



Appeal Decision

Inquiry held on 14, 15, 16, 17 and 21 October 2014

Site visit made on 20 October 2014

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 26 January 2015

Appeal Ref: APP/H1705/A/14/2219070

Land at Worting Farm, Worting Road, Basingstoke, Hampshire RG23 8PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wates Developments Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 13/02553/FUL, dated 27 November 2013, was refused by notice dated 10 April 2014.
 - The development proposed is described as: construction of 70 No. dwellings (including 28 No. affordable units), new vehicular access, landscaping, village green and open space, and other ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 70 No. dwellings (including 28 No. affordable units), new vehicular access, landscaping, village green and open space, and other ancillary works at Land at Worting Farm, Worting Road, Basingstoke, Hampshire RG23 8PS, in accordance with the terms of the application Ref 13/02553/FUL dated 27 November 2013, subject to the conditions set out in the schedule annexed to this Decision.

Preliminary matters

2. At the Inquiry an application for a partial award of costs was made by the appellants against the Council. That application is the subject of a separate Decision.
3. A Statement of Common Ground ('SoCG') was submitted before the Inquiry, which sets out issues agreed between the appellants and the Council. This was supplemented during the course of the Inquiry by a SoCG on Flood Risk and Drainage ('FRDSocG'). Before the FRDSocG was agreed, the appellants had submitted rebuttal evidence on this matter.
4. A draft Section 106 Agreement¹ between the appellants and the Council was submitted before the Inquiry. The covenants set out in the draft Agreement would commit the appellants to the provision of on-site affordable housing and open space and to make other financial contributions. The Council subsequently responded that the terms of these obligations would satisfactorily address the concerns that had led to the fourth reason of refusal of the planning

¹ Section 106 of the Town and Country Planning Act 1990 (as amended)

application, with regard to inadequate contribution towards local community and infrastructure provision. The Council confirmed at the opening of the Inquiry that it would not seek to defend this reason for refusal.

5. The draft Agreement was discussed at the Inquiry, and an amended version, completed by both parties and executed as a deed dated 21 October 2014, was provided before the Inquiry closed. The weight to be attached to the obligations set out in the final Agreement is considered later in this decision.

Background

6. Worting is a small village located immediately to the west of the built-up area of Basingstoke. The village's compact form is centred on the main B3400 Worting Road. To the north of the road, standing in extensive parkland, lie Worting House, a large house of the late C18 that has now been converted to office use, and its adjoining stable block. Also on this side of the road are the listed parish church and several substantial detached houses opening off Church Lane. To the south of the road, the buildings are generally smaller in scale, comprising a former farmhouse and converted farm buildings, cottages, a former school and a former forge, all interspersed with a number of more modern houses. Worting House is listed Grade II*, while the stables, church, larger houses and farm group and a terrace of cottages are listed Grade II. The park is included in the Hampshire Register of Historic Parks and Gardens.
7. These buildings form the core of the Worting Conservation Area designated in 1992. The conservation area boundary includes fields to the east of Church Lane and to the north and west of Worting House, and a field on the south side of Worting Road, immediately to the west of the built frontage.
8. This field forms part of the appeal site, which also includes small fields to the south and east of the village buildings, thus enclosing them on three sides to give a site area of some 5.6 hectares. A public footpath (identified as FP 20) crosses the fields, leading from Worting Road to a footbridge over the main railway line, which here defines the built edge of Basingstoke. Beyond the railway lies the recently built Kite Hill housing development, adjoined by large arable fields. A short terrace of houses, known as Railway Cottages, is situated at track level between the railway line and the appeal site.
9. Planning permission is sought for the erection of 70 dwellings on the site, comprising a mix of 60 houses and 10 apartments, with 28 units (40%) to be reserved for affordable occupation. Access would be taken by expanding and forming another arm to the existing roundabout at the junction of Worting Road and Roman Way, at the eastern approach to the village. The proposed access road would run immediately to the south of the existing village plots, terminating in a loop at the western end of the site. The new dwellings would fill the space between the access road and the railway cutting, where an acoustic fence would be provided. The open field within the conservation area would become a landscaped 'village green' kickabout area, overlooked by a row of detached houses facing towards Worting Road. A play area would be provided near the footpath, adjoining the existing village boundary, where there would also be a small car park intended for the use of village residents and visitors.

10. A previous application for development of the site with 134 dwellings² had been refused planning permission in May 2010. The appeal application was subject to discussion with the Council and consultation with the local community as it evolved, and was ultimately recommended for approval by Council officers.

Main Issue

11. The main issue in the appeal is whether the proposal would amount to a sustainable form of development in accordance with national and local policy, having particular regard to:
- the effect on the character and appearance of the conservation area and on the setting of listed buildings;
 - the safety and convenience of access to the site;
 - the effect on the risk of flooding.

Reasons

12. The development plan comprises the saved policies of the Basingstoke and Deane Borough Local Plan 1996-2011 ('LP') adopted in July 2006. The appeal site lies outside a defined settlement boundary, within the countryside, where residential development is normally restricted.
13. An emerging replacement plan, the Basingstoke and Deane Borough Local Plan 2011-2029, was submitted for examination to the Secretary of State shortly before the Inquiry. The submission plan shows the appeal site as part of an urban extension to the western edge of Basingstoke, known as Manydown. Policy SS3.10 of the emerging LP seeks to allocate 333 hectares of land at Manydown for a high-quality mixed use development, including 3080 dwellings. As this policy and others have not yet been subject to examination, limited weight can be given to the emerging LP in this appeal decision.
14. The context for the determination of the appeal is provided by the Council's acknowledged failure to demonstrate a five-year supply of deliverable housing land. Updated figures provided by the Council following the appeal recently allowed by the Secretary of State at Razor's Farm, Basingstoke³, indicate a supply of between 3.8-4.2 years', depending on the method of calculation. Whilst the level of supply and the requirement on which it should be based remain subject to some dispute, it is common ground that the shortfall is 'significant and serious'. I accept that analysis, so that it is not necessary for me to reach a definitive conclusion on the precise scale of the shortfall. The confirmed need for additional housing to boost the supply becomes a matter of significant weight in the determination of the appeal.
15. In the absence of a five-year supply, the National Planning Policy Framework ('NPPF') advises that the housing supply policies of the LP cannot be considered as up to date. The appeal proposal must therefore be assessed in the context of the presumption in favour of sustainable development set out in paragraph 14 of the NPPF. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or unless specific policies of the NPPF indicate development should be restricted. Among the policies identified as a potential restriction are those relating to designated heritage assets.

