



Appeal Decision

Inquiry held on 20th – 29th November 2013

Site visit made on 28th November 2013

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 17 March 2014

Appeal Ref: APP/H1705/A/13/2200861 Land at Kennel Farm, Basingstoke

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Wates Developments against Basingstoke & Deane Borough Council.
 - The application Ref BDB/77382, is dated 9th December 2012.
 - The development proposed is described as being for up to 310 residential units comprising 1, 2, 3, 4 & 5 bedroom units (including affordable housing); new access from Winchester Road (A30); a new pedestrian link from Winchester Road; internal access roads; with open space and landscaping.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 22 January 2014.

Decision

1. The appeal is allowed and outline planning permission is granted for up to 310 residential units comprising 1, 2, 3, 4 & 5 bedroom units (including affordable housing); new access from Winchester Road (A30); a new pedestrian link from Winchester Road; internal access roads; with open space and landscaping at Land at Kennel Farm, Basingstoke in accordance with the terms of the application, Ref BDB/77382, dated 9th December 2012, subject to the conditions included in the attached Annex.

Application for costs

2. At the Inquiry an application for costs was made by Wates Developments against the Basingstoke and Deane Borough Council. This application is the subject of a separate Decision.

Procedural Matters

The application

3. The application is in outline with all matters reserved for subsequent approval other than access.
4. The application was accompanied by a Design and Access Statement (DAS), a Planning Statement, a Utilities Statement, a Sustainability Assessment, and an

Environmental Statement (ES), comprising a main Report, a Non-Technical Summary and 21 Technical Appendices.

5. The description of the development is for “up to 310 residential units”. Although, if permitted, this would allow a developer to build fewer units if it chose, I have considered this appeal as if it relates to development of the full number.

The Council’s resolution

6. The appeal is against non-determination. Although the Council resolved in principle to refuse the application on 19th June 2013, a decision notice was not issued before the appeal was lodged on 28th June. Subsequent to the appeal being made, the Council has resolved that, had it been in a position to issue a decision, it would have refused it for the following reasons (the putative reasons):

(1) The scale of the proposed development is considered so significant in this particular location that it would prejudice the development of the spatial vision for the borough with particular regard to decisions in relation to transport infrastructure. Accordingly the development is considered to be premature and would prejudice decisions about the size, scale, sustainability and phasing of new housing development within the borough and furthermore, undermine wider policy objectives. As such, the proposal is contrary to the provisions of the National Planning Policy Framework 2012 and The Planning System: General Principles document.

(2) The proposed development fails to provide a safe and convenient access for all users, additionally walking and cycling from the site is not sufficiently integrated or linked with existing infrastructure and development resulting in a scheme that will predominantly encourage the use of the private car without giving people a real choice about how they travel. As such the development is considered to be contrary to the aims of the National Planning Policy Framework as it is not delivering sustainable development and saved policies E1 and A2 of the Basingstoke and Deane Local Plan 2006 - 2011.

(3) The proposed development would have a detrimental impact on the landscape character and scenic quality of the area as a result of the development being on the top of a ridge line which increases its impact on views and users of the adjoining countryside and public right of way (PROW). Development so close to the A30 would have a detrimental impact on this principal entrance into the Basingstoke Town settlement as the character of the area is open countryside, influenced by distant housing and housing set back from the road with significant landscape buffers that are not broken by roads. As such the proposal is considered contrary to the National Planning Policy Framework (March 2012) and Saved Policy E6 of the Basingstoke and Deane Borough Local Plan 1996-2011.

(4) The proposed development would have a detrimental impact on local biodiversity as although minimum buffers and non-accessible open space are provided this does not allow for adequate retention, protection and enhancement of the northern and western woodland Sites Importance for Nature Conservation (SINCs) which would be under increased pressure from the additional population created in the area as a result of the proposed development. As such the proposal is considered contrary to the National Planning Policy Framework (March 2012) and Saved Policy E7 of the Basingstoke and Deane Borough Local Plan 1996-2011.

5) The proposed number of dwellings is considered to represent an overdevelopment of the site. The density of development proposed is inappropriate for the edge of the settlement given the specific constraints of this site with regards to its location on an important entrance to the Basingstoke Town settlement and relationship to key

biodiversity habitats. As such the proposal is considered contrary to the National Planning Policy

(6) In the absence of any suitable legal agreement, or justification for the absence of a legal agreement, the proposed development does not make adequate provision for community and infrastructure contributions in relation to Affordable Housing; Woodland Management Plan; Landscape Management Plan; Travel Plan; Broadband Plan; On site non accessible open space; On site accessible open space; Transport (BEST); Education; Community Infrastructure; Parks; Playing Fields; Neighbourhood Equipped Area of Play; Allotments; Biodiversity issues; Percentage for Art to adequately off-set the impact of the development. The proposed development is therefore contrary to the Community Infrastructure Levy Regulations 2010, Saved Policies C1, C2, C7, C9 and A2 of the Basingstoke and Deane Borough Local Plan 1996-2011 and the guidance contained within the Planning Obligations and Community Infrastructure Interim Guidance Document and the Adopted Green Space Standards (April 2013).

Statements of Common Ground

7. A Statement of Common Ground (SoCG) has been agreed between the main parties; and an "Agreed Statement on Transport Matters" has been reached between the appellant and Hampshire County Council acting in its position as local highway authority. The schedule of application plans was clarified during the course of the Inquiry. Those listed in the conditions represent the application plans as agreed between the parties.
8. During the course of the Inquiry, a further supplementary SoCG was submitted concerning housing land supply. Two methods of calculating housing land supply are described – the "Liverpool" and the "Sedgefield" methods. The former arrives at 3.8 years, and the latter 3.5 years. Irrespective of that, the main parties agree that there is a shortfall in the 5-year supply which should be regarded as both serious and significant.
9. The A30 runs approximately on a South-West to North-East alignment. It was agreed at the Inquiry that, for the avoidance of any doubt, in this decision, the site is described as being to the west of the A30 (rather than to the north) ,and the other side of the road is to the east (rather than to the south).

Planning Obligation

10. The sixth putative reason for refusal relates to the absence of a planning obligation covering a number of topics. At the Inquiry, a Section 106 agreement was concluded between the main parties addressing these matters. The Council is content that it is satisfactory and consequently these areas of dispute were resolved. I have not identified any main issues with respect to them. I consider the content of the agreement and the weight to be attached to it in a separate section of this report.

Reasons

The approach to decision taking

11. The approach to the decision-taking process was the subject of some discussion at the Inquiry. For the sake of clarity, I set out my position by way of introduction.
12. Paragraph 14 of the National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Where, as in this case, there is no dispute that the relevant housing policies of the development plan

- are out of date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. This requires an appraisal to be made of the benefits of the development and of any adverse impacts, both by reference to the policies of the NPPF as a whole; and then to undertake a balancing exercise. Some individual policies of the NPPF contain within them separate actual or implied balancing exercises relating to individual matters. An example relates to transport, where paragraph 32 says that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. Another is found in paragraph 118, which says that permission should be refused if the development would lead to loss or deterioration of certain nature conservation interests, unless the need for, and benefits of the development clearly outweigh the loss. This latter exercise is expressed in the reverse way to that in paragraph 14.
 14. I consider that a pragmatic approach is called for. So, for example, it would be reasonable to undertake a balancing exercise in relation to transport matters and then to feed the residual transport impacts into the overall balance envisaged under paragraph 14. If the residual impacts were less than severe, it would not be right to refuse permission on transport grounds alone, but it would still be appropriate to take into account any impact within the overall (paragraph 14) balancing exercise. To do otherwise would fail to take account of the policies of the Framework as a whole.
 15. As for nature conservation, an assessment would be required of the degree and nature of any harm and similarly to feed that in to the overall paragraph 14 balancing exercise. At the same time, the specific paragraph 118 balance would have to be undertaken.
 16. Thus, paragraph 14 requires all adverse impacts to be weighed against all benefits rather than balancing each adverse impact individually against the benefits. But in order to take account of the policies of the Framework as a whole there may be a need to undertake some individual balancing exercises too.
 17. In the context of a presumption in favour of granting permission, the test places the bar deliberately high. The adverse impacts must outweigh the benefits significantly and demonstrably for permission to be withheld.
 18. In defining my main issues at the Inquiry, I initially expressed the balance differently: whether any harm found in relation to the matters identified in the putative reasons for refusal were outweighed by the benefits, in terms of the need for housing. On reflection, I consider they should be worded to reflect the test set out in NPPF paragraph 14 as discussed above; and I have modified them accordingly below.
 19. On that basis, I start my reasoning by identifying the benefits of the proposed development. I then consider each of the main aspects of harm identified by the Council, before undertaking the balancing exercise.

Main Issues

20. The main issues in this case are:

- (a) Whether the development would be sustainable, having regard to:
 - (i) access by means other than the private car;
 - (ii) its effect on the landscape character of the area;
 - (iii) its effect on local biodiversity interests; and
 - (iv) its character, particularly by reference to scale.
- (b) Whether allowing the proposed development would prejudice the proper planning of the area through the local plan examination process; and
- (c) Whether the need for housing and any other benefit is significantly and demonstrably outweighed by any harm found in relation to these matters.

Benefits of the development

Housing provision

21. The pre-submission draft of the emerging local plan (Policy SS1) seeks to make provision for 13,464 dwellings over the plan period to 2029, of which approximately 7010 are allocated on greenfield sites (Policy SS3). The appeal site is one of the draft allocations (Policy SS3.2), with an indicative capacity of 250 units. These figures and the evidence which underpins them are subject to criticism by some and have not been tested at Examination. I therefore accord the draft plan little weight. Nonetheless, it is reasonable to conclude that a very substantial amount of new housing will be required to be built in Basingstoke during the Plan period; and that a large proportion of it will have to be accommodated on presently undeveloped land. This is not in dispute between the parties. Though these matters will doubtless be addressed at the local plan Examination, in view of this level of agreement it was not necessary to explore questions of housing need and land supply in any detail at the Inquiry.
22. The appellants and the Council also agree that the borough does not possess a 5 -year supply of housing land and that, using the words of the Inspector and the Secretary of State in the recent (Sept 2013) decision granting permission for 450 dwellings at Marnel Park, Basingstoke [refs APP/H1705/A/12/2188125 & APP/H1705/A/12/2188137], there is a *serious and significant* shortfall in the supply of housing land. There is agreed to be between 3.5 and 3.8 years of housing land supply, dependent on the method of calculation used. There is also a shortfall in the supply of affordable housing.
23. The Council acknowledges that the Kennel Farm site is, in principle, suitable for large-scale residential development; and, if the appeal were allowed, it would contribute to reducing the shortfall and help to meet some of the need for affordable housing. If the Council's current estimate of annual housing requirement (yet to be tested at Examination) of 748 dwellings, the 310 houses proposed would represent about 0.4 of 1 year's provision.
24. The proposed development is intended to include 124 affordable units, representing 40% of the total, in line with Policy C2 of the adopted Local Plan (LP).

