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## Appeal Decision

Hearing held on 13 January 2015

Site visit made on 12 January 2015

**by David Spencer BA (Hons) DipTP MRTPI**

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

**Decision date: 20 February 2015**

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**Appeal Ref: APP/H1705/A/14/2219718**

**Overton Hill, Land North of London Road, Overton, Hampshire RG25 3DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Portals Property Ltd against the decision of Basingstoke & Deane Borough Council.
  - The application Ref 13/00197/OUT, dated 19 April 2013, was refused by notice dated 9 December 2013.
  - The development proposed is an outline planning application for up to 120 dwellings including 40% affordable housing provision and 5.52 hectares of open space and ecological buffer with all matters reserved except for means of access.
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### Decision

1. The appeal is allowed and planning permission is granted for up to 120 dwellings including 40% affordable housing provision and 5.52 hectares of open space and ecological buffer with all matters reserved except for means of access at Overton Hill, Land north of London Road, Overton, Hampshire, RG25 3DZ in accordance with the terms of the application, Ref 13/00197/OUT, dated 19 April 2013, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The application was submitted in outline with all matters reserved except for access. Nevertheless it was accompanied by supporting information including, amongst other things, a revised design and access statement, a flood risk assessment and drainage strategy, a transport assessment, a framework travel plan and a landscape and visual impact assessment.
3. The appeal proposal was refused by a decision notice dated 9 December 2013. At the time of that decision, work was not sufficiently advanced on the new Local Plan for the Borough such that the role of Overton and the appeal site had yet to be determined through that process. Since then work on the new Local Plan has progressed and the document was submitted for examination in October 2014. The Basingstoke & Deane Local Plan 2011 to 2029 Submission Document identifies Overton as one of the larger settlements in the Borough with a number of key services and rail and bus links to a number of higher order centres. Consequently, the plan proposes at Policy SS3.5 to allocate the appeal site for approximately 120 homes to be delivered in an early phase of the plan.

4. Given this change in circumstance, together with a review of recent appeal decisions<sup>1</sup> in the Borough, the Council wrote to the Planning Inspectorate on 7 November 2014 withdrawing the first two reasons for its refusal (character and appearance and sustainable location) and identifying that the third reason for refusal (appropriate contributions for infrastructure) could be satisfactorily resolved by a Section 106 Agreement. On this basis the Council accepts that the substantive issues have been overcome. Consequently, the programmed Inquiry was amended to a Hearing, to consider, amongst other things, concerns raised by interested parties. I am satisfied that the Council undertook the appropriate notification with interested parties on the change in procedure and that no party has been prejudiced.
5. A completed agreement under Section 106 of the Planning Act (S106) was submitted at the Hearing. The agreement contains obligations providing financial contributions towards community infrastructure, open space, off-site recreation provision, primary and secondary education and local transport infrastructure. As such the proposed contributions would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.

### **Main Issues**

6. Section 4 of the Statement of Common Ground (SoCG)<sup>2</sup> sets out the basis upon which the Council refused the application, based on the report and update to the Council's Planning Committee on 27 November 2013. This informs my approach to the main issues, which are, as follows:
  - The effect of the proposed development on the character and appearance of the surrounding area;
  - Whether the proposal would be in a sustainable location; and
  - Whether the proposal makes adequate provision for any additional need for infrastructure, services and facilities arising from the development.

### **Reasons**

#### *Planning Policy*

7. The development plan comprises of those saved policies of the Basingstoke and Deane Borough Adopted Local Plan 1996-2011 (the LP). The LP was adopted some time prior to the publication of the National Planning Policy Framework (the Framework) however the SoCG at Section 5 acknowledges that the policies cited in the Council's reasons for refusal have limited conflict with the Framework. Accordingly, I find that they have considerable weight in decision making.
8. As stated above the Council submitted the Basingstoke and Deane Local Plan 2011-2019 for examination in October 2014 following pre-submission consultation in early summer 2014. Given that the document has yet to be examined and there is an unresolved objection to Policy SS3.5 (the appeal site), I attach only limited weight to this document in accordance with paragraph 216 of the Framework.