² Application Ref BDB/71886

³ Appeal Ref APP/H1705/A/13/2205929

Conservation area and listed buildings

Law and policy

16. In considering proposed development affecting a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to pay special attention to the desirability of preserving or enhancing the area's character or appearance.
17. The recent judgment of the Court of Appeal in the case of *Barnwell Manor*⁴ and other recent High Court judgments⁵ have re-affirmed the importance of this duty and of the similarly worded duty under Section 66 of the Act to have special regard to the desirability of preserving a listed building or its setting. Application of these judgments to the circumstances of an individual conservation area means that 'considerable and importance and weight' must be given to the desirability of preservation or enhancement in any balancing of the merits of a particular proposal.
18. National policy guidance set out in the NPPF confirms the great weight in favour of the conservation of 'designated heritage assets', such as conservation areas. The particular significance of any heritage assets likely to be affected by a development proposal should be identified and assessed, including any contribution made by their setting. Any harm should require clear and convincing justification.
19. The concept of the setting of a conservation area is not enshrined in the legislation and does not attract the weight of statutory protection. The NPPF advises that the setting of a heritage asset can contribute to its significance. Opportunities should be sought for new development within conservation areas and within the setting of heritage assets that would enhance or better reveal the significance of the heritage asset. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
20. LP Policy E3 is largely consistent with the guidance in stating that development will be permitted within conservation areas or on sites outside where the development would affect the setting of the conservation area, provided that the proposals would preserve or enhance their special character and appearance. The policy seeks to retain buildings, spaces and features which are important to the character and appearance of the conservation area. LP Policy E1(i) requires development proposals to respond to the local context of buildings in terms of design, siting, density and spacing, and to reinforce attractive qualities of local distinctiveness.

Character and appearance

21. Little analysis was published at the time of the Worting Conservation Area's designation, but its character and appearance have subsequently been assessed in the Council's Conservation Area Appraisal, adopted in 2003. There appears to have been little change to the village since then that would cast

⁴ *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council, English Heritage, National Trust, The Secretary of State for Communities and Local Government* [2014] EWCA Civ 137

⁵ *The Forge Field Society v Sevenoaks District Council* [2014] EWHC 1895 (Admin); *North Norfolk District Council v Secretary of State for Communities and Local Government* [2014] EWHC 279 (Admin)

- doubt on the content of the Appraisal. Further analysis has now been carried out by experts on behalf of both main parties to the appeal.
22. There is no dispute that the village retains, albeit with some adaptation to new uses, the distinctive elements of its character as a rural settlement: the manor house in its park, the parish church, the mix of high status houses, farm buildings, cottages and service buildings. Its significance as a place of architectural or historic interest relies largely on the preservation of these features and of their relationship to each other and their surroundings. The small size and compact form of the village add to its distinctive character.
 23. There is also broad agreement on the clear difference in character between the larger buildings and spaces to the north of Worting Road and the more vernacular smaller scale buildings to the south of the road. The south side of the road has experienced a degree of modern infill development, both on the road frontage and to the rear of longer plots. This has affected its character, but has not undermined it. There remains a strong impression of a linear frontage to the south of the road.
 24. I endorse the Council's analysis that the difference in character between the two sides of the road provides a good illustration of the historic functional organisation of the village, as well as a pleasant visual contrast. The counterpoint between the 'polite' and 'working' faces of the village adds to the richness of its character. While the buildings to the north are of higher architectural quality, both sides of the road contribute to the character of the village as a whole. The area to the south of the road should not be seen as of lesser significance, as the appellants' analysis suggests.
 25. The fact that the village has retained the strong image of a rural settlement so close to the urban expansion of Basingstoke contributes to its significance. Development at Roman Way has been allowed to extend beyond the railway line, but the open land at the eastern approach to the village, including that part within the appeal site, continues to provide a clear spatial break.
 26. The approach to the village from the west is also experienced as to a rural settlement rather than to the edge of the urban area. It is not clear why the field to the south of the road was included within the conservation area, while comparable land at the opposite end of the village was not. The inclusion of the field contributes to the character of the conservation area by establishing the rural context for the village buildings to the south side of the road.
 27. The field combines relatively seamlessly with the small fields immediately outside the conservation area boundary to the south to form a belt of open land enclosing the built envelope of the village and separating it from the railway corridor. These fields provide the southern setting for the conservation area. The Council accepted at the Inquiry that the fields are not central to the character and appearance of the conservation area, but see their importance in the definition they provide to the compact form of the designated area. I agree with that analysis. The fields are not in themselves of great visual or landscape value, with a loosely managed quality typical of fringe locations. The vista identified in the Conservation Area Appraisal from the point where FP 20 enters the field is not a view of great distinction, and is at least in part constrained by the visible presence of the railway and the new development beyond. But it serves to show the contrast between the enclosed village envelope and the remaining open context to the south. The corresponding view back towards the

village on the approach along FP 20 from the railway footbridge is not flagged in the Appraisal, but is important in allowing the extent of the conservation area to be appreciated in its setting, including glimpses of Worthing House. The southern fringe of the conservation area is not of any great quality but, as identified by the Council, this is the 'back door' of the conservation area.

28. From within the heart of the conservation area there is little awareness of the presence of the fields. The contribution made by 'skyscape' in glimpsed views between buildings or along the built section of FP 20 seems to me to be overstated by the Council's assessment.
29. The rural appearance of the fields to the south is noted by the Conservation Area Appraisal in its description of the setting of the conservation area. No comment is made on the reason why these fields were not included within the boundary. Clearly, as the fields have not been included, they can be taken as of lower interest than those that have been, to the north and west of Worthing House and to the east of Church Lane, and hence not central to the character of the area. Nevertheless, their openness as a surviving element of the village's historic rural context does make a positive contribution to the significance of the designated conservation area.

Effect of proposed development

30. The proposed development would add 70 dwellings to a small village currently estimated to contain only 38 dwellings. The increase in the scale of the settlement would be considerable, and would inevitably impact on its character. It would change from a small village clearly defined by its historic core to one with a large added area of new housing. But the effect of the added area on the character and appearance of the conservation area would be dependent on the way in which the new development would be experienced.
31. Some 20% of the area of the appeal site, but only 7 of the proposed houses,⁶ would lie within the conservation area. Subject to landscape design, the retention of the open nature of most of this western field and its use as public open space could be a benefit to the village. But the character of the space would be altered by its enclosure to the south by the relatively formal row of houses, backed by a considerable depth of new development. The introduction of a new layer of frontage would be removed from the existing village's focus on Worthing Road itself. The proposed layout and the nature and extent of the new development would tend to give a suburban quality to the space, rather than that of a traditional village green. Notwithstanding the potential quality of the landscaping, the change to the area within the conservation area would not be an enhancement, as assessed by the appellants, but would have a moderately adverse effect on character and appearance.
32. The appellants' computer-generated 'Verified Views' show that this block of housing would be seen through gaps in the hedgerows on the western approach to the village. When the additional landscaping had matured, there could still be glimpses of rooftops that would give an indication of the greater depth of development, set back from the road.
33. The Verified View of the eastern approach from Basingstoke again shows that the increased depth of new development, continuing behind the existing

⁶ The conservation area boundary would run through the footprint of several of the houses, but the row of 7 houses would effectively stand within the designated area.

houses, would be clearly visible from near the roundabout in the early years. Due to the openness of the roundabout junction, it seems likely that some views of the new houses would remain after the new landscaping had matured. The existing perception of the southern part of the village as a linear group of buildings addressing Worthing Road and backed by open land would be altered. Retention of a green space at the junction would help to maintain the separation of Worthing from Basingstoke, but it would be reduced in extent. Notwithstanding planned landscaping, the proposed eastern approach could not be regarded as an enhancement of the setting of the conservation area.