25. These are recognised by the Council as important benefits. It also accepts that, subject to the matters addressed in the criteria set out in the emerging local plan, approximately 250 dwellings could be accommodated satisfactorily on this site. It follows that accommodating a further 60 units, as proposed, would bring additional benefits in terms of market and affordable housing supply. If these homes are not to be provided on this site, then other greenfield land would have to be found to accommodate them.
26. In view of the emphasis which the NPPF places on the provision of market and affordable housing to meet the objectively assessed needs of the area, I would characterise them as very significant benefits.

Impacts of the development

27. The Council acknowledges that a development of 250 dwellings on this site would inevitably bring with it certain adverse impacts. By implication, this means that it considers those impacts would not significantly and demonstrably outweigh the benefits of a development of that size. The fact that it opposes a development of 310 units must mean that it considers that the adverse impact of the additional 60 dwellings, together with the inevitable impact of 250 dwellings, would significantly and demonstrably outweigh the acknowledged benefit to housing supply of the 250 units, plus the additional benefit from the extra 60 units.

Issue a(i) - Sustainable Access

28. The Council's objections to the proposed development under this heading relate to 2 main matters: (a) accessibility to facilities by pedestrians and cyclists and, in particular, whether a footway / cycleway should be provided along the western side of the A30, between the site and the roundabout to the north; and (b) accessibility to public transport.
29. The NPPF states that decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Where practical, developments should be located and designed to give priority to pedestrian and cycle movements and have high access to high quality public transport facilities. Layouts should be safe and secure; and key facilities such as primary schools and local shops should be located within walking distance of most properties in large scale developments, also where practical.
30. LP Policy E1(iii) requires, amongst other things, that development should provide safe and convenient access for all potential users, integrating into existing movement networks and open spaces. Policy A2 similarly seeks that cycling and walking infrastructure should be integrated with the development and linked with surrounding networks; and for development to take account of the needs of public transport. Both policies are consistent with the NPPF.
31. The criteria of Policy SS3.2 of the draft Local Plan requires development at Kennel farm to *include measures to improve accessibility by non-car transport modes, the ability to service the site by public transport and ensuring the connection of the site with existing cycle and pedestrian routes and the Public Right of Way network. This will include improving the pedestrian/cycling crossing facilities across the adjacent section of the A30, to enable access to*

services to the east. This has yet to be tested at Examination, but in principle this too is consistent with the NPPF.

Richborough Estates

Accessibility for pedestrians and cyclists

32. There are no proposals within the application – or indeed in the draft policy allocation of the site – for development at Kennel Farm to include any community services other than of a recreational nature. The new residents would be dependent upon existing facilities, located in other housing areas on both sides of the A30. The site is separated from the facilities to the west of the main road, including the Kempshott Infant / Junior Schools and Community Centre, by the Old Down Woodland Park (ODWP), through which there is a network of pathways. The A30 separates it from facilities to the east, including the Wallop Drive retail park (Sainsbury's); the Hatch Warren Community Centre; St Mark's school and the Beggarwood local centre. These are accessed by means of a "Toucan" crossing of the A30 to Beggarwood Lane; a shared pedestrian/cycleway on the southern side of Beggarwood Lane and through Beggarwood Park to Beggarwood; and a network of routes through the residential areas of Beggarwood, Kempshott and Hatch Warren.
33. The Wallop Drive retail park has been assessed as being 790m from the site; the Beggarwood centre, 570m; the community centre, 1030m and the Kempshott schools, 1635m, using the existing network of routes.
34. The suggested acceptable walking distances to schools is set out in the Institution of Highways and Transportation (IHT) *Guidelines for Providing Journeys on Foot*. This recommends a "desirable" distance of 500m; an "acceptable" distance of 1000m and a "preferred maximum" of 2000m. The Council accepts that within a reasonable walking distance there is a good range of facilities that are accessible in principle.
35. That notwithstanding, I consider the Kempshott schools are towards the maximum that I would expect parents and young children to walk regularly; and though the distance to the Sainsbury's retail park is considerably shorter, I would also expect that to be fairly unattractive to walkers, especially if heavy shopping bags were to be carried. I also recognise that many other factors other than distance may influence the attractiveness of walking, such as the need to cross roads; gradient, surfacing, lighting, the quality of the environment and fear of crime.
36. At the time of the planning application the County Highways Authority considered that the development complied with saved LP Policy A2. Subject to certain mitigation measures being brought forward to encourage travel by means other than the private car, it concluded that the site is "marginally sustainable" in transport terms. I do not disagree. Whether measured by distance, time, convenience or perception, the site cannot be regarded as especially well-located relative to local facilities.
37. Basingstoke has a high car ownership and use; and it may be expected that the future residents of housing at Kennel Farm would be no different, especially in view of the direct access to the A30. Human nature and habit suggests strongly that cars would be used for even short journeys if these are perceived as inconvenient.
38. In recognition of this, the S.106 agreement contains the requirement for a Framework Travel Plan (FTP) to be implemented, together with a financial Transport Contribution. The FTP lists the measures that would be taken to

- encourage travel by modes other than the private car. It includes proposals to improve connectivity, including the provision of a footway / cycleway linking the site into a shared link along the frontage, extending to a new bus lay-by; a new Toucan crossing to the A30; pedestrian improvements to Beggarwood Lane; a shared route between Shortwood Copse Lane and Beggarwood Lane; and other off-site highway improvements.
39. Doubtless these measures would go some way to making walking and cycling more attractive for residents and to overcoming the perception of inconvenience. However, there is no disguising the fact that the accessibility of the development to pedestrians and cyclists would remain less than ideal.
40. The Council expresses concern about 2 main issues in this respect: the need to use unlit paths across ODWP to access the Kempshott schools and other destinations in Kempshott; and, in order to access the facilities to the east, the need to cross the A30 on a Toucan crossing and to walk through Beggarwood Park, which does not have natural surveillance. In both cases, its suggested solution is the provision of a footway along the western side of the A30, enabling Kempshott to be reached on lit paths and for the retail park to be accessed by means of the existing underpass close to the Kempshott roundabout.
41. This new footway route would be very similar in terms of distance compared to the ODWP routes, which cannot be lit owing to the adverse effect on the ODWP. The advantages of this roadside path would be that it would be lit, have natural surveillance and therefore be more comfortable to use in darkness; and as it would be hard surfaced, not liable to become muddy, and easier to use when pushing a child's buggy. On the other hand, the route across ODWP would be quieter and far more attractive during daylight hours compared to walking alongside the main road, and would allow children to run freely and use the play equipment in the park.
42. Although the Council agrees that the predominant pedestrian movement would be to facilities to the east of the A30, it suggests that more children from the proposed development would attend the Kempshott schools (in preference to St Mark's school to the east of the A30) than has been estimated in the Transport Assessment, and consequently the number of pedestrian trips would be greater. From what I have heard, that is possible or even likely. However, as the choice of schools is a matter of parental preference based on many factors apart from distance and convenience, it is difficult to tell. Whatever the position, the appellant has produced a range of statistics that seeks to show that there would be little need for trips to be made to or from schools in the dark, even in winter when day length is shorter. I see no good reason to disagree with that conclusion.
43. It seems to me that some pedestrians would be deterred from walking to or from the Kempshott destinations in darkness if that required crossing the ODWP. Some might be deterred by the surfacing at any time of day. It is also possible that some of those would walk along an A30 footway if one were to be provided, but others might find walking alongside the busy road intimidating, notwithstanding the other advantages. It is a matter of speculation as to how the relative merits of the routes would be perceived by future residents in practice. However, having reviewed all of the evidence, I am of the opinion

that the provision of a path alongside the A30 would have a negligible effect on the number of trips taken on foot or cycle to the Kempshott area.

44. As for access to facilities to the east of the main road, a path alongside the A30 would obviate the need to wait for the Toucan crossing, as would the risk – whether actual or perceived – of crossing the main road, which is heavily used, sometimes with fast-moving vehicles, and of crossing Beggarwood Park. That said, underpasses are also commonly perceived as intimidating and not necessarily a more attractive alternative to surface-level crossings; and walking alongside the roads would be less attractive than the existing route. I doubt if the provision of a roadside path would make any significant difference to the number of pedestrian or cycle trips to facilities to the east of the A30.
45. The Highway Authority opposes provision of a new path, because it would present pedestrians and cyclists with the opportunity of crossing the A30 at uncontrolled points, notably by the roundabout. There is no data which shows conclusively that this would happen. But pedestrians can be unpredictable and some are foolhardy. Providing barriers would be a deterrent, but would be unsightly and to be effective would have to be erected along a considerable length of the road, not just by the roundabout.
46. Moreover, the cost – estimated to be in the region of £112,000 - would represent a significant proportion of the Transport Contribution payable under the S.106 agreement. The agreement allows for the provision of a path alongside the A30, but as one of a number of measures for which the Transport Contribution could be used. The possibility of the path being provided is not therefore ruled out, but the benefit of providing it would have to be balanced against the benefit of spending the money on other measures. On the basis of present information, that benefit would appear to be small.
47. A general advantage of providing the A30 path would be that pedestrians and cyclists would have a choice of route, allowing them to decide which to use, depending on individual priorities. That would satisfy the NPPF's objective of maximising sustainable transport solutions and modes. But that approach is not unqualified. Priority for pedestrian and cycle movements is explicitly "where practical". Moreover, while planning decisions should take account of whether improvements can be undertaken within the transport network that limit the significant impacts of the development, this should be done "cost effectively". Significantly, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (my emphasis). Despite its usual sense, "maximising sustainable transport solutions and modes" cannot mean that everything possible should be done, irrespective of the level of benefit (or reduction in potential for harm, for example by reducing the number of car journeys), the cost and practicality. In this case, although the provision of a path could increase the number of pedestrian and cycle trips, and thereby contribute to the objective of increasing sustainable movement, it cannot be justified by reference to the limited likely benefit (or limited harm avoided), the cost, and the potential for road hazard.