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<sup>1</sup> APP/H1705/A/13/2205929 & APP/H1705/A/13/2200861

<sup>2</sup> Statement of Common Ground – September 2014 (with update December 2014)

9. The SoCG also agrees that the Council cannot demonstrate a five year supply of deliverable housing land which at the most recent assessment at April 2014 stood at 3.6 years. I note the comments from an interested party that the Council has remedied its housing land supply, however, it was confirmed to me at the Hearing that the 3.6 year figure takes account of other recent appeal decisions and consequently the Council has a significant and serious shortfall of housing when examined against the proposed housing target in the emerging Local Plan 2011-2029. In this context, the SoCG agrees that paragraph 14 of the Framework is applicable in that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

#### *Character and Appearance*

10. The appeal site is located on rising land above the Test valley to the north-east of Overton. Whilst from the evidence before me the principle of some residential development on the appeal site is broadly accepted there remains some local concern that the appeal proposal would represent over-development at this edge of settlement location.
11. The appeal proposal would develop an arable field, introducing tangible change from the footpaths to the south and east of the site. However, I am satisfied that the proposed neighbourhood park and ecological buffers provide significant potential to provide an immediate verdant setting for the development, particularly when experienced from the public footpath to the east. I am also content that the size of these green areas would provide scope for appropriate landscaping to help assimilate the proposed development in its immediate environment.
12. I also find the proposed development would be largely contained below the higher contours of the site and the majority of development would be on the lower lying land to the west. Additionally, the height of buildings would be appropriately managed through the submitted parameter plans. As such, having visited the viewpoints in the appellant's Landscape and Visual Impact Assessment I find that there would be very limited visibility of the appeal proposal in the wider landscape, including from views within the Test valley at Quidhampton and at St Mary's Church. Consequently, any visual impact would be slight, being restricted to occasional views, largely filtered by the wooded valley floor.
13. Whilst the appeal proposal includes one parcel of development at a moderately high density, I find that the overall density of the scheme at 34 dwellings per hectare would not be out of place. It would be comparable to the recent residential development adjacent to the south at Overton Hill, which also includes pockets of higher density housing. I also find that the density of the scheme would be alleviated by the proposed green areas around and within the housing development. It would also achieve a suitably efficient use of the land at a location close to village services and facilities. Accordingly, I find that the proposed density would result in negligible harm to the locality.
14. I therefore conclude, in line with the Council's revised position, that there would be no significant harm to the character and appearance of the surrounding area from the appeal proposal. Accordingly, the proposal would accord with LP policies E1 and E6 which, amongst other things, require development to successfully integrate with the landscape and be sympathetic

to the landscape character and quality of the area concerned. The appeal proposal would also meet the objectives of the Framework to secure high quality design and to recognise the intrinsic character and beauty of the countryside and supporting thriving communities within it.

### *Sustainable Location*

15. Overton is a large village containing numerous facilities and services which provide for most day-to-day needs including retail, medical, education and employment. These facilities are within a reasonable walking and cycling distance from the appeal site. For access to larger settlements for other services and employment the village benefits from a regular bus service and a frequently served railway station. Consequently, the village has been identified in the emerging Local Plan 2011-2029 as a sustainable location for an allocation of approximately 120 dwellings on the appeal site. From the evidence me before there is no local objection to the proposal for the appeal site in the emerging Local Plan, including from various infrastructure providers.
16. Whilst I am aware that the village has grown in recent years and I recognise local concern regarding the additional demands on local infrastructure arising from the appeal proposal it nonetheless remains from the responses to the planning application from various service providers that whilst some aspects of local infrastructure would need to be upgraded the issues are not insurmountable. Accordingly, certain conditions would need to be attached to the grant of any planning permission to ensure appropriate strategies are in place together with any planning obligations necessary to make the development acceptable in planning terms.
17. I therefore conclude that Overton is a sustainable location for the appeal proposal. As such, the appeal proposal would accord with LP policy C1 which requires development to be located where there is adequate infrastructure and community facilities or the scope to secure necessary improvements from the development. It would also meet the objective of LP policy A2 to encourage walking, cycling and the use of public transport. The appeal proposal would also meet the core planning principle in the Framework at paragraph 17 to focus significant development in locations which are or can be made sustainable.