34. The greatest effect would be experienced by the development of the fields to the south. The contrast between the small open fields and the tightly defined village envelope would be lost. This would be particularly clear from the route of FP20, which would now largely run between new housing, including the communal parking areas for the two small apartment blocks. The experience of leaving the village and crossing open land would be replaced by one of passing through a suburban-type housing area. People coming back over the footbridge would be less able to appreciate the extent of the village and the relationship with Worthing House. The image of the traditional village contained by green space would be compromised to this extent. There would be an adverse effect on the southern setting of the conservation area that would affect its significance.
35. The quality of design the proposed housing does not form part of the reason for refusal, or of the Council's case in the appeal, although it is maintained that design quality would not mitigate other harm. In my view, the section of the proposed development immediately to the south of the village envelope would be the most successful part of the design, with generally small scale houses informally sited close to the road, and parking largely away from the frontage in enclosed courts. The single sided layout would also maintain a clear visual separation from the existing southern edge of the village by the use of a landscape strip. This might not have the quality of the 'rich swathe' assessed by the appellants, and would have to contain within its relatively narrow width both a play area and residents' car park, but it would allow old and new to be clearly distinguished and to co-exist without undue friction. There would not be a strong sense of the existing being overwhelmed by the scale of the new.
36. It would be evident that the new housing formed a single new development, but some mitigation would be attempted by the considerable variety of design of house types proposed, not all of them strictly based on traditional models. Many of the proposed designs would draw their inspiration from the more 'polite' end of the traditional spectrum, but their quality would not be harmful to the character or appearance of the conservation area.
37. The reason for refusal does not allege coalescence of settlements, but the Council's evidence raises concern that the railway would pass between suburban areas, rather than revealing the village in its setting. The development would fill the currently open space but the railway line would remain as a strong physical barrier between Worthing and the outer area of Basingstoke. The proposed planting belt along the southern boundary of the site would reinforce visual separation. At the southern side of the railway footbridge, FP 20 arrives at a vista of open fields, with the new Kite Hill development to one side. That could change should the Manydown allocation

come to fruition, but at present there would not be a sense of merger, as feared by the Council.

Harm to significance

38. The Council's case, supported by English Heritage, is that the proposal would result in substantial harm to the significance of the conservation area. National planning practice guidance ('PPG') advises that substantial harm to a heritage asset is a high test, so that it might not arise in many cases. With regard to works to a listed building, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. The PPG advises that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed, and confirms that harm may arise from development within the setting of a heritage asset.
39. The High Court has given some attention to the meaning of the term in the case of *Bedford Borough Council*,⁷ where the judgment held that '*for harm to be substantial, the impact on significance was required to be serious, such that very much, if not all, of the significance was drained away*'.⁸ In respect of indirect harm, which would include harm to setting, the term was held to relate to '*an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*'.⁹
40. Having regard to these interpretations, I consider that the high test of substantial harm would not be met in the present case. Considering the conservation area as a whole, the key relationships between the core historic buildings would not be adversely affected. At the heart of the conservation area, the north-south divide would continue to be appreciated, without great impact by the appeal proposal. The approaches to the village from the east and west would be affected, but the most intrusive impacts of the proposed development would be at least partly mitigated. The field to be developed within the conservation area would remain largely open. Where the new development would adjoin the conservation area, there would be a clear distinction between new and old that would allow the traditional village envelope to be identified.
41. The village's undeveloped setting is clearly an important facet of its surviving rural character. But English Heritage's assessment that the appeal proposal would destroy the village's rural context and join it to Basingstoke would not be borne out. This part of the setting would be considerably affected, but other parts would not. The setting as a whole would be harmed to an extent, but not destroyed. As a result, the village's significance as a heritage asset would not be 'very much drained away' or 'vitiating altogether'. The harm caused would fall within the 'less than substantial' category identified by the NPPF.

Setting of listed buildings

42. Adverse effect on the setting of listed buildings did not form part of the first reason for refusal of the planning application. But some evidence on the matter

⁷ *Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon UK Ltd* [2012] EWHC 4344 (Admin)

⁸ Para 24

⁹ Para 25

was given to the Inquiry by experts for both main parties, with the Council's witness confirming his earlier advice to the planning authority that harm would be caused. In accordance with the duty under Section 66 of the Act, special regard must be had to the desirability of preserving any affected setting.

43. There is no firm evidence that the appeal site fields formed part of any historic designed relationship with Worthing House. Views of the fields from the house and the limited views back are not of critical importance. It is more likely that the area to the south of Worthing Road merely represented the closest part of the wider rural landscape to the south of the park. The surviving character of the fields contributes in a very minor way to the significance of the listed building.
44. The evidence suggests that views from the front of Worthing House and from its upper floor would allow the width of the proposed development and the depth of its western end to be perceived. In summer, with full screening by trees at the edge of the park, the views would be very constrained, but in winter the extent of the new housing would be more easily seen, in front of the Kite Hill scheme. The addition of the extra layer of development would alter the balance of space around the village envelope, but would not seriously affect the relationship of Worthing House with its wider rural context. There would be very limited harm to the significance of the heritage asset. I note that English Heritage reach a similar conclusion.
45. The buildings at Worthing Farm at the eastern end of the village have been converted to residential use and have lost much of their agricultural character. The group is primarily inward looking, being ranged around a central courtyard, and is separated from the appeal site by a secondary layer of ancillary buildings. The eastern part of the appeal site would most probably have formed part of the closest farm fields and thus makes up part of the setting of the listed building. The fields' survival as open land, although previously affected by the arrival of the railway, therefore contributes in a small way to the significance of the heritage asset. The change in the character of the land due to the proposed development would adversely affect the setting of the listed building, but the harm caused to its significance would be very limited.
46. The effect on the setting of other listed buildings in the village would be minimal, and not harmful.

Conclusion on heritage issue

47. To conclude on this issue, I find that the appeal proposal would not preserve or enhance the character and appearance of the conservation area, and would not preserve the setting of Worthing House and of Worthing Farm. There would also be some harm to the setting of the conservation area that would affect its significance. The adverse effect on the conservation area and its setting would be contrary to LP Policy E3. The harm to the significance of the conservation area as a heritage asset would be less than substantial. The harm to the significance of the two listed buildings as a result of the change to their setting would be considerably less than substantial.