Public transport

48. A bus service (Jazz 1) links the Hatch Warren, Beggarwood and other residential areas to the east of the A30 with Basingstoke town centre, including to the rail and bus stations. The route takes in a short stretch of the A30 between Beggarwood Lane and Kempshott roundabout, with the closest stop at

- present on Beggarwood Lane, some 430m from the site access. It is very frequent, with a bus every 12 minutes. A less frequent "Jazz 8" service links the Hatch Warren retail park with the town by a different route. It is proposed to create a new bus lay-by on the A30 just to the north of the site to serve the former.
49. The bus operator has indicated that within current resources it would not be able to serve the site directly. Therefore it is not proposed to provide a bus stop and turning facility within the development, though the layout would be designed to allow for one, should it be considered necessary or expedient in the future. Consequently, residents of the development would have to walk out of the estate and along the A30 a short way to get to the bus stop. Based on the withdrawn illustrative layout, the Council has estimated that just 23% of the dwellings would be within 400m of the stop; twice that within 500m; and 90% within 800m. Using "best case", but probably unrealistically optimistic calculations, a significant proportion of the dwellings would still be outside the 400m distance, with the furthest being some 630m away.
50. The document *Planning for Public Transport in Developments* I(HT)(1999) recommends that new developments should be located so that public transport trips involve a walking distance of less than 400m from the nearest bus stop. This distance has been taken from Government advice dating from 1973, but it is to be treated as guidance which should not to be adhered to slavishly. Of greater importance is the provision of services that are easy to understand and attractive to use.
51. Having a bus stop within the development would of course be preferable, but that is not on offer. Nevertheless, to a considerable degree I consider that the frequency of the Jazz 1 service is such that this would reduce the actual or perceived inconvenience for those who would have to walk a longer distance to the stop. It would, in the words of the guidance, be easy to understand and attractive to use; and this is a case where it would not be appropriate to adhere slavishly to the 400m recommended distance.
52. In addition, the Travel Plan includes a number of measures, including a voucher towards bus travel and information designed to encourage greater public transport use.
53. Overall, I conclude that in terms of access to local facilities by means other than the private car, the site is marginally sustainable, even with the mitigation measures in place. But, other than with respect to the 2 main matters at issue raised by the Council, that would be the case under any development scenario for the site. Indeed, if it were to be developed as the Council urges, with 250 dwellings, there would be commensurately fewer resources available for measures to be provided through the Transport Contribution, calculated by reference to bed spaces per dwelling.
54. The provision of a new path along the western side of the A30 would have some advantages over the existing alternative routes, but also some disadvantages, and it is not supported by the Highway Authority. I do not believe that the net benefits of its provision would be substantial; and equally, there would be little harm caused in not providing it. The S.106 agreement presents the opportunity for it to be provided, as one of a range of mitigation measures, should it be considered justified in the future.

55. As for public transport, the site is well-served by a regular and frequent bus service and a new bus stop on the main road would be provided. The walking distance from the lower parts of the site to the bus stop are longer than is desirable, but I believe that, for many, the inconvenience of the distance is likely to be outweighed by the advantages of the "turn-up-and-go" service. A service running through the development would be an advantage, but the bus company does not wish to make such provision. It is regrettable that the question of a subsidy for the service was not pursued. However, there is no objection from the Highway Authority.
56. I agree that anything that deters easy access to the bus service will be likely to decrease its attractiveness to those who have the alternative option of making their journey by car. That limits the sustainability credentials of the development. However, on balance, I consider the accessibility of the development, while not ideal, would be acceptable, having regard to the NPPF and the saved policies of the Local Plan.
57. I do not regard the residual cumulative impact with respect to accessibility of the development for modes of transport other than the private car as severe.

Issue a(ii) - Landscape & Visual Impact

58. The local policy background to this issue is LP Policy E6. The Council accepts that it would not be appropriate to apply its provisions in a blanket fashion, as that would effectively preclude development of greenfield sites, contrary to the agreed position that a significant amount of new development in the next local plan period will have to be on undeveloped land. Nonetheless, I agree that several of the criteria of the policy are still relevant as identifying key matters to be considered when assessing the impact of development on landscape character. These are broadly encompassed by the fifth core planning principle of the NPPF: to take account of the different roles and character of different areas; and to promote the use of land with the least environmental or amenity value.
59. But a further important element of the context, as with all of the issues in this case, is the Council's acceptance that, in principle, a development of 250 dwellings would be acceptable on this site; and that some visual impact would be unavoidable.
60. The ES includes a Landscape and Visual Impact Assessment (LVIA), the methodology for which was based on the Guidelines published by the Landscape Institute and the Institute of Environmental Management and Assessment (2002) (GLVIA) and agreed by both main parties. The Council has undertaken its own LVIA for the Inquiry. The fact that the conclusions disagree mostly reflects differences in subjective analysis, rather than any major disagreement over approach.

Landscape

61. I have been referred to a number of landscape character assessments: The Natural England *National Character Area Profile 130 (Hampshire Downs)*; and the *Hampshire Integrated Character Assessment* of September 2013. But while these describe the wider landscape setting they are of little value in assessing the impact of development under consideration. The *Basingstoke and Deane Landscape Assessment* 2001 identifies a number of key landscape

features which affect the ability of the landscape to accommodate significant development. Amongst these is the ridgeline which runs approximately north-west to south-east across the A30 just to the south of the site; the strong linear boundary formed by the Roman Road which forms its western boundary; and an approximate visual boundary, defining the area within which Basingstoke is visible. The latter appears to coincide with the tree belt which forms the northern site boundary.

62. In relation to these features, I agree that the northern tree belt is an important element in the landscape on the approach to Basingstoke. However, the Council has conceded the principle of development beyond it on the site. Roman Road forms a clear western boundary to development to the south of the town which would be respected by the proposed development. The ridgeline is important, because it provides a physical edge to the "bowl" in which Basingstoke sits. Its highest point is just to the south of the site, which nonetheless is itself on high ground.
63. The *Basingstoke, Tadley and Bramley Landscape Capacity Study 2008* includes the site within a larger area (BA22) which extends a considerable way westwards beyond Roman Road and south along the A30. Although the capacity is assessed as "low", it explicitly advises that this does not mean that it applies to the whole area. I find this assessment of little or no value in the context of this appeal other than identifying the importance of the ridge line to the setting of Basingstoke, and the fact that the area is separated from the built-up area by the ODWP.
64. The *Basingstoke and Deane Landscape Capacity Study 2010: Site Options* was carried out to inform the evidence base for the Borough's Local Development Framework. The site is individually identified (ref BAS114) and assessed as having a "medium" capacity for development. This is stated to be contrary to the findings of the 2008 study mainly due to its relative visual enclosure and low level of intrinsically valuable landscape features, as well as the influence of the urban fringe.
65. An important aspect of the methodology for this study is that sites were tested against a development scenario of 60% residential development and 40% open space, based on a net density of 40 dwellings per hectare (dph), of 2 or 3 storeys. I return to the issue of capacity and density of development under my "character" heading, below. However, for present purposes, it should be noted that, using conventional methodology, the appeal proposal has a net density of less than 32dph and would be entirely of 2-storey dwellings other than a very small area on the lowest part of the site, which is intended to be 2.5 storeys. On that basis, it is likely that the capacity of the site for development is greater than assessed in the study.
66. That apart, I agree with the assessment. Although the site is surrounded on 3 sides by open countryside which has an attractive rural character, the degree of enclosure, together with the urban influences, indicates that it has a greater capacity for development than the landscape of which it forms a part. In my view, such development could be accommodated without incurring significant harm to the wider landscape character.

Visual impact

67. The Council's landscape witness assessed the development from a number of viewpoints by reference to magnitude of change at the time of development and significance of impact 1 year and 15 years later. In only 2 cases was the magnitude of change assessed as being above "moderate": in the view from the Roman Road to the west of the site, and from the permissive path through the northern tree belt. Both of these "high" assessments were in open views, with filtered views assessed as "moderate"; and both were assessed from a position directly on the boundary of the site: "0 metres".
68. According to the LVIA methodology, the criterion for a "moderate" magnitude of change is *"partial loss of, or alteration of one or more key elements / features / characteristics of the baseline view and / or introduction of elements that may be prominent but not necessarily substantially uncharacteristic when set within the attributes of the receiving view"*. The criterion for a "high" magnitude is *"Total loss of or major alteration to key elements / features / characteristics of the baseline ie. pre-development landscape or view and/or introduction of elements considered to be totally uncharacteristic when set within the attributes of the receiving landscape"*.
69. The significance of the impacts after 15 years, by which time the site would benefit from the proposed planting, are mostly assessed as being towards the lower end of the scale. Even the 2 views assessed as having the greatest magnitude of change were rated as having only "moderate" significance in terms of visual effect, meaning: *"The proposals will form a visible and recognisable new element within the overall scene and will be readily noticed by the observer"*. The remainder are mostly assessed as "moderate to low", with 3 rated as "low" or "low to insignificant". The criterion for a "low" significance is: *"the proposals constitute only a minor component of the wider view, which might be overlooked by the casual observer. Awareness of the proposals will not have a marked effect on the overall quality of the scene"*.
70. The introduction of large-scale housing development into any greenfield site is inevitably bound to bring some change, particularly when the development is new. The fairly low significance of the effects after 15 years is what one might reasonably expect. To my mind, it does not suggest an unacceptable visual impact. At the Inquiry, there was some dispute about the effectiveness of the proposed buffer planting to screen the proposed housing. Having viewed mature planting of that type at Hatch Warren, I am reasonably confident that, even if the buildings would not be totally obscured, the impact would not be highly significant.
71. A number of the LVIA viewpoints are some considerable distance away, to the west and north. Taking into account the degree of separation, and the intervening existing and proposed planting, I am satisfied that the visual impact from these locations would be negligible. Once it is accepted, as the Council has, that greenfield sites have to be developed, it is unrealistic to expect the developments to be completely invisible in the landscape.
72. The development would be most apparent to the casual observer in views from the A30, the frontage to which at present is completely open and which, in order to accommodate the vehicular access, must remain partly open, whatever the scale of the development. It would also be visible from

Beggarwood Park, opposite. But the frontage is fairly short and has mature planting to either side: the northern woodland belt and the mature hedgeline with trees on the southern boundary. There is also roadside planting which would provide screening in oblique views. When approaching the site along the main road, these features provide significant screening of the frontage in views from both directions. The Council's LVIA says that the development would fill the view between the tree lines. That is true, but equally the tree lines will partially obscure the development other than in direct views, and will provide a background to it. From a moving vehicle, one would be aware of the entrance to the housing area, not least because of the highway works including the light controlled pedestrian crossings, but that would be an unavoidable consequence of development of any size on the site. Recent tree planting at Beggarwood Park would filter views from that direction.

73. The Council's LVIA concludes that a reduction in the development footprint away from the A30 would drop the built form off the crown of the ridge, provide a generous set back and enable layers of planting to the frontage to break up the built form. A development of 250 units would provide additional flexibility to create a broader barrier, but I do not believe that the change in levels would have any significant effect, as the site slopes only gently away from the road.
74. After 15 years, with the planting proposed, the significance of the impacts of the oblique views from the road is assessed no higher than "*moderate to low*". To my mind, that does not provide a clear justification for providing a buffer of 50 metres depth, especially when the access itself would remain unaffected, permitting views into the site.
75. Overall I conclude under this topic that the proposed development would have some local visual impact insofar as it would be apparent in partial views from the A30, from Roman Road and from Beggarwood Park. But owing to its degree of enclosure, it would not have any significant impact on the quality or character of the wider landscape. The A30 is an important entrance to the built area of Basingstoke and the site is sensitively located close to the ridgeline. However, although separated from existing development by the ODWP and Beggarwood Park, the character of the locality is already influenced by nearby development, including the Beggarwood local centre and the commercial units off Beggarwood Lane, which are clearly visible from the main road. The access to the golf club, together with the traffic lights at the junction of Beggarwood Lane and the street lighting are all urban influences that signal the approach to the town. Notwithstanding that the site directly adjoins undeveloped land on 3 sides, it is unrealistic to characterise the locality as being wholly rural.
76. Roman Road is a well-used right of way of value in recreational terms. Walkers would be aware of the development as they pass by it, particularly during the early years until the planting matures. I acknowledge that it may diminish the quality of the rural experience to some extent.
77. Beggarwood Park is an attractive open area, but parts are already affected by unrestricted views of the large Beggarwood housing estate and local centre. I do not believe that the proposed development would significantly alter its character or the quality of the recreational experience for users.
78. It is possible, even likely, that a development with fewer units would have a less adverse effect, in that it might permit a greater degree of separation from

the A30 and Roman Road, and more planting. It is disappointing that assessments were not carried out for comparative purposes of a development of 250 units, which the Council regards as acceptable. I consider the question of the character of the development separately below but, from a purely subjective perspective, I doubt whether impact on the landscape would be significantly different.