### *Local Infrastructure*

18. This includes affordable housing, open space, recreational facilities, landscaping, education, community facilities, local transport and broadband and telecommunications. The principle mechanism to secure the provision of this infrastructure would be a tri-partite S106 Agreement which has been signed and executed by the appellants, the Council and Hampshire County Council (HCC) in its capacity as both Local Education Authority and Local Highway Authority. In addition to this Agreement, some items of infrastructure would be provided by way of conditions.
19. Paragraph 204 of the Framework states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. These tests are repeated in Regulation 122 of the CIL Regulations 2010.

20. Section 19 of the Agreement under S106 makes provision for both primary and secondary education. The development will clearly bring new residents and new children to the area. The sums involved in the financial contribution are based on an established formula and would appear to be reasonable. Whilst I have some reservations that the evidence of the capital works that would be funded by the proposed contribution remains uncertain I nonetheless accept that the both the existing primary school in Overton and the Testbourne secondary school in Whitchurch are currently at capacity and projected to remain so over a reasonable forecasting period. Consequently HCC's strategy is to expand both the primary school in nearby Whitchurch and Testbourne secondary school to accommodate the planned growth in both Overton and Whitchurch. On that overall basis, I conclude that the financial contribution as it relates to education meets the requirements of paragraph 204 of the Framework and Regulation 122.
21. The provision of local transport infrastructure would be secured by the provisions at Section 12 of the Agreement. The evidence of Mr Clifton submitted in his Proof document, together with the answers he gave to my questions demonstrate that the various financial contributions proposed through the Agreement under the S106 for local transport infrastructure would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In coming to this view, it is clear that the capital projects identified at Section 12.1 of the Agreement have been appropriately assessed and costs identified. These projects would make a positive contribution to securing modal shift at the appeal site including notable improvements to access and parking at the train station and creating safer walking routes to village facilities. As such I have taken account of these provisions in reaching my decision.
22. The appeal site is reasonably related to Overton train station, albeit the pedestrian connection does not involve a continuous dedicated footway. Accordingly, I find the provisions relating to the delivery of footway improvements at Section 12.3 of the Agreement to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
23. Section 13 of the Agreement sets out provisions as they relate to the implementation and monitoring of a Travel Plan for the appeal proposal. The Planning Practice Guidance (PPG) sets out the requirements for a travel plan including a number of key considerations<sup>3</sup> which I have taken into account. From the evidence<sup>4</sup> before me there appears to be a consensus that the local highway network carries 'low to moderate traffic flows' and that the highway impact of the development would be minimal. Consequently, the road environment is described as safe for cyclists and village facilities are within a reasonable walking distance. As such I have not been made aware of any coordinated walking or cycling strategy for the village. Importantly, the village benefits from regular bus and train services which are considered to be acceptable. Therefore I am not persuaded that without the Travel Plan there would be a severe residual impact on the local transport network or significant

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<sup>3</sup> Planning Practice Guidance: Paragraph: 009 Reference ID: 42-009-20140306

<sup>4</sup> Hampshire County Council Proof of Evidence (December 2014) and Transport Assessment by Mott MacDonald (September 2013)

harm to the environmental dimension of sustainability. Consequently the contributions towards a Travel Plan are unnecessary to make the development acceptable and so would fall outside of the CIL regulations. I have therefore taken no account of them in reaching my` decision.