Access

48. The second reason for refusal of the planning application relates to failure to provide for safe and convenient access to the site for all users, such that

walking and cycling to and from the site would not be sufficiently integrated or linked with existing infrastructure and facilities. As a result, the proposal would encourage use of the private car, without giving future residents a real choice in how they would travel, which would not deliver sustainable development.

49. The reason reflects the terms of LP Policy E1(iii), which requires that development should provide safe and convenient access for all potential users, integrating into existing movement networks and open spaces. LP Policy A2 is framed in similar terms.
50. These policies are consistent with the guidance of the NPPF, which advises that plans and decisions should ensure that opportunities for sustainable transport modes have been taken up, depending on the nature and location of the site and that safe and suitable access to the site can be achieved for all people. Development should be located and designed where practical to give priority to pedestrian and cycle movements and to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. The NPPF also advises that development should only be refused on transport grounds where the residual cumulative impacts are severe.
51. In this case, there is no dispute that the site is well located with regard to access to local facilities and is adequately served by public transport, with stops on Worting Road within easy reach of the proposed dwellings. It is also accepted that the site is well placed to access local facilities by walking and cycling, and I have found no reason to dissent from that assessment. The Council's concerns relate to the specifics of the access links between the site and surrounding networks.

Roundabout

52. The proposed roundabout at the main site access has been designed in accordance with Design Manual for Roads and Bridges ('DMRB'). There is no dispute that the proposed four-arm 'compact' design could readily accommodate vehicular traffic generated by the proposed development. While noting the concern expressed by some residents that the existing narrow arch bridge under the railway would be a continuing source of congestion, I accept the agreed technical evidence that the altered roundabout would generate improvements to the congestion experienced at the existing mini-roundabout in the same location.
53. The DMRB states that the compact design is particularly suitable where there is a need to accommodate the movements of pedestrians and cyclists. The proposed roundabout would have restricted flare at entry points and a pedestrian refuge at each arm. The Council do not suggest that the DMRB provides an inappropriate standard, but refer to some general criticism of roundabouts in research documents and in the Manual for Streets. However, such criticism appears mainly to be of conventional and larger types, particularly those with multi-lane circulation, and which are not recommended in a residential context. In this instance, the reduced flare and single-lane circulation would assist cyclists negotiating the roundabout and the location of the refuges would not deflect pedestrians from their preferred desire lines.
54. No objection to the design of the roundabout has been raised by the Council's highways officers or by Hampshire County Council ('HCC') as highway authority, subject to the conclusion of final details under a Section 278

agreement. The SoCG records that HCC have accepted the designers' response to a Stage 1 Road Safety Audit, which did not reveal any safety concerns with the proposed design. The appellants also point to the successful accident record of a similar but slightly larger roundabout, carrying higher traffic volumes, some 750m east along Worthing Road. In the absence of any specific evidence to the contrary, I consider that the proposed roundabout would provide safe and convenient access to the site for all users, which would not deter walking or cycling or encourage reliance on private car use.

Additional crossing

55. The Council's evidence suggests that a controlled or zebra crossing for cyclists and pedestrians should be provided to the east of the roundabout, on the short stretch of carriageway leading from the railway bridge. If a safe location acceptable to HCC could be found for such a crossing, which is not resolved, it might improve the experience of some pedestrian and cycle journeys. But the evidence, based on HCC's guidance document TM6 on the assessment of need for pedestrian and cycle crossings, suggests that there would be insufficient demand to justify the provision. The ability to cross without having to wait for a green man signal could also be harmful to safe traffic movement, while a zebra crossing would require cyclists to dismount. I accept that TM6 may be directed more at evaluating the case for intervention in existing situations rather than in development-related scenarios, but it does provide a useful means of assessing likely usage. The case for an additional crossing is not borne out.

Other links

56. The set of highway and access improvements outlined in the Section 106 Agreement¹⁰ give first priority to the improvement of the footpath route from the roundabout to the east of the railway line. The second priority would include enhancements to Worthing Road, including improved crossing points and the provision of a new bus shelter. These measures would secure the enhancement of pedestrian links to the local area and onwards towards the town centre and encourage the use of non-car modes. Further consideration could be given to shared use by cyclists of the proposed new path adjoining the kickabout area, as advocated by the Council, but the existing footpath past the Scout Hut would not appear suitable for joint use.
57. The third priority would be the improvement of pedestrian links across the railway footbridge and to the network of routes to the south. I agree that there would be considerable benefit in modifying or eliminating some of the physical constraints for pedestrians along this route, and in formalising the current informal link to the Kite Hill development. However, I acknowledge the considerable practical difficulties of formalising cycle usage of this route, which would involve third party interests and highways approvals, for apparently little benefit in accessibility of destinations to the south.

Conclusion on access issue

58. For the reasons set out above, I conclude that the proposal would provide safe and convenient access for all users, such that walking and cycling would integrate well with existing networks. The proposal would be sustainable in

¹⁰ paras 13.2.1-13.2.3

transport and access terms and would comply with LP Policies E1(iii) and A2, and with the guidance of the NPPF.

Flood Risk and Drainage

59. The third reason for refusal of the planning application states that insufficient information had been submitted within the Drainage Strategy and Flood Risk Assessment ('FRA') to satisfy concerns that the proposed development would not increase the number of people or property at high risk of flooding or be likely to increase the severity of flooding elsewhere.
60. The site lies within Flood Zone 1 and is agreed to be itself at low risk of flooding. No objection had been raised by the Environment Agency ('EA') subject to conditions requiring development to be carried out in accordance with the FRA and Drainage Strategy, such that surface water run-off would be restricted to existing greenfield rates, the risk of flooding off-site would not be increased, and SUDS measures would be implemented.
61. The Council accept that following the conclusion of the FRDSocG, there is now a considerable degree of agreement between the main parties. The FRDSocG states that, subject to some reconfiguration of soakaways serving the proposed dwellings, some of which would be shared and privately maintained, and of the adoptable highway soakaway system, there would be no foreseeable increase in surface water flood risk off-site. These matters would be subject to final approval by the imposition of conditions. Despite reservations expressed on behalf of the Worting Area Residents Association ('WARA'), I have no good grounds to doubt the applicability of the percolation tests on which the infiltration rates for the proposed soakaways would be based. I consider the approach agreed by the FRDSocG to be reasonable, and to satisfactorily address the issue.
62. With regard to foul drainage, the appellants have confirmed that they have initiated the Impact Study required by Thames Water ('TW') to assess the effect of the proposal and other planned developments on the local sewerage infrastructure, which might identify the need for on- or off-site improvements to be funded by the developer. TW had suggested that the submission of the Impact Study and implementation of its recommendations could be the subject of a condition.
63. The FRDSocG confirms agreement that in the event of connection to the TW foul drainage system proving not to be feasible, there would be an alternative available to the Southern Water system. The likely cost of this option would be high and it would require the addition of a pumping station whose location and design would be subject to further approval. But it does provide some assurance that the risk would be reduced of planning permission being rendered undeliverable by the inability to connect to foul drainage, or by unanticipated viability issues in doing so.
64. While recognising the sensitivity of the site's location upstream from areas where flooding has been experienced in the recent past, I consider in the light of the above that the use of a Grampian condition to secure the approval and implementation of the required Impact Study would be reasonable, and that the Council's resistance to this solution is not justified.