Issue a(iii) - Biodiversity

79. The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on all public authorities to have regard, subject to the proper exercise of their functions, to the purpose of conserving biodiversity.
80. LP Policy E7 states that development will be permitted where it will not have an adverse effect on protected species or the conservation status of priority species, harm the nature conservation interest of a statutory or non-statutory wildlife conservation site or lead to the loss or deterioration of a key habitat type or harm the integrity of linkages between such sites and habitats. The weight given to the protection of nature conservation interests will depend on the national or local significance and any statutory designation or protection applying to the site, habitat or species concerned. Where the public interest in favour of a proposal is deemed to outweigh harm to biodiversity, the local planning authority will require the use of the best practicable mitigation / compensation measures.
81. This is broadly consistent with the NPPF, which states that the planning system should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. Protection of sites is commensurate with their status, with appropriate weight being given to their importance and the contribution that they make to wider ecological networks.
82. Of particular relevance in this case is paragraph 118 of the NPPF, which says that permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss.
83. The site comprises an open arable field with negligible nature conservation interest, but land immediately adjoining its northern and western boundaries have been identified as Sites of Importance for Nature Conservation (SINC), a local designation identified by Hampshire County Council for sites that are of particular importance for nature conservation, containing habitats or features which are effectively irreplaceable (excluding statutorily designated sites). That to the west is a fairly narrow woodland belt, with arable land beyond. Running through its length is a Public Right of Way (PROW), Roman Road. That to the north also includes a belt of woodland on the boundary, part of the larger ODWP area that separates the site from Kempshott and which is managed for both nature conservation and recreation. The woodland also has a longitudinal path, though not a RoW, running through it. The southern boundary contains a hedge and hedgerow trees, which are undesignated, while the remaining, eastern, boundary along the A30 is open.

84. The ES identifies the woodland belts as comprising beech woodland which represents a UK and a Local Biological Action Plan priority habitat type (respectively lowland beech and yew woodlands; and ancient semi natural woodlands) and as habitats of principal importance under the NERC Act.
85. It is acknowledged by both parties that the SINC's meet a number of criteria for designation as ancient woodland, but they have not been formally designated as such. This may be simply because they have not been assessed, owing to their small size (less than 2 ha); or because map evidence is lacking to demonstrate continuous existence since 1600. Though some doubt must exist over whether they should be regarded as ancient woodland, the appellants have treated them as if they were, on a precautionary basis. It follows that they should be treated as "irreplaceable habitat" for the purposes of NPPF paragraph 118. By reference to LP Policy E7, they also form part of larger linear features: tree belts that extend to the east of the A30.

Potential for harm

86. Disturbance to the SINC's presently takes place in the form of recreational use of the paths, which may give rise to trampling of ground flora; ground compaction; the exposure of roots; damage to trees from play and vandalism; disturbance of birds and small mammals through activity and noise; littering; and soil contamination from dogs. There is no doubt that placing a development of 310 dwellings in close proximity to the SINC's would introduce the potential for additional harm to them by reason of a greater number of people living close by, as they are attractive places to visit for casual recreation and for children's play. This would be particularly so with respect to the western SINC, which I consider in more detail below).
87. There are a number of other sources of potential harm identified by the Council. These include predation by cats introduced by the new residents of small mammals, amphibians and birds; and careless use by householders of garden chemicals. More directly, the fly-tipping of general and garden waste in the woodland area could increase, with consequences for soil and groundwater pollution. Artificial lighting can also adversely affect wildlife, including bats.

Mitigation and the buffer zones

88. The ES concludes that without mitigation the proposed development "could have a negative impact upon receptors of County level value" but, with mitigation, the overall net effects on the SINC's are anticipated to be negligible.
89. I largely agree. The open part of the ODWP, while possessing nature conservation interest as chalk grassland, also has a recreational function. The public are encouraged by pathways and the provision of play equipment to enter it. Though the proposed development would lead to more people walking across this area, I do not believe that the pressure would be so great as to cause any significant harm.
90. Many of the adverse effects on the SINC's identified above are capable of mitigation by the presence of buffers between the proposed development and the woodland and through the provision of alternative recreational areas within the site that to some extent would divert people from the use of the latter. The provision of buffers is common practice and is recommended at both national and local level.

91. The Standing Advice (SA) of Natural England is that Ancient Woodland should be provided with a buffer having a minimum depth of 15 metres; and refers as an example of best practice to a case where this distance was employed. It adds that, depending on their size, buffer zones can create space to allow the development of a varied woodland edge and for run-off from a development to be slowed and absorbed.
92. In 2008, the Council adopted the *Basingstoke and Deane Landscape and Biodiversity Supplementary Planning Document (SPD)* which for tree belts and woodland stipulates a minimum depth of 20 metres between the edge of the woodland and the development (including gardens).
93. Although a number of international examples of broader buffers have been brought to my attention, I do not know sufficient about the contexts in which they were drawn up to say whether they might be applicable to the present case. I have been urged strongly by the Old Down and Beggarwood Wildlife Group to support their case for 50 metre buffers to be provided, but I consider that the SA and the SPD provide the best available advice relative to the protection of ancient woodland in England.
94. Both the SPD and the SA promote the concept of buffers performing a variety of roles, in addition to providing a physical barrier between the protected area and the local population. The SPD gives as examples of other uses informal recreation and / or sustainable drainage, where this is compatible with the buffer function.
95. Provided that sufficient depth of the barrier were to be inaccessible so as to provide a physical barrier, there are a number of benefits in having multi-use buffers, including the potential for providing a diversity of habitat; greater visual interest; and a place for recreation - of value in itself and also providing a diversionary alternative to the use of the woodland. Provision of more diversity and recreational opportunities would not be at the expense of providing a barrier: it would be complementary to it.
96. The proposed buffers would be to a minimum depth of 20 metres, but this would be exceeded in places. The design would follow the principles of mixed use, with an inaccessible area of thicket planting, approximately 11 metres in depth, adjoining the woodland to create a barrier, together with an accessible area adjoining the development incorporating footpaths. The planting would be graded, providing a variety of "ecotones", including chalk grassland habitat within the accessible area. This approach was considered acceptable by the Council's ecological officers during the course of discussions about the application.
97. The Council is satisfied that the degree of accessibility of the buffers would not affect the SINCs by reference to impact on the root protection area of trees; to the reduction in the area of semi-natural habitats; to the requirement for tree works due to public access or to local hydrology. However, notwithstanding the national and local guidance and the lack of objection from Natural England to the appellant's approach, at the Inquiry it argued that the full 20 metre depth of the buffers should be inaccessible. I see no good reason for that. If the purpose of the inaccessible area is to prevent access, then it seems likely that most individuals would be deterred as much by 11 metres of mature thicket planting as by 20 metres. Both would be equally impenetrable. I am satisfied that, while the fly-tipping of general and garden waste in the

“accessible” area may be difficult to control, I do not believe that the provision of a 20 metre wide inaccessible buffer would provide any greater protection from its harmful effects.

98. As for the impact of cats, the amount of predation of wildlife likely to occur is disputed; and in the absence of detailed expert evidence, it is hard to quantify. It seems very likely that there would be a rise in the number of birds and mammals taken. However, the enlargement of the potential habitat for prey within the buffer areas, other green areas in the site and gardens would go some way to limiting the impact. Predation, though probably higher, would be relative to a greater population of potential prey. With respect to the design of the buffers, I would doubt whether 20 metres of thicket would be likely to provide any significantly greater deterrent to access to cats than 11 metres.
99. The effects of air-borne garden chemicals would be reduced by the distance of the proposed housing from the woodland and by the intervening buffer planting. It is possible that a greater thickness of planting might provide a greater degree of attenuation, but the future situation must be compared with the present use of the land for crop production. Currently, this may affect the woodland by reason of the application of agricultural chemicals in much greater quantities than would be used in domestic situations, directly adjacent, and applied by high-volume equipment. Root damage from cultivation may also occur. With the cessation of farming, these influences would be removed. In my view, the overall effect is likely to be no greater than neutral.
100. The ES says that in the absence of mitigation, illumination of the site could lead to habitat loss of light intolerant species of bats, but it recommends measures that could be incorporated in the development and ensured by condition. Subject to such mitigation, it concludes that it is probable that the extension and enhancement of habitat suitable for foraging bats on site will result in a moderate positive effect for bats using the site at a Local scale.

Management of the western SINC

101. The Council raises particular concerns with respect to the western SINC. As things stand, the woodland is already likely to be subject to a degree of disturbance from walkers on Roman Road, which links to the wider local footpath network. It is not always manifested as a single track, but often comprises a series of paths through the trees.
102. The intention is that the housing development would be linked to Roman Road by a single pedestrian access. This is in line with the exhortation of the NPPF that local authorities should seek opportunities to provide better facilities for user of public rights of way, for example by adding links to existing networks. Consistent with this, the draft allocation of the site in the emerging Local Plan includes a criterion which seeks its connection of the development to the PROW. The presence of the new population, together with direct access, would create the potential for additional adverse impacts, particularly from increased recreational uses. These are likely to be more severe than for the northern tree belt, to which there would be only indirect access from the housing, and where the path through it is not a right of way.
103. I am confident that the buffer for the western SINC would be no less effective than for the northern SINC in mitigating the indirect adverse impacts of the development, but that the value of the inaccessible element as a barrier

to pedestrian movement into the SINC would be substantially reduced by the existence of the proposed access way. There would be a clear conflict between 2 laudable aims: that of protecting the woodland, and that of promoting public access to the countryside and Rights of Way.

