);
- vi) Planting Plan Phase 1 Sheet 6 of 6 (Drawing no. L111 Rev C);
- vii) Planting Plan Phase 1 Overall (Drawing no. L112 Rev C).

The landscape works shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings hereby permitted. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the local planning authority.

- 27) The development shall be carried out in accordance with the means of enclosure as shown on the approved Planning Layout (Drawing no. HNP5/PL/01 Rev P) received 6 June 2012. The approved means of enclosure for each dwelling shall be erected prior to the occupation of the dwelling served by that means of enclosure and shall subsequently be retained.
- 28) There shall be no burning on site of waste materials including demolished materials, trees, greenery etc.
- 29) No development shall take place until full details of the layout and design of the LEAP and Kickabout area, including, where appropriate, a programme for implementation, details of hard surfacing materials and minor artefacts and structure (eg furniture, refuse or other storage units, signs, lighting, external services, etc) have been submitted to, and agreed in writing by, the local planning authority. The approved details shall be implemented in accordance with the approved programme.
- 30) The development shall be carried out in accordance with the approved Landscape Management Plan (Drawing no. L115) received on 24 August 2012, the Revised Landscape Specification dated 24<sup>th</sup> August, 2012 and Revised Landscape Management Report dated 23<sup>rd</sup> August, 2012.
- 31) The development shall be carried out in accordance with the Buffer Planting Strategy (Drawing no. L114 Rev A) detailing reinforcement of planting to the existing landscape buffer along the western site boundary. Planting will be carried out in accordance with a timetable to be submitted to, and approved in writing by the local planning authority prior to first occupation of any dwelling hereby permitted.
- 32) A landscape management plan for the landscape buffer along the western site boundary, including a programme for implementation, long term design objectives, long term management responsibilities and maintenance schedules, shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of development. The landscape management plan shall be carried out as approved.
- 33) Notwithstanding the information shown on drawing no C10186-C004 Rev B, no development shall take place until a measured survey of the site has been undertaken and a plan, prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark, has been submitted to, and approved in

writing by, the local planning authority. The works shall be completed in accordance with the approved details.

## **APPENDIX 5**

### **GLOSSARY**

AONB	North Wessex Downs Area of Outstanding Natural Beauty
BDBC	Basingstoke and Deane Borough Council
BMV	Best and most versatile
CIL	Community Infrastructure Levy
CS	Core Strategy
DWH	David Wilson Homes Southern
DPD	Development Plan Document
EA	Environment Agency
EH	English Heritage
ES	Environmental Statement
FCS	Favourable Conservation Status
Framework	National Planning Policy Framework
GCN	Great Crested Newt
IROPI	Imperative reason of overriding public interest
LNR	Local Nature Reserve
LP	Saved Policies in the Basingstoke and Deane Local Plan
MfS	Manual for Streets
MfS2	Manual for Streets 2
NE	Natural England
PIM	Pre-Inquiry Meeting
PROW	Public Right of Way
PSGP	The Planning System: General Principles
SHLAA	Strategic Housing Land Availability Assessment
SINC	Site of Importance for Nature Conservation
SoS	Secretary of State
SPD	Supplementary Planning Document
SSJ	Sherborne St John Parish Council
SSSI	Site of Special Scientific Interest
STW	Sewage Treatment Works
vph	Vehicles per hour
vpm	Vehicles per minute



## Department for Communities and Local Government

### **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

#### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

#### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

#### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.