65. The FRDSocG also records that concerns raised by the Council about groundwater pollution could be resolved by the implementation of specific details of construction, which could be secured by a condition. I have found no reason to reach a different view.
66. I conclude that there is now sufficient information to give confidence that, subject to compliance with conditions, the risk of flooding from the site would not be increased by the development. The proposal would accord in this respect with the guidance of the NPPF.

Other matters

67. The concern raised by WARA about potential disproportionate scale of the proposal relative to the small size of the existing village has been considered above with regard to the impact on the conservation area. I have no grounds to conclude that approval of the appeal proposal would serve as a compelling precedent for similar proposals in other nearby villages.
68. The Ecological Assessment submitted with the planning application records the presence of dormice, which are a European Protected Species ('EPS'). The Assessment concludes that, with suitable buffer zones incorporated in the site layout and mitigation and enhancement measures secured by planning conditions, there should be no adverse effect on the favourable conservation status of the species concerned, and that an EPS licence would not be required. On the evidence provided, and having regard to the Natural England Standing Advice note provided by WARA, I am satisfied with that analysis. It is clear from the material provided on the evolution of the scheme that the breach in the northern hedgerow referred to by WARA was taken into account in the Assessment. The buffer zone along the western boundary would be wide enough to allow for some encroachment during construction of soakaways and fences, which could be controlled by relevant conditions.
69. I note the submissions on behalf of Worthing St Thomas Scout Group with regard to the uncertain future of the current Scout Hut and the hopes that had been raised that the appeal proposal might include a replacement building for the Group. However, I cannot conclude that the lack of provision for a new Hut would bring the proposal into conflict with national or local policy. The Council have identified other community provision in need of investment, supported by the evidence of Leisure and Recreation Needs Assessment, to which it is proposed to direct the contribution made under the Section 106 Agreement. Whilst having sympathy with the Scout Group's predicament, it does not fall within the remit of this decision to make positive recommendations on the inclusion of features that do not form part of the proposal before me.
70. Noting the change in level between the appeal site and the railway, I am satisfied that the proposed dwellings near the site's southern boundary would be sufficiently far away and partly screened by the proposed fence and landscaping to avoid any harmful overlooking of Railway Cottages.

Section 106 Agreement

71. The covenants set out in the Agreement would commit the appellants as landowners to make financial contributions to the implementation of highway and footpath improvement works, to improvements to local community facilities, and to improvements to allotments and playing fields, and would

commit them to the provision and future management of open space on the site, including the play area and kickabout area, to the provision of the affordable housing and to the provision of broadband and communications connections.

72. The Council has provided a Legal Agreement Statement that sets out the justification for each of the covenants, supported by copies of its adopted interim guidance on planning obligations and on green space standards and of statements of evidence on individual topic areas.
73. The highway and footpath improvements contribution has been calculated in accordance with the Basingstoke Environmental Strategy for Transport ('BEST') which is founded on LP policy and uses predicted multi-modal trip rates to assess a contribution for each new dwelling in accordance with adopted HCC policy. The evidence explains how the sum has been adjusted in this instance to reflect the element of betterment provided by the proposed roundabout. Although the contribution has been calculated in accordance with the general BEST provision, the order of priority for the implementation of schemes set out in the Agreement provides a clear link to the impacts of the appeal proposal.
74. The contributions to community facilities, allotments and playing fields, on-site open space and affordable housing would be in accordance with adopted plan policy and supplementary guidance, supported by relevant evidence of need and impact.
75. In the recent Razor's Farm appeal, the Secretary of State endorsed the Inspector's view that an obligation requiring the provision of broadband to individual dwellings did not appear to be necessary to make the development acceptable in planning terms. Unlike the other topics, the Council's request for the provision of broadband is not firmly founded on development plan policy. There is no evidence of any change in circumstances since the Secretary of State's decision that would suggest a different response in this appeal.
76. From the evidence provided, I am satisfied that each of the covenants set out in the executed Agreement, with the exception of the provision of broadband, would meet the tests for planning obligations set by Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the guidance of paragraph 204 of the NPPF. Weight can be given to those parts of the Agreement in support of the appeal proposal.

Balance of considerations

77. The appellants have outlined the anticipated public benefits. In the light of the acknowledged significant and serious shortfall in the borough's housing land supply, the addition of 70 deliverable new dwellings must be seen as a very significant benefit. There is evidence that the borough is also experiencing a severe shortage of affordable housing. The availability of 28 affordable dwellings would make a worthwhile contribution towards meeting that need and would add further weight in favour of the proposal. There would also be modest social benefits through the provision of play space and managed open space that would be accessible to existing residents as well as future residents of the appeal site, and through the provision of a small car park available to existing residents.

78. Economic benefits would be derived from the investment in construction activity and, in the longer term, from the spending power of families living in the new houses. There would also be modest economic benefit to the area through the New Homes Bonus. Very limited weight can be attached to site's inclusion in the Manydown allocation as it is too early to predict the site's precise contribution in the event of the allocation being adopted.
79. It is not disputed that the proposed roundabout would reduce congestion on Worthing Road, which would have a modest environmental benefit. Other claimed environmental benefits would more accurately be classed as mitigation of impacts rather than as positive benefits.
80. The proposal would result in some environmental harm. In accordance with the *Barnwell Manor* judgment, I attach considerable importance and weight to the failure to preserve or enhance the character and appearance of the conservation area and preserve the setting of the two listed buildings, and to the less than substantial harm that would result. I also give weight to the harm to the significance of the conservation area resulting from the development in its setting.
81. There would be no harm arising from the Council's concern about access or about increased flood risk that could not be addressed by the provisions of the Section 106 Agreement or by suitable planning conditions. The appeal site is acknowledged to be in an accessible location.
82. Even allowing for the considerable weight to heritage harm, I find that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole in accordance with the guidance of paragraph 14. I note that the Secretary of State reached a similar conclusion in the Razor's Farm appeal and in another pair of relevant recent appeals in the area,¹¹ albeit the circumstances of the present case are somewhat different in scale and character. Other appeal decisions referred to by the Council were not as directly relevant.
83. I therefore conclude that the proposal would constitute sustainable development and draw upon the presumption in favour of such development set by paragraph 14. Specific policies of the NPPF would not indicate that development should be restricted, and planning permission should be granted.