104. Under the S.106 agreement, and as part of the mitigation of potential harm to the nature conservation interests, a Woodland Management Plan (WMP) is to be prepared, approved and carried out. This would apply to the accessible and non-accessible green space on the northern and western boundaries within the site, together with areas defined as "land adjacent to the site". In the case of the northern boundary, this includes the tree belt, but for the western boundary it includes only approximately half of its width, representing just the land which is under the control of the appellant. The Council accepts that the appellant cannot commit to achieve matters beyond its control.
105. It is regrettable that a proportion of the western SINC would not be covered by the WMP, particularly in view of the fact that it would be at greater risk of adverse impact than the northern SINC, owing to its greater accessibility. Increasing the depth of the buffer, or of its inaccessible part, would not however reduce the likelihood of residents accessing Roman Road from the provided access.
106. I do not wish to downplay the importance of the woodland, whether in terms of nature conservation or landscape interest. But I am sure that the provision of the proposed buffers would provide substantial protection and create opportunities for further increasing biodiversity. It is possible that additional protection might be warranted if the woodland had been designated as being of national or international importance. But it is not. The protection afforded to it should be proportionate to its status: that of a locally-designated site which, though of value, is not of the highest standing justifying greater consideration. I take the view that the proposed partly inaccessible buffer with a minimum depth of 20 metres as advised in the SPD is appropriate to that status.
107. Overall, I conclude that, even taking account of the mitigation measures that would be put in place, the proposed development would be likely to have some adverse effect on the SINC, largely owing to disturbance which would arise from the presence of a significant new population in close proximity. The exact degree of disturbance would depend on the behaviour of new residents, which the ES correctly says is difficult to predict. In my view, the ES underestimates the potential for harm, particularly to the western SINC, in view of the greater degree of access, and less mitigation owing to the absence of a woodland management plan on part of it.
108. However, any such effects must be considered in the light of the Council's view that the site is suitable for large scale development of up to 250 dwellings and its acknowledgement that some adverse impacts would be unavoidable with housing at that scale. It must also be borne in mind that the Council's wish to see access to the Rights of Way network would inevitably give rise to tension between that objective and the protection of nature conservation interests.
109. A development of 310 dwellings would be likely to have a greater adverse impact on the woodland than one with 250 units. Whether the benefits of providing that quantity of housing is sufficient to outweigh the harm is

something which I shall consider in the “paragraph 14” balance of benefit and harm in the light of the local and national policies.

The southern boundary

110. The southern boundary is marked by an existing mature hedge and trees. Unlike the western and northern boundary it has no nature conservation status, though I am sure that it possesses some value. The illustrative layout shows a planted buffer of variable width, but generally greater than 18 metres, of which the majority would be “inaccessible”. I am satisfied that this is sufficient protection commensurate with the importance of the hedgeline and would make the boundary more effective as a visual screen.

Issue a(iv) - Scale and Character

111. LP Policy E1 sets out the general objectives for all development, including that it should respond to the local context in terms of design, siting, density and spacing and reinforce attractive qualities of local distinctiveness. This is in line with the thrust of the approach to design in the NPPF.
112. At the Inquiry, the Council stated that its concern over the scale of the development does not relate solely to the number of dwellings proposed, or the density. However, these were major considerations, as the fifth putative reason for refusal shows.

Quantity of dwellings

113. With respect to the number of houses, the site was identified in the Council’s 2010 Strategic Housing Land Availability Assessment (SHLAA) – Version 4, with an indicative capacity of 350 dwellings. The figure of 350 remained in Version 6 (October 2010); and the site was then included as a reserve site with that capacity in the Pre-Submission version of the Core Strategy (CS) of February 2012. Following legal action, that Plan did not proceed to formal submission; and so the figure was never tested.
114. Version 7 of the SHLAA (January 2013) included a figure of 250 dwellings for the site. Appendix 4 of the SHLAA states that “*the promoters of the site have indicated that a density of between 25 and 40 dwellings per hectare could be achieved across the site. A further assessment of yield to inform the emerging Local Plan has suggested that a yield of 250 is suitable for the purposes of the SHLAA*”. Kennel Farm was subsequently included as a greenfield site allocation with an approximate capacity of 250 homes in the pre-submission Local Plan (August 2013). The Council’s position at the Inquiry was that 250 dwellings would be acceptable, but the 310 proposed would be excessive in scale.
115. According to the Council, the reduced estimate of site capacity derives from a revised assessment carried out to support the preparation of the emerging Local Plan, together with a recognition that the earlier estimate reflected little more than the opinion of the site’s promoters. With respect to the latter, it is true that Version 4 of the SHLAA explains that the estimates of dwelling yields for the sites were not intended to be based upon a thorough assessment of detailed constraints, opportunities or any urban design analysis. Nonetheless, for sites such as Kennel Farm that were promoted by landowners and developers, the yields suggested were, following an initial analysis, generally taken as a reasonable estimate. Moreover, the Council was sufficiently

confident of the figure of 350 to include it within a pre-submission version of the Core Strategy for public consultation.

116. The fact that the appellant is seeking permission for considerably fewer than 350 dwellings might suggest that the earlier estimate had indeed been high. But rejection of that figure does not in itself lend any support to the 250 dwellings now considered by the Council to be around the maximum that would be acceptable.
117. At the Inquiry, some time was spent in locating the evidence to support the lower number. However, the Council's planning witness could not identify the particular assessment or other analysis which underpinned the decision to reduce the capacity figure from 350 to 250 in the SHLAA and the emerging Local Plan. Indeed, no coherent evidence was submitted to explain on what basis the decision had been taken. The Committee report which considered the planning application says that a site assessment, produced in support of the CS, was revisited in late 2012 to inform the emerging Local Plan. This assessment is said to have been reported to Council's Planning and Infrastructure Overview and Scrutiny Committee (P & I OSCOM) in a series of meetings in January 2013. Reference is made in a report to the first of those meetings (17th Jan 2013), which identifies the capacity of the site as 250, describing this as a "*slight reduction in yield to reflect new assessment*". Appendix 3 to that report includes an assessment and conclusions of a sustainability appraisal of the site. It is not clear whether this was the "new assessment". If so, while it drew attention to a number of constraints, the potential yield was not directly addressed.
118. I have found no assessment in the "*Local Authority Committee papers and other background documents and Local Plan Evidence Base*" section of the Core Documents for the period between February 2012, when the draft CS was published, and the publication of Version 7 of the SHLAA and the meetings of the P & I OSCOM in January 2013. That is not to say that some other assessment was not carried out, but simply that no evidence of it or the nature of the analysis which led to the conclusion was presented to the Inquiry.
119. Against that background, I place little weight on the figure of 250. It simply has not been justified. Nor has it been tested through the Local Plan Examination process. Moreover, although the committee report – reflecting the view of the Council's officers - acknowledged that number as having been agreed by Members as the site capacity for inclusion in the emerging Local Plan, it nonetheless considered the proposed 310 as acceptable. As the officer recommendation to grant permission shows, at that time 250 units was clearly not regarded as a ceiling to development. Rather, as the committee report says, it was identified "primarily for land supply purposes".

Density

120. As set out in the Development Control Committee report, the Council's planning officers took the view that the density of the development should be calculated by reference to the definition of *net dwelling density* (NDD) set out in Planning Policy Statement 3 (PPS3). That document is now withdrawn but, as the report says, it is considered reasonable to apply the definition as a measured way of calculating density on the site. I agree. The definition states that NDD is calculated by including only those site areas which will be developed for housing and directly associated uses, including access roads

within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas, where these are provided. Based on the indicative layout and having regard to the intended provision of buffer areas around the edge of the site, divided into "accessible" and "non-accessible" components (the former being included in the site for the purposes of the calculation, and the latter excluded), a figure of 31.6 dwellings per hectare (dph) was reached, rounded to 32 dph in the committee report.

121. While maintaining an agreement that the PPS3 definition of calculating NDD is appropriate, the Council sought to argue at the Inquiry that, if the site were to be developed as it considers necessary, the effective site area would be smaller. This is based on incorporating a 20 metre fully inaccessible buffer for the SINCs, with further ecological mitigation in terms of additional grassland / woodland edge planting; and a much deeper (50 metre) planted landscape buffer along the A30 frontage,. On that basis, it has calculated a net density of 37dph, which it considers to be too high for this site because it would lead to an overly urban form and appearance. The Council's witness then went further by calculating a "housing alone" density of 44dph for comparative purposes. I consider this highly misleading: the character of an area may derive as much from the open areas associated with development (as listed in the PPS3 definition of NDD) as it does to the density of development on the "housing alone" areas.
122. First, I have already concluded that the widths proposed for the buffers would be adequate to fulfil their various functions; and that their division into accessible and non-accessible areas is acceptable without causing significant harm to the interests of either nature conservation or landscape character. Second, in line with the PPS3 definition of NDD, where the buffers perform the functions of incidental open space or landscaping, then that land should be included in the net site area for the purposes of calculating density. Consequently, I reject the Council's stance at the Inquiry.
123. A density of 31.6dph is substantially lower than the 40dph net figure used as the assessment scenario for the 2010 capacity study. It cannot be regarded as being excessive, and would not in itself determine that the character of the development would be out of keeping with its surroundings.

Character

124. As indicated above, the Council would be content for the site to be developed with around 250 dwellings and it accepts that certain visual and other impacts deriving from a development of that size, in this location, would be unavoidable. The issue, therefore, is whether it would be possible to develop the site satisfactorily with a further 60 dwellings.
125. The application was made in outline, though initially it was accompanied by an illustrative layout showing how the site could be developed. It was a fairly detailed plan, showing the disposition of individual housing units. This was later withdrawn, to be replaced by a plan which was very much more general in character; and did not show individual houses. In arguing that the site is not capable of accommodating the number of houses proposed, or development at the density proposed, it seems to me that the Council has placed significant weight on the more detailed of these plans. For example, my attention was drawn to houses arranged in terraces, with small front gardens.

126. Notwithstanding that this plan was withdrawn, it is not unreasonable for the Council to have some regard to it, because it is the only plan which provides some indication of how the site could be developed. But it was only ever illustrative. The site is extensive and, at least internally, largely unconstrained. It is certain that alternative layouts could be produced; and it is possible that, even though the number of houses and consequential density would be major factors, some alternatives could possess a different character. I therefore do not agree that the site is incapable of being developed in an acceptable way with the number of dwellings proposed. In reaching this conclusion, I have regard to the intention to provide a mix of dwellings, a significant proportion of which (149, or 48% of the total, according to the DAS) would have just one or two bedrooms, and therefore be fairly small.
127. Moreover, I disagree with the Council's assertion that the character of the development would be unacceptable because it would be dissimilar to that displayed by other housing areas in the vicinity: Kempshott Lane, Hatch Warren and Beggarwood. On my site visit I viewed these areas and was able to gain a general impression of their character. As the Council's evidence shows, this is not consistent. While much of the housing is of fairly low density, comprising 2-storey detached and semi-detached houses, others were taller, with some buildings at Beggarwood rising to 3 and 4 storeys, with more units in terraces.
128. Some parts of these other areas subjectively are more attractive, but generally they could all be considered to be suburban estates typical of the times in which they were built. Each is fairly self-contained. Certainly, other than in the most general of terms, they would not provide a visual setting for any development on the appeal site, which would largely stand alone. Naturally, while the design of development at Kennel Farm should have regard to its setting, there is no reason why any of these other areas should be copied or deferred to.
129. As I have already concluded with respect to landscape impact, other than in views from the A30, the site would be well screened from its surroundings by vegetation, particularly once the proposed planting has matured. Other than a very small area towards the rear of the site which would be of 2.5 storeys, the DAS says that the proposed development would be all 2-storey, thereby limiting its impact by reason of height. The development would inevitably be visible from the A30, principally in views through the vehicular access. But whether 310 houses were built or 250, I do not believe that the impression of the character of the estate when viewed from outside need be significantly different. In reaching this conclusion, I have borne in mind that on the approach to Basingstoke along the A30, a good proportion of the existing housing development is well screened from the road by fairly deep landscaped areas. I do not suggest that the proposed development would be as well screened as some of these. But I do not believe that it would be so deficient in screen planting as to affect the character of the road or the entrance to the town to an unacceptable degree.
130. I conclude on this topic that in principle the site is capable of accommodating up to 310 dwellings in an acceptable manner and consistent with the aims of LP Policy E1 and the NPPF.