Conditions

84. A schedule of conditions was agreed between the Council and the appellants shortly before the Inquiry and a further condition was later added. Having regard to the discussion at the Inquiry, I consider that a number of these should be amended, amalgamated or deleted, in the interests of precision, enforceability and necessity. I am satisfied that the conditions now set out in the schedule annexed to this decision meet the guidance on conditions set out in paragraph 206 of the NPPF.
85. The standard recommended conditions are necessary on the commencement of development and compliance with the approved plans. Those conditions requiring approval of materials, details of openings and built form and land profile, the approval and implementation of landscaping and the protection of

¹¹ Land North of Marnel Park, Basingstoke: Appeals Ref APP/H1705/A/12/2188125, 2188137

trees are justified in order to ensure that the development would respect the sensitive character and appearance of the area. A scheme of archaeological work and reporting is necessary to assess and mitigate any impact of the development on the archaeological interest of the area.

86. Conditions on wildlife protection and mitigation and habitat enhancement and management are justified to minimise the impact of development on biodiversity, including protected species. A separate condition for dormice is not necessary.
87. As outlined above, conditions securing compliance with the FRA and the approval and implementation of schemes for surface water and foul water drainage are necessary to control the risk of flooding and to ensure the proper drainage of the site. There is no need for a condition to refer to the requirement for a pumping station, in the event of connection to the Southern Water system, as that would require separate planning permission. Conditions requiring the assessment and remediation of contamination are justified to prevent pollution and protect public health.
88. A number of conditions on connection with the existing highway, design and construction of estate roads, provision of parking space and the approval of a Construction Method Statement are required to secure safe and convenient access for all users. The case for visibility spays at individual accesses is not adequately made in this lightly trafficked environment, where enclosure of house plots is an important aspect of the design of the public realm.
89. The control of working hours and implementation of noise mitigation measures, including the proposed acoustic fence, and of vibration testing and mitigation, are needed to protect the living conditions of future and neighbouring residents. The achievement of Level 3 of the Code for Sustainable homes is justified in the interests of providing sustainable development in accordance with national and local policy.
90. Because of the site's sensitive location, within and adjoining a conservation area, and because of the relationships between dwellings, the removal of permitted development rights is justified by the need to ensure that the character and appearance of the area and the living conditions of future residents would not be harmed by later permitted development.

Conclusion

91. For the reasons set out above, and having regard to the provisions of the Section 106 Agreement, I conclude that the appeal should be allowed and planning permission granted subject to conditions.

Brendan Lyons

INSPECTOR

Annex

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1893/01; 1893/02 rev C; 1893/143 rev C; 1893/32 rev A; 893/33 rev A; 1893/34 rev A; 1893/35 rev A; 1893/36 rev A; 1893/37 rev A; 1893/38 rev A ; 1893/45 rev A; 1893/46 rev A; 1893/47 rev A; 1893/48 rev A; 1893/49 rev A; 1893/50 rev A; 1893/51 rev A; 1893/52 rev A; 1893/53 rev A; 1893/55 rev A; 1893/57 rev B; 1893/58 rev B; 1893/59 rev A; 1893/60 rev B; 1893/61 rev B; 1893/62 rev B; 1893/63 rev A; 1893/64 rev A; 1893/65 rev A; 1893/66 rev A; 1893/67 rev A; 1893/68 rev A; 1893/69 rev A; 1893/73 rev A; 1893/75 rev A; 1893/20 rev A; 1893/21 rev A; 1893/22 rev A; 1893/23 rev B; 1893/24 rev B; 1893/25 rev B; 1893/26 rev B; 1893/27 rev A; 1893/28 rev A; 1893/29 rev A; 1893/30 rev A; 1893/31 rev A; 1893/135 rev A; 1893/136 rev A; 1893/137 rev A; 1893/115 rev A; 1893/117 rev B; 1893/118 rev A; 1893/120 rev A; 1893/121 rev A; 1893/131 rev B; 1893/138 rev A; 1893/139 rev A; 1893/140 rev A; 1893/119 rev A; 1893/128 rev A; 1893/129 rev A; 1893/07 rev A; 1893/08 rev A; 1893/09 rev A; 1893/12 rev A; 1893/14 rev A; 1893/15 rev A; 1893/17 rev B; 1893/18 rev B; 1893/19 rev B; 1893/03 rev A; 1893/05 rev A; 1893/10 rev A; 1893/110 rev A; 1893/111 rev A ; 1893/112 rev A ; 1893/113 rev A ; 1893/114 rev A; 1893/109 rev A; 1893/99 rev A; 1893/100 rev A; 1893/101 rev A; 1893/102 rev A; 1893/103 rev A; 1893/104 rev A; 1893/105 rev A; 1893/106 rev A; 1893/107 rev A; 1893/108 rev A; 1893/122 rev B; 1893/123 rev A; 1893/125 rev B; 1893/126 rev A; 1893/127 rev A; 1893/77 rev A; 1893/84 rev A; 1893/85 rev A; 1893/86 rev A; 1893/87 rev A; 1893/88 rev A; 1893/89 rev A; 1893/90 rev A; 1893/91 rev A; 1893/92 rev A; 1893/93 rev A; 1893/94 rev A; 1893/95 rev A; 1893/96 rev A; 1893/97 rev A; 1893/98 rev A; 1893/16; 1893/44 rev B; 1893/45 rev A; 1893/43 rev B; 1893/42; 1893/41 rev B; 1893/40 rev B; 1893/39 rev B; 1893/13; 1893/11; 1893/06 1893/142 rev B; 1893/141; 1893/83; 1893/82; 1893/04; 1893/72; 1893/71; 1893/70; 1893/56; 1893/54; 1893/81; 1893/80; 1893/79; 1893/78; 1893/78; 1893/76; 1893/74; 1893/134; 1893/133; 1893/32 rev A; 1893/124; 1893/130; 1893/116.

3. No development shall commence until details of the materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include samples, along with details of brick bonding and mortar/render colour and texture. The development shall be carried out in accordance with the approved details.
4. No development shall commence until drawn sections and elevations of the windows, doors and rooflights, and building rooflines and porches have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be referenced against the approved plans, and show

the relationship with the surrounding fabric. The development shall be carried out in accordance with the approved details.

5. No development shall commence until scaled plans and cross section drawings showing proposed finished land levels, including any retaining walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. Following completion of archaeological fieldwork a report shall be produced in accordance with a programme that shall have first been submitted to and approved in writing by the Local Planning Authority. The report shall include, where appropriate, details of post-excavation assessment, specialist analysis and reports, publication and public engagement. The report shall be submitted to the Local Planning Authority.
7. Notwithstanding the landscaping drawings submitted with the application, no development shall commence until full details of both hard and soft landscape treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, location and design of play areas, hard surfacing materials and minor artefacts and structure (eg furniture, refuse or other storage units, signs, lighting, external services, etc). 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, as well as any works to enhance wildlife habitats, together with implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping. These details shall include any areas of open space to be adopted by the Council, and such areas shall be agreed in writing prior to development commencing. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable approved by the Local Planning Authority. 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 approved in writing by the Local Planning Authority.
8. No development shall commence until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and the landscape maintained in accordance with the approved details.