Issue b – Prematurity / prejudice to the proper planning of the area

131. Although the first putative reason for refusal implies that to grant permission would be premature in advance of the Local Plan being tested through its Examination, at the Inquiry, this was not put forward as a “free-standing” reason. Rather, it was argued that any harm which might be identified under this heading should be added to any other harm brought about by reference to the other issues.
132. The planning system is plan-led; and I would agree that, ideally, all development management decisions should be taken in the context of an up-to-date, approved development plan. Decisions taken outside that framework are ad hoc and inevitably there may be a risk of prejudicing to some respect the content of plans which are in the process of preparation or examination. This is recognised in *The Planning System: General Principles*, where the Government states that in some circumstances it may be justifiable to refuse planning permission on the grounds of prematurity where a Plan is being prepared, but has not been adopted.
133. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting planning permission could prejudice the plan by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy of the plan. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is no early prospect of the submission of the Plan for examination, refusal on prematurity grounds will seldom be justified because of the delay which this would impose in determining the future use of the land in question.
134. In the present case, the existing development plan is acknowledged to be out of date so far as housing supply is concerned. Its successor has not been submitted for examination; and I learned at the Inquiry that its progress has been further delayed. There is no likelihood of it being adopted in the near future.
135. In his decision to allow 450 dwellings at Marnel Park issued as recently as September 2013, the Secretary of State took the view that the development would not be so substantial or significant as to be prejudicial to future decisions on the Local Plan; and that consequently it would not be appropriate to refuse permission on the grounds of prematurity. He concluded that there would be no prematurity argument in that case. I appreciate the Council’s view that the Marnel Park site would represented an extension of existing development rather than a free-standing site. Even so, the Kennel Farm development would be smaller and I believe the same reasoning applies.
136. Support for the development in principle has been received from the owners of land known as Housome Fields immediately to the south of the appeal site and extending between the A30 and Roman Road beyond the spur to the motorway. However, it is argued that the site should not be developed alone as “piecemeal” development, but should be taken together with Housome Fields, and co-ordinated with new housing development at the Golf Club which is a draft allocation in the Pre-Submission version of the emerging local plan and the “Area N Beggarwood” site, which presently benefits from an unimplemented permission for offices and may have potential for housing.

The proposed development is considered to be premature in this context, as it could be prejudicial to the proper planning of access arrangements.

137. The golf club draft allocation has not been subject to examination and so I cannot assume that the site will be allocated. Even if it were, there is no suggestion in the emerging Plan or in the SHLAA that it should be inter-dependent with other developments. Indeed, whereas Kennel Farm is estimated in the draft Plan as being phased at the beginning of the Plan period, the golf club land would not be developed until the end. The Highway authority, which will be well aware of the potential for other developments to come forward, is content with the proposed access arrangements. From the evidence provided to me, I am satisfied that education provision for children from a development at Kennel Farm could be accommodated without relying on any new schools that might be provided on the golf club land, should it be developed.
138. The SHLAA assessments for the Hounsome Fields site and for Kennel Farm say that access would require careful consideration, potentially in conjunction with other proposals in the area. That could suggest a degree of co-ordination, between the two should they both be developed. But, as the former is not the subject of a draft allocation, no reference is made to the matter in the emerging local plan. Again, I cannot predict the outcome of the Examination but, following the guidance of the "General Principles" and the Marnel Park decision, I consider it would be wrong to delay the Kennel Farm development until such time as the future of housing development in western Basingstoke has been resolved through the local plan process. Similarly, I cannot justify imposing the requested requirement for a future access to be provided between Kennel Farm and Hounsome Fields. Not only would that be unreasonable in view of the uncertainty over the possibility of development on the latter, but it could itself impose serious constraints on the layout and potentially render the access arrangements to the A30 unsatisfactory.
139. Some objectors to the development are concerned that permitting the Kennel Farm development would prejudice decisions relating to a future road link to the M3 which could result in it being routed through the more sensitive Old Down area. But the road is not a specific proposal in the emerging Local Plan. Rather, the draft criteria relating to the large "Manydown" housing allocation (Policy SS3.10) says that that development should include: *the provision of a link road and reserve land for a new dual carriageway if required, between the A339 and the B3400 and ensure that the ability to connect it to a link road to the south, beyond the plan period, is not prejudiced The road shall be planned as a western by-pass for Basingstoke; and: safeguard the land for the future construction of a dual carriageway as a continuation of a western by-pass for Basingstoke, from the B3400 to the M3 motorway junction 7, including the crossing of the railway line(s)* (my emphases).
140. The Council was sufficiently confident that development at the Kennel Farm site would not be prejudicial to this safeguarding that it included it within the emerging plan as an allocation. Moreover, the Highway Authority has not raised any objection on these grounds. Indeed, the provision of a link, should it ever be built, between the B3400 and Junction 7 of the M3 through either the Kennel Farm site or the ODWP to the A30 would make no practical sense, since it would involve an indirect route and would give rise to potentially serious

harm to SINCs. It is hard to imagine that the Council would choose such a route.

141. In short, while acknowledging the inherent undesirability of making decisions in the absence of an up-to-date plan, prematurity, whether in the context of housing or road strategy is not a good reason to oppose this development, nor does it carry any significant weight in the overall balance of benefits and harm. By the same token, if the housing that is accepted as being necessary is delayed, that in itself amounts to harm to good planning: people in need of accommodation would be denied it; and the shortfall in supply would increase, requiring more housing to be provided in the later years of the plan period than would otherwise be the case.

Other matters

142. I have considered all other matters which have been brought before the Inquiry, including the need for additional sewage treatment capacity; the need for school places; and traffic congestion on the A30. But all of these were considered at the time the application was considered in the context of the views of the relevant consultees. None was found to present insurmountable problems, subject to matters being addressed through a S106 agreement or by the imposition of conditions.

The Planning Obligation

143. An agreement under S106 of the Act has been entered into by the appellants, the Council and the landowners. Its principal provisions relate to the payment of a Transport Contribution, a Community Facilities Contribution, an Education Contribution and an Allotment Contribution; implementation of the Framework Travel Plan, a Public Art Scheme, a Landscape Management Plan; a Woodland Management Plan and a Broadband and Telecommunications Plan; the Provision of Affordable Housing and Open Space; and the carrying out of off-site Highway Works. All have been justified in evidence from the Council and Hampshire County Council as Highways Authority, by reference to the policies of the development plan and the NPPF. All in my view meet the tests set out in the NPPF and those of Regulation 122 of the Community Infrastructure Regulations 2010 as amended. It is a material consideration in this appeal, not least because it overcomes the sixth putative reason for refusal and ensures that appropriate mitigation in respect of several matters is provided.
144. The Transport Contribution means a sum to be paid towards "some or all" of a number of measures related to highway infrastructure, traffic management improvement and public transport improvements. At first sight, it would appear that if not all of the measures will necessarily be carried out, they cannot fulfil the test of necessity. As some are described in only general terms, it is hard to conclude that they are all fairly and reasonably related in scale or directly related to the development. However, it is the contribution itself which is the subject of the test; and that has been calculated by the Council by reference to a formula. The contribution to measures which are necessary to meet needs brought about by a number of developments is therefore proportionate to the need attributable to the individual development.

The balancing exercise

145. My consideration of the main issues has shown that:

- (a) The borough has a serious and significant shortfall in housing land supply which to a substantial degree has to be provided by development on greenfield land. The provision of 310 dwellings, 40% of which would be affordable, would make a significant contribution towards the supply of homes. It is a very weighty consideration. Permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- (b) In terms of access to local facilities by means other than the private car, the site is marginally sustainable. Although the provision of a pathway alongside the A30 and a bus service into the site would promote walking, cycling and bus use, the absence of these measures would lead to very little adverse impact in terms of increasing the use of the private car. When considered in combination with the other effects of the development, the residual cumulative impacts cannot be regarded as so severe as to refuse permission on transport grounds.
- (c) There would be some limited local visual impact, particularly in the early years of the development, but that should diminish as the landscape planting matures. A broader area of landscaping on the frontage would assist in screening the development, but is not necessary to make it acceptable. Very little harm would be caused to the landscape character of the area.
- (d) There is some potential for adverse impact to be caused to nature conservation interests with respect to greater recreational pressure on the SINCs as a result of the new residents living close by, in particular in that part of the western tree belt that would not be covered by the WMP. But the effect would not be substantial.
- (e) There is little reason to believe that a layout of up to 310 dwellings would produce a development having an unacceptable character.
- (f) The development is not so substantial or so significant in cumulative effect such that that granting planning permission could prejudice the proper planning of the area plan by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy of the emerging local plan. There is no justification for a prematurity argument.
- (g) The cumulative adverse impacts identified by reference these matters must be considered in the light of the Council's acceptance that large scale residential development of approximately 250 units would be acceptable on this greenfield site, and that some negative effects would be unavoidable if it were to be developed in that way. What is proposed may have a greater impact than a development of 250 dwellings in some respects. But the overall balance must also take into account the additional benefit derived from the provision of an additional 60 dwellings, of which 24 would be affordable.

(h) Whether taken individually or collectively, the adverse impacts I have identified do not significantly and demonstrably outweigh the very substantial benefit to be gained by providing 310 dwellings, including 124 affordable units, against the background of a serious and significant shortfall in housing land supply in the borough and the saved local plan policies and the policies of the NPPF as a whole. That benefit outweighs the harm that may be caused to nature conservation interests. The residual cumulative impacts of the development would not be severe, therefore transport grounds should not be used to prevent development, which overall I regard as sustainable.

146. Subject to the conditions contained in the Annex and discussed briefly below, all of which are all necessary in order to ensure proper control over the development and to provide the necessary mitigation measures other than those to be provided through the S.106 agreement, I conclude that the appeal should be allowed.

Conditions

147. Schedules of agreed and "not agreed" conditions were submitted by the main parties, and these were discussed at length and refined through the Inquiry. I am satisfied that the former all now meet the tests of Circular 11/95 *The Use of Conditions in Planning Permissions*.