9. Measures to protect trees, including fencing, ground protection, supervision, working procedures and, where necessary, special engineering solutions shall be carried out in accordance with the Arboricultural Development Statement written by Colin Bashford Associates referenced CBA7359 and dated 10 December 2013.
10. No development, including any demolition works, soil moving, temporary access construction/widening, or storage of materials, shall commence until a Wildlife Protection and Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) details of how any features of potential biodiversity interest within and adjacent to the area of the proposed development, i.e. mature trees and scrub habitats, will be protected during the works;
 - b) details of the timing/ecological watching brief/destructive searches required to address the protection of dormice, common reptiles and breeding birds before and during development works, including a method statement to avoid disturbing any potential bat roosts;
 - c) details of measures to mitigate any potential adverse effects on dormice, reptiles, bats or birds and any features they are dependent on, including details of measures to avoid light spillage along known bat commuter routes and dormice habitat;
 - d) provisions for the supervision and monitoring of the plan, including briefing construction personnel, and the name and contact details of the person responsible for this.

No development or other operations shall take place other than in complete accordance with the approved Wildlife Protection and Mitigation Plan. No habitat or other landscape features that are to be retained as part of the approved Wildlife Protection and Mitigation Plan shall be damaged, destroyed, or removed.

11. No development shall take place until details of a habitat enhancement plan and management scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. The details shall include:
 - a) purpose, aims and objectives for the scheme, taking into account the site's existing biodiversity, results of species surveys and loss of habitats resulting from the development;
 - b) a full specification and method statement for implementation of the enhancement / habitat creation proposals;
 - c) sources of habitat materials (e.g. planting stock and its origin);
 - d) aftercare and long term management;
 - e) timing of the works and timetable for implementation;
 - f) monitoring arrangements.

12. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) reference: S82694 R001A, dated 14 November 2013. No development shall commence until a Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Surface Water Drainage Strategy shall set out a robust scheme, incorporating SUDS, to limit the surface water run-off generated by the 1 in 100 year plus 30% allowance for climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The scheme shall include full details of proposed maintenance arrangements, and details of drainage of the proposed roundabout. The scheme shall be fully integrated with proposed landscaping and shall include measures to protect the underlying aquifer from pollution arising from the development and to mitigate ground instability. The surface water drainage scheme shall be developed in sufficient detail to demonstrate that it is capable of implementation. The mitigation measures identified in the FRA and Surface Water Drainage Strategy shall be fully implemented prior to occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.
13. No development shall commence until a Foul Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of on-site foul drainage and of any off-site improvements to existing systems based on a completed Impact Study. No dwelling shall be occupied until the drainage scheme for the development has been implemented in full, including all necessary off-site works as determined by either Thames Water or Southern Water for connection to existing systems.
14. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
- a) a desk-top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos.2 and 3 and BS10175:2001; and,
 - b) if recommended by the desk-top study, a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice; and
 - c) if recommended by the site investigation report, a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring, including nomination of a competent person to oversee the implementation of the works.

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

15. The development hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 14(c) that any remediation scheme required and approved under the provisions of condition 14(c) has been implemented fully in accordance with the approved details. Such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported material and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 14(c).

16. No development shall commence until detailed drawings showing modifications to the existing highway, in accordance with the principles contained within drawing ITB8171-GA-012 Revision A, have been submitted to and approved in writing by the Local Planning Authority, pursuant to an Agreement to be made under Section 278 of the Highways Act 1980 between the Developer and the Highway Authority. The alterations to the highway shall be constructed in accordance with the approved details before any part of the development is brought into use.

17. No development shall commence until details of the method of construction of the means of vehicle and pedestrian access have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be constructed and fully implemented in accordance with the approved details before any occupation of the development hereby permitted and shall thereafter be retained.

18. No dwelling hereby permitted shall be occupied until there is a direct connection from it, made up in accordance with the approved details less the final carriageway and footpath surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which erection is commenced of the penultimate dwelling hereby permitted.

19. No development shall take place until details of the width, alignment, gradient, sight lines and type of construction proposed for the estate roads including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of the traffic calming features and the method of disposing of surface water have been submitted to and approved in writing by the Local Planning Authority. No works of construction of the dwellings hereby permitted shall commence until the estate roads have been laid to base course. The estate roads shall be implemented in accordance with the approved details before the dwellings hereby permitted are first occupied.

20. Notwithstanding the submitted drawings, no development shall commence until details of vehicle and cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, dimensions, gradient, means of surface water drainage, materials and finishes thereof and identify dwelling to parking allocation.

Thereafter, the parking facilities, including garages and car ports, shall be provided and permanently retained for the purposes of vehicle parking in accordance with the approved details.

21. No development shall take place, including any works of demolition, 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;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities or an explanation why they are not necessary;
 - e) the erection and maintenance of security hoarding;
 - f) the preservation of the right of way route and its temporary diversion if deemed necessary;
 - g) the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
22. 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 0730 nor after 1800 on Monday to Friday; before the hours of 08:00 nor after 1300 on Saturdays; nor at any time on Sundays or public holidays.
23. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 on Monday to Friday; before the hours of 0800 nor after 1300 on Saturdays; nor at any time on Sundays or public holidays.
24. A noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority and implemented before the dwellings hereby approved are first occupied and shall be maintained thereafter. Other than in respect of condition 25 below, the noise mitigation scheme shall include details of the window glazing and room ventilation provisions to ensure that internal noise levels shall not exceed, with windows open:
- a) 40 dB LAeq, 1hr, in living rooms and dining rooms (0700hrs - 2300hrs);
 - b) 35 dB LAeq, 1 hr, and not regularly exceed 45 dB LAmax, within bedrooms (2300hrs - 0700hrs).
25. A noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority for plots identified within Zone 1 (Ref: Figure 7 of 24 Acoustics Technical Report: R4441-1), where it is predicted that the internal noise levels specified above, at condition 24 will not be met with

windows open. The scheme shall be implemented before the dwelling(s) are first occupied and shall be retained thereafter. The scheme shall include full details of the window glazing specification and provision to be made for alternative ventilation (including purge ventilation).

26. No development shall commence until details of the design and construction of the proposed acoustic barrier between the development site and the adjacent mainline railway and for the boundary treatment of plots have been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the dwellings hereby permitted are occupied and shall thereafter be retained.
27. No development shall commence until a detailed vibration measurement study has been submitted to and approved by the Local Planning Authority. The vibration measurement study shall assess vibration levels from the passage of rail traffic on the adjacent mainline railway on the residential dwellings. The assessment shall be undertaken in accordance with BS6472-1: 2008 'Guide to the evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting' to determine the probability of adverse comment to vibration on future occupiers of the proposed dwellings.

Predicted Vibration Dose Values should be rated as 'low probability of adverse comment'. Where it is predicted that this will not be achieved full details of the method of vibration isolation to ensure compliance with the preferred assessment criteria and predicted vibration levels post-mitigation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

28. Prior to the commencement of development, a Code for Sustainable Homes 'Design Stage Assessment' of the development hereby permitted shall be carried out by an independent licensed Code for Sustainable Homes assessor, and the results of the assessment incorporating the 'Design Stage Assessment' report and 'interim certificate' from the BRE, shall be submitted to the Local Planning Authority in writing.

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

Prior to first occupation a Code for Sustainable Homes 'Post Construction Stage Review' shall to be completed by an independent licensed Code for Sustainable Homes assessor demonstrating that all dwellings are expected to achieve 'Code Level 3 standard' or 'Code Level 3 equivalent percentage points score' and the results of the review shall be submitted to the Local Planning Authority in writing'.

'Final Certification' from BRE or equivalent body shall be submitted to the Local Planning Authority within 3 months of completion of the development phase. The 'Final Certification' must show that the residential dwellings have been constructed and completed to achieve a 'Code Level 3 standard' or 'Code Level 3 equivalent percentage points score'.

29. 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 building, structure or other alteration permitted by Class A, B, C, D, E, or F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall be erected or carried out on the application site.

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Harriet Townsend of Counsel She called:	Instructed by the Borough Solicitor
Andrew Barber BSc(Hons) MSc IHBC	Senior Conservation Officer, Basingstoke & Deane Borough Council
Neil Wisher BSc(Hons) CEng MICE CMIHT	Director, WYG Environment, Planning and Transport Ltd
Matthew Elliott MSc BSc CEng FICE CWEM FCIWEM FCI Arb CEnv	Director, WYG Engineering Ltd
Rob Pearson BSc(Hons) DipTP MRTPI	Director, WYG Planning & Design
For Discussion of Section 106 Agreement / Conditions: Gregg Chapman	Principal Planning Officer, Basingstoke & Deane Borough Council
Suzanne Smith	Solicitor, Basingstoke & Deane Borough Council

FOR THE APPELLANTS:

Russell Harris QC He called:	Instructed by Genesis Town Planning Ltd
James Bevis MEng CMILT MCIHT	Partner, i-Transport LLP
Richard Coleman DipArch(Cant) RIBA	Principal, Richard Coleman Citydesigner
Alan Brackley BEng(Hons) CEng FICE FIStructE FCINT	Senior Partner, JNP Group
Jeremy Farrelly BA(Hons) UPS DUPI MRTPI	Planning Associate, Genesis Town Planning Ltd

INTERESTED PERSONS:

Councillor Tony Jones	Council Member, Buckskin Ward
Gary Sumner	Chair, Worthing Area Residents Association
Dr Christopher Netherton	Member, Worthing Area Residents Association
Gavin Clark	Assistant Leader, Worthing St Thomas Scouts
Councillor Nigel Pierce	Council Member, Buckskin Ward

DOCUMENTS submitted at the Inquiry

Council's Documents submitted at Opening

1. SHLAA Version 9, September 2014 - Extracts and maps
2. Site Assessment, March 2014 – Volume 1 and Volume 2 Extracts
3. Local Plan Sustainability Appraisal of Sites, March 2014 – Volume 1 and Volume 2 Extracts
4. Submission Version of Emerging Local Plan, October 2014 – Manydown Extracts including Policy SS3.10
5. Razor's Farm, Basingstoke: Appeal Ref APP/H1705/A/13/2205929 - Secretary of State's Decision and Plan
6. Updated Housing Land Supply Assessment
7. Land to the north of Melton Drive, Storrington, West Sussex: Appeal Ref APP/Z3825/A/13/2202943 – Inspector's Decision
8. Legal Agreement Statement
9. English Heritage Guidance: The Setting of Heritage Assets, October 2011
10. English Heritage letter to PINS, dated 1 October 2014
11. Conservation Area designation report 1992 and the list of Conservation Areas designated
12. Matthew Elliott Proof of Evidence, Appendix H: Susdrain Factsheet – Using SuDS close to buildings, September 2012
13. Matthew Elliott Additional Information:
 - a. Proof of Evidence, Appendix B: Reason for Refusal 3
 - b. Proof of Evidence, Appendix C: Extracts from the Basingstoke Water Cycle Study- Phase 2 Water Cycle
 - c. Final Report on Incident Investigation into Buckskin Flooding, January 2014
 - d. Barratt Homes Limited v Dwr Cymru Cyfyngedig (Welsh Water), Supreme Court Judgment 9 December 2009 [2009] UKSC 13
 - e. Water Industry Act 1991, S98 and 99: Updated Copy
 - f. Location Map of Ivy Down STW
14. Copies of Council Summary Proofs
15. Agreed Conditions List

Council's Documents submitted during Inquiry

16. Letter to Worthing St Thomas Scout Group, dated 30 September 2014
17. Opening Submissions
18. Extract from Planning Practice Guidance
19. Razor's Farm, Basingstoke: Appeal Ref APP/H1705/A/13/2205929 - Costs Decision and Report
20. BEST Contribution Calculation
21. DMRB Roundabout Categorisation –Table 6/1
22. Sewers for Adoption: Part D- Pumping Stations
23. Plan of Manydown Parcel 3
24. Closing Submissions
25. Copy of e-mail from Matthew Elliott dated 21 October 2014 and attachments

Appellants' Documents

26. Richard Coleman Summary Proof
27. Baltic Wharf, Maidstone: Appeal Ref APP/U2235/A/13/2209693 – Inspector's Decision

28. Bedford Borough Council v Secretary of State for Communities and Local Government and Nuon UK Ltd - High Court Judgment, 26 July 2013 [2013] EWHC 2487 (Admin)
29. Opening Submissions
30. Marnel Park, Basingstoke: Appeals Ref APP/H1705/A/12/2188125, 2188137 - Secretary of State's Decision
31. Statement of Common Ground: Flood Risk and Drainage
32. Assessment of Need for Pedestrian Crossing: Note dated 10 October 2014
33. Extract from Hampshire Register of Historic Parks and Gardens
34. Executed Section 106 Agreement
35. Application for Costs
36. Closing Submissions

Other Parties' Documents

37. Worting St Thomas Scout Group: Letter to Council, dated 26 September 2014
38. Gavin Clark: Note of submission to Inquiry
39. Gary Sumner: Note of submission to Inquiry
40. Christopher Netherton: Note of submission to Inquiry
41. Christopher Netherton: Natural England Standing Advice Species Sheet - Hazel dormouse

Richborough Estates