148. In brief, the conditions relate to the following topics. The reasons for each are given in italics:

1. Plans: *For the avoidance of doubt and in the interests of proper planning.*
- 2 & 3. Timescale for commencement of development & the submission of Reserved Matters: *To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.*
4. Submission of reserved matters in accordance with Phasing Scheme: *In order to secure a satisfactory development and in accordance with Saved LP Policy E1.*
5. Submission of Phasing Scheme: *In the interests of the proper planning of the development and to ensure the monitoring of the timing and implementation of the permission in the interests of Housing Land Supply.*
6. Conformity with the illustrative layout and the Environmental Statement: *To ensure an appropriate co-ordinated high quality form of development and to accord with Circular 1/06.*
7. Phased submission of details of materials: *In the interests of the visual amenities of the area and in accordance with Saved LP Policy E1.*
8. Phased submission of surveyed ground levels: *To protect the privacy of the future occupants and in the interests of visual amenity in accordance Saved LP Policy E1.*
9. Development to be in accordance with arboricultural report: *To safeguard trees in the interests of local amenity and the enhancement of the development and in accordance with Saved LP Policy E6.*
10. & 11. Hours of working & deliveries etc.: *To protect the amenities of the occupiers of the development during the construction period and in accordance with saved LP Policy E1.*

- 12 & 13. Remediation of soil contamination: *To ensure that if any soil contamination is identified on the site it is remediate; to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Saved LP Policy E1.*
14. Dust suppression: *In the interests of residential amenity of the future occupants and ecological interests in accordance Saved LP Policies E1 and E7.*
15. Submission of Highways details: *To ensure that safe and convenient access, parking and waste storage and collection is provided to the development in accordance the requirements of the NPPF and Saved LP Policies E1 and A1.*
16. Submission of schemes for external lighting: *To protect wildlife, in accordance with the Habitats and Species Regulations 2010, the NPPF and Saved LP Policy E7.*
17. Submission of Wildlife Protection and Mitigation Plan: *to protect wildlife, flora and fauna, in accordance with the Habitats and Species Regulations 2010, the NPPF and Saved LP Policy E7.*
18. Partial withdrawal of permitted development rights for means of enclosure: *To prevent means of enclosure being erected immediately adjacent to open space and strategic landscaping areas; in order to safeguard the visual amenity of the area, as well as safeguard the ecological function of the land, by limiting the potential to which fly tipping could occur, in accordance with Saved LP Policies E1 and E7.*
19. Submission of Surface Water Drainage Scheme: *To prevent flooding; contamination and deterioration of the Basingstoke drinking water protected area; and water pollution in accordance with the NPPF and Saved LP Policy A7*
20. Limitation on the height of buildings: *In the interests of the visual amenities of the area and in accordance with Saved LP Policies E1 and E6.*
21. Withdrawal of permitted development rights for development within the ecological buffers: *To ensure the long term protection and retention of the buffers in accordance with the aims and intentions of the NPPF and Saved LP Policy E7.*
22. Submission of an Ecological Compensation and Enhancement Plan: *To provide an appropriate compensatory habitat, minimising impacts on biodiversity and providing net gains in biodiversity, in accordance with the NPPF and Saved LP Policy E7.*
23. Submission of details of landscaping: *To ensure the provision, establishment and maintenance of landscaping in the interests of the character and visual amenity of the area and the biodiversity interests of the adjacent SINCS and in accordance with the NPPF and Saved LP Policies E1 (ii), E6 and E7.*
24. Mobility Standards: *To ensure a co-ordinated high quality form of development and to accord with Saved LP Policy C3 and the Housing Mix and Lifetime Mobility Standards Supplementary Planning Document.*
25. Submission of a Construction Method Statement: *In the interests of highway safety and in accordance with Saved LP Policy E1.*
26. Submission of a Noise Mitigation Scheme: *In the interests of residential amenity of future occupiers and in accordance with Saved LP Policy E1.*

- 27 & 28 Submission of Code for Sustainable Homes Assessments: *In the interests of sustainable development in accordance with the aims and intentions of the NPPF, Saved LP Policy E1(v) the 'Design and Sustainability' Supplementary Planning Document.*
29. Submission of Foul Drainage Strategy: *To avoid adverse environmental impact upon the community in accordance with the NPPF and Saved LP Policy A7.*
30. Submission of an Archaeological Watching Brief: *To mitigate any effect on any heritage assets in accordance with the NPPF.*
31. Submission of a Post Excavation Record Report: *To contribute to knowledge and understanding of the past and to make this publicly available and in accordance with the NPPF.*
32. Submission of details of site access: *In the interests of highway safety in accordance the requirements of the NPPF and Saved LP Policies E1 and A1.*
149. So far as the "not agreed" conditions proposed by the Council are concerned, I consider it appropriate in the interests of protecting the western SINC from excessive recreational use that pedestrian access from the site to Roman Road should be limited to the single route shown on the indicative layout and that it should be no more than 3 metres in width where it passes through the part of the buffer which is intended to be "inaccessible". I include this as Condition 33.
150. I also agree that no built development should take place within 20 metres of the southern site boundary. This is in order to provide protection for the mature trees within the boundary which could be subject to pressure for felling or radical pruning in the future, should they be perceived as posing a danger or an inconvenience to dwellings nearby. The illustrative plan already shows planting very nearly this depth in any event, so compliance should not place any significant burden on the developers. I include this as Condition 34.
151. However, for reasons set out in this decision, I disagree that the buffers to the SINCS should be fully inaccessible for a depth of 20 metres; that the landscaped area to the A30 should have a depth of 50 metres and that a pedestrian / cycle link should be provided on the western side of the A30.

Jonathan G King

Inspector

Annex - Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

- 1222 / S101A Location Plan
- P104E (Indicative layout)
- S102 Rev A (Existing site plan plotting fence, trunks and 20m buffer)
- IT B5091-GA-032 Rev A (Access)
- ITB5091-GA-013
- ITB5091-GA-032A
- ITB5091-GA-033A
- ITB5091-GA-035
- ITB5091-GA-036
- ITB5091-GA-037

and having regard to the following indicative plans:

- SJA TL 12024-01 Tree Locations Plan
- SJA TPP 01 Tree Protection Plan
- 1222 / P102 Illustrative Site Sections
- 795 / L16C Landscape Strategy Plan
- 1222/P104B Illustrative Masterplan with 20m Buffer to Tree Trunks

2. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
4. Subject to Condition 3, the approval of the details of the layout, scale, appearance of the proposed building(s), and the landscaping strategy of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing in accordance with the Phasing Scheme as set out within Condition 5.
5. Prior to the commencement of development, a Phasing Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Scheme shall detail the timetable for the overall development, including the order within which "the reserved matters" are submitted, the implementation and completion of the means of access and the off-site highway works. Development shall proceed in accordance with the approved Phasing Scheme or any subsequent variation approved in writing by the Local Planning Authority.
6. Applications for the approval of reserved matters shall be in accordance with the principles and parameters described and illustrated in P104E and the Environmental Statement - Technical Annexe 14: Landscape and Visual Impact

Assessment and Landscape Strategy (including Figure 7 795/L16C of that Annexe); with the exception of where any of the detail approved in any of the Conditions of this permission will supersede any of the content of the plans and documents, where relevant.

7. Prior to the commencement of each phase of development as approved under Condition 5 of this permission, a material schedule of that phase, detailing the types and colours of external materials to be used, including colour of mortar, shall be submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out and thereafter retained in accordance with the details so approved.
8. Prior to the commencement of each phase of development as approved under Condition 5 of this permission, a measured survey of that phase shall be undertaken and a plan prepared to a scale of not less than 1:500 shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point. The development shall be completed and thereafter retained in accordance with the approved details.
9. The development shall proceed in accordance with the tree protection measures set out in the Wates Developments 'Technical Annex 16: Arboricultural Implications Report' written by Simon Jones Associates Limited referenced SJA.air.1204-01a and dated December 2012. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.
10. Following the occupation of the first dwelling, no work relating to the construction of the development hereby approved, including excavation works, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
11. Following the occupation of the first dwelling, no deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 07:30; nor after 18:00; Monday to Friday, before the hours of 08:00; nor after 13:00; Saturdays nor on Sundays or recognised public holidays.
12. If during any works pursuant to each phase as approved under Condition 5 of this permission, contamination is encountered then the contamination shall be fully assessed and an appropriate Remediation Scheme shall be submitted to and approved in writing with the Local Planning Authority. If a Scheme is required in accordance with this Condition, works associated to the development phase shall not proceed until that Remediation Scheme, required and approved under this Condition, has been implemented fully in accordance with the approved details.
13. If a Remediation Scheme is required in accordance with Condition 12, the relevant phase of development as approved under Condition 5 of this permission shall not be occupied / brought into use until a Verification Report shall be submitted and approved in writing with the Local Planning Authority. Such Verification Report shall comprise:

- (a) photographs of the remediation works in progress; and
 - (b) certificates demonstrating that imported and/or material left in situ is free of contamination.
14. No development shall commence until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction.
15. Prior to the commencement of development, plans and particulars, including the Highways Phasing Plan, showing the detailed proposals for all the following matters of the development shall be submitted to and approved by the Local Planning Authority in writing:
- (a) The width, alignment, gradient and type of construction proposed for the roads, footways and access(es) and for the avoidance of doubt a scheme to permit the turning of buses and coaches (including education transport services) in a forward gear within the site, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting, and details of a programme for the making up of the roads and footways;
 - (b) The provision to be made for the parking of vehicles in accordance with the Council's adopted standards;
 - (c) The provision for access by buses and coaches (including education transport services) and onsite waiting facilities including the provision of access kerbs, shelter(s) and signage;
 - (d) Safe and convenient access facilities for people with disabilities (those confined to a wheelchair or others with mobility impairments);
 - (e) The number, type, location and style of cycle parking to be provided on site;
 - (f) The location and design of the waste and recycling storage and collection points and the associated access routes in accordance with the council's adopted standards;
 - (g) Vehicle swept path analysis demonstrating access for the council's refuse collection vehicle, a rigid delivery vehicle and emergency vehicles (including the Hampshire Fire and Rescue's aerial ladder platform); and
 - (h) The proposed phasing of these on-site highway related works / development;

Once approved in writing by the local planning authority the agreed details shall be fully implemented in accordance with the agreed Highways Phasing Plan before building(s) in each relevant phase are occupied.

16. Prior to the commencement of each phase of development as approved under Condition 5 of this permission, a scheme for external lighting and street lighting within that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that artificial lighting should be directed away from the SINCS and buffer corridors and focused with cowlings. The approved scheme shall be fully implemented and subsequently retained, in accordance with the scheme including the timing / phasing arrangements embodied within the scheme.

17. Prior to the commencement of development a Wildlife Protection and Mitigation Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details of the:

- (a) timing of works;
- (b) ecological watching brief measures to be applied (where applicable); and
- (c) felling procedures (where applicable)

that are required to address the protection of bats, badgers, reptiles, small mammals, barn owls, hobbies and breeding birds before and during development works. The approved plan should give effect to the recommendations stated in Section 7.85 of the ES, Sections 6.2.17, 6.2.19 and 6.2.22 of the Extended Phase 1 Habitat report and Section 5.1.3 of the submitted Dormouse Survey. The approved scheme shall be fully implemented, in accordance with the scheme including the timing / phasing arrangements embodied within the scheme.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gates, wall fence or other means of enclosure (other than those approved at the reserved matters stage) shall be erected without the prior written permission of the Local Planning Authority on an application made for that purpose.

19. No development shall take place until such time as a Surface Water Drainage Scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The Scheme shall include, detailed drainage plans for each phase, soakaway depths and SUDs designs, including pollution prevention measures for the protection of the chalk aquifer.

The approved Scheme shall be fully implemented and subsequently maintained, in accordance with the scheme including the timing / phasing arrangements embodied within the scheme.

20. All buildings submitted as part of any reserved matters application shall be a maximum of 2 storeys in height, apart from that area annotated on the indicative layout which indicates 2.5 storey in one area of the site, in accordance with the approved plan P104E (Indicative layout).

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no built form (including hardstanding, pipes, cables, drains or any other service provision or infrastructure), shall be erected, installed or laid in, on, over or under the ecological buffer to be provided between the northern and western boundaries of the application site and the 'line indicating 20m distance from existing fence line' as annotated on approved plan P104 Rev E.
22. Prior to the commencement of development an Ecological Compensation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved 'Plan should incorporate details of the location, design, specification and timing of implementation of the required compensatory/enhancement measures to be provided. These details shall include the provision of 1.5h of chalk grassland as recommended in Section 7.68 of the Environmental Statement, together with details of compensatory planting species, densities and specification, amongst other necessary compensatory/enhancement measures to be provided, where applicable. Once approved in writing the compensatory/enhancement measures detailed within the approved 'Plan shall be implemented in full in accordance with the timescales as set in the approved Plan.
23. Prior to the commencement of development of each phase of development as agreed under Condition 5 of this permission, no development shall take place until full details of both 'hard and soft landscape details' have been submitted to and approved in writing by the Local Planning Authority. The landscape strategy shall be in general accordance with Condition No 4 of this permission.
- 'Hard landscaping details' shall include, street furniture (where applicable), the design, type, position and scale of boundary treatments, boundary treatment materials, minor artefact's and structure (e.g. furniture, refuse or other storage units, signs, lighting, external services, etc.), and hardsurfacing materials (including the submission of samples where necessary).
- 'Soft landscape details' shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate.
- The approved hard and soft landscaping shall be carried out in accordance with a timetable to be submitted and agreed within the Local Planning Authority. Soft Landscaping Scheme shall be carried out in the first planting and seeding seasons following the first occupation of the phase. All hard and soft landscape works relevant to the phase of development shall be carried out in accordance with the approved details. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.
24. Applications for the approval of reserved matters shall be in accordance with Saved Policy C3 and the Housing Mix and Lifetime Mobility Standards SPD;

with particular regard to the provision of an appropriate housing mix and implementation of 15% of market dwellings being built to lifetime mobility standards.

25. 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:
- (a) the parking and turning of vehicles of site operatives and visitors (all to be established within one week of the commencement of development);
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) vehicle and wheel cleaning facilities or an explanation why they are not necessary;
 - (e) the erection and maintenance of meaning of enclosure and security hoarding, where appropriate;
 - (f) a scheme for recycling and disposing of waste resulting from construction work; and
 - (g) details of the means of access for construction traffic including the associated temporary traffic management arrangements.
26. No development (pursuant to the relevant phase of development adjacent to the A30 each as approved under Condition 5 of this permission), shall commence until a Noise Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be designed to achieve a maximum internal noise level within any of the dwellings of 30dB for night time and 35dB for day time with windows closed. The Scheme shall include details of the building specifications and any necessary noise mitigation, including trickle vents where applicable. The Scheme shall be implemented in accordance with the approved details

Following the implementation of the approved Scheme a Noise Survey shall be undertaken to establish day-time and night-time traffic noise levels for the relevant phase, including predictions made of any future traffic noise level increase over the next 15 years. The Noise Survey shall be carried out in accordance with a written protocol and shall be submitted to and approved in writing by the Local Planning Authority.

The relevant phase of development shall not be occupied until the Noise Survey records and predicts internal noise levels that do not exceed 30dB for night time and 35dB for day time (with windows closed). If these dB levels are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the first occupation of the relevant phase.

27. Prior to the commencement of the each phase of development as approved under Condition 5 of this permission (or any revised timescale/trigger otherwise agreed in writing by the Local Planning Authority), a Code for Sustainable Homes 'Design Stage Assessment' of the development, hereby approved, must be carried out by an independent licensed Code for Sustainable Homes assessor, and the results of the assessment, including the Code for Sustainable Homes Design Stage Assessment and 'interim certificate' from the Building Research Establishment (BRE), must be submitted to the Local Planning Authority in writing. The BRE Design Stage Assessment 'interim certification' must show that the development is likely to achieve a minimum standard of Code for Sustainable Homes 'Code Level 3' rating for the development in accordance with the approved plans and particulars.
28. Prior to the first occupation of each phase of development as approved under Condition 5 of this permission (or any revised timescale/trigger otherwise agreed in writing by the Local Planning Authority), a Code for Sustainable Homes 'Post Construction Stage Assessment' of the development hereby approved, must be carried out by an independent licensed Code for Sustainable Homes assessor, and the results of the 'Assessment including the final Code for Sustainable Homes 'Post Construction Stage Assessment' and 'Final Certification' from the Building Research Establishment (BRE), must be submitted to the Local Planning Authority in writing. The 'Final Certification' must show that the development has been constructed and completed to achieve a minimum standard of Code for Sustainable Homes 'Code Level 3' rating for the development, unless otherwise agreed by the Local Planning Authority in writing.
29. Development shall not commence until a drainage strategy detailing any on and/or off site foul drainage works, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul from the site shall be accepted into the public system until any foul drainage works referred to in the strategy have been completed in full to the satisfaction of the Local Planning Authority.
30. No development shall take place within the area of archaeological interest as set out within Technical Annexe 2 and 3 of the Environment Statement until a Programme of Archaeological Work (a 'Watching Brief') has been submitted to and approved in writing by the Local Planning Authority in accordance with Technical Annexe 2 and 3 of the Environment Statement. The development shall be carried out in complete accordance with the approval details and timescales detailed within the approved Programme.
31. Following the completion of the archaeological fieldwork in accordance with Condition No 30, a Post Excavation Record Report shall be submitted to and approved in writing by the Local Planning Authority. The 'Report shall include where appropriate post-excavation assessment details, specialist analysis of the findings and details of any further publication and public engagement that has been carried out.
32. No part of the development hereby approved shall be commenced until such time as the details of the site access as shown in principle on drawing ITB5091-GA-032 REV A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The approved details shall be constructed in full to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of any part of the development hereby approved.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) and the approved plans and particulars:
- (a) The north-westernmost '*pedestrian access*' (blue arrow) as annotated on approved plan P104 Rev E, shall be the sole means of public access from the application site to the Public Right of Way '*Roman Road*'; and
 - (b) That access shall not exceed more than 3 metres in width where it passes through that part of the landscaped buffer designated on the landscaping details and Ecological Compensation and Enhancement Plan to be approved under Conditions 4, 22 and 23 as "inaccessible area".
34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no built form (other than that required for the purposes of vehicular or pedestrian access) shall be erected within the application site within a 20m distance of the southern application site boundary.

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APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Michael Bedford, of Counsel	Cornerstone Barristers 2-3 Gray's Inn Square Instructed by Melanie O'Sullivan, Public Law Manager BDBC
He called	
Mr Robert Franks BA(Hons) PGDip MSc MRTPI	Principal Planning Officer, BDBC
Mr Ben Muirhead BEng MCIHT	Senior Engineer, Odyssey Markides
Ms Bettina Kirkham DipTP BLD CMLI	Director, Kirkham Landscape Planning Ltd.
Ms Victoria Gilbey BSc MSc CIEEM CEnv	Senior Consultant RSK
Mr Malcom Jones DipTP & TE	Consultant Engineer, Hampshire County Council

FOR THE APPELLANT:

Mr Russell Harris QC	Landmark Chambers Instructed directly by the appellant company
He called	
Mr Christopher Rees BSc DipTP MRTPI	Director, Savills UK
Ms Catherine Shelton BSc(Hons) MPhil, FLI	Principal, Catherine Shelton Associates Ltd.
Mr James Bevis MEng CMILT CIHT	Partner, i-Transport LLP
Ms Hattie Spray BSc MSc MCIEEM CEnv	Associate Ecologist, WSP Environmental

INTERESTED PERSONS:

Cllr Terri Reid	Member for Hatch Warren & Beggarwood, BDBC
Cllr Stephen Reid	Member for Basingstoke North West, HCC
Mr Paul Beevers	Chair, Old Down & Beggarwood Wildlife Group
Mr Julian Jones	Chair, Dummer Parish Council
Mr Stafford Napier	Resident of Dummer

DOCUMENTS, PLANS & PHOTOGRAPHS submitted at the inquiry

DOCUMENTS

- 1 Opening from Mr Harris
- 2 Opening from Mr Bedford
- 3 Submission from Cllr Terri Reid
- 4 Submission from Cllr Stephen Reid
- 5 Statement from Mr Julian Jones
- 6 Letter from Highways Agency to Mr Julian Jones re M3 incidents & closures (10.11.11)
- 7 Mr Beevers' Personal Statement
- 8 Mr Beevers' Summary of Evidence
- 9 Proof of Evidence from Mr Napier
- 10 Memo from Ian Smith, Housing Strategy & Enabling BDBC to Mike Townsend, DC Manager, BDBC (20.12.12)
- 11 Report to BDBC Planning & Infrastructure Overview and Scrutiny Committee – re Consultation responses to Pre-submission Local Plan
- 12 Secretary of State's decision: Persimmon Homes, Knotts Drive, Colne. Ref APP/E2340/A/13/2195745 (26.11.13)
- 13 Concept Masterplan for the appeal site (October 2019)
- 14 Housing Mix and Lifetime Mobility Standards SPD BDBC (June 2007)
- 15 Extract from Urban Character Study for Basingstoke BDBC (September 2008)
- 16 Letter from Mr Rees to Mike Townsend, BDBC (8.05.13)
- 17 Extract from Manydown, Basingstoke Site Capacity & Initial Options Report draft for discussion /approval of BDBC & HCC (21.09.12)
- 18 Supplementary SoCG - Housing land supply at April 2013
- 19 Technical Note Odyssey Markides Nov 2013
- 20 Schedules of agreed & not agreed conditions
- 21 Completed S106 agreement
- 22 Closing from Mr Bedford

23 Closing from Mr Harris

24 Application for costs on behalf of the appellants

PLANS

A Plan 1222 104F Illustrative layout (with 20m buffer indicated)

B Plan 1222 10G i Illustrative layout (with 20m buffer indicated)
[Depth of buffer measured to outer edge of planting]

C Plan 1222 104 Gii Illustrative layout (with 20m buffer indicated)
[Depth of buffer measured to red line site boundary]

D Figure 2A Site Context with ridgeline - Catherine Shelton Assocs (November 2013)

E Land ownership plan – western boundary

PHOTOGRAPHS

P1 3 photographs of street lighting, submitted by Mr Jones

Richborough Estates