24. The S106 Agreement reflects that the appeal proposal would provide a significant amount of on-site open space in the form of informal areas within the development and the sizeable extension to the neighbourhood park. Consequently, the Agreement focuses on the process of delivering the proposed open space to an adoptable standard and the adoption of the open space through either a private management company or by transfer to the Borough Council. These aspects of the Agreement are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
25. However, the Agreement makes provision at Sections 17.9-17.11 for the calculation of a commuted sum for future maintenance. Quantitatively the proposed provision of green space would exceed the Council's Green Space Standards 2013 by some margin. Whilst I accept that there would be landscape and ecological benefits derived from the sizeable area of open space the totality of provision would be an excessive basis given the provisions of LP Policy C9, to calculate commuted sum payments for future maintenance. Accordingly, the provisions of the S106 Agreement that deal with the open space balance, or the relevant open space contribution, are not, therefore, necessary to make the development acceptable in planning terms.
26. In terms of recreational (playing field) provision LP Policy C9 allows for off-site provision for new or enhanced facilities to meet the needs arising from new developments. The Council has identified 3 schemes in the locality which I accept are reasonably related to the appeal site and would require investment to accommodate the demand from the appeal proposal. The total cost of these projects exceeds the £62,193 sought however the sums involved in the financial contribution are based on an established formula and would appear to be reasonable. These provisions of the Agreement therefore comply with paragraph 204 of the Framework and the CIL regulations and so I have taken them into account in making my decision.
27. With reference to LP Policy C9 the Council has sought a financial contribution to off-site allotment provision. The Council's Green Space Standards 2013 set an area of allotment per person and a financial contribution rate per sqm. From the evidence before me the contribution would be used to principally make qualitative improvements to existing allotments. I have no evidence that provision would be increased or that existing allotments are over-subscribed. Accordingly, it is difficult to understand how the financial contribution of £17, 407.32 sought is necessary to make the development acceptable in planning terms. Therefore, it does not meet the requirements of paragraph 204 of the Framework or the CIL regulations.
28. Section 14 of the S106 Agreement requires a contribution towards providing and maintaining community facilities in the locality which is based on a proportion of a tariff style formula. The Council has identified through local intelligence a number of capital projects at 3 community facilities in Overton. Whilst I accept these facilities are within a reasonable distance of the appeal site and additional residents at the appeal site are likely to use them I have

very little evidence as to how the financial contribution has been calculated and whether the identified projects arise from existing deficiencies rather than a need to respond to additional pressures arising from the appeal proposal. In this context it is difficult for me to see how the financial contribution of £120,000 sought is necessary to make the development acceptable in planning terms. Therefore, it does not meet the requirements of paragraph 204 of the Framework or the CIL regulations.

29. The Agreement would also make provision for affordable housing in the proportions required by LP Policy C2. This too is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. These provisions of the Agreement therefore comply with the CIL Regulations and so I have taken them into account in making my decision.
30. Finally, I find that the provision of broadband and telecommunications would not be necessary to make the development acceptable in planning terms. I was not advised of a particular local deficiency in this regard which required specific remedy. In any event, such matters are best left to the prospective occupiers.
31. With these provisions in place, I see no reason to disagree with the Council's revised position and I conclude that the effects of the proposal on local infrastructure, including affordable housing, open space adoption, recreational facilities, education facilities and local transport infrastructure would be acceptable. The proposal would comply with LP policy C1 by which the Council seeks the provision or payment for all services, facilities and other improvements directly related to the development.

### **Other Matters**

#### *Highway Safety*

32. The appeal proposal would be accessed from London Road via the existing estate road through the recent housing development at Overton Hill, with a second point of access solely for pedestrians, cyclists and emergency vehicles onto Station Road. The existing estate road at Overton Hill terminates at the appeal site boundary between Nos 53 and 62 Overton Hill. Whilst I recognise that on-street parking is unrestricted on Overton Hill and various areas have been designed to create squares and courtyards where vehicular and pedestrian priorities are ambiguous it nonetheless remains that I have no compelling evidence that a single point of vehicular access to the appeal site via Overton Hill would severely affect local highway safety. In coming to this view I note that the local highway authority did not object to the proposed access arrangement.
33. With regards to a second vehicular access onto Station Road, again, I have no convincing evidence that this would be necessary. Given the width and alignment of Station Road, particularly towards Foxdown and the railway station, I am not persuaded that this road should provide an unrestricted point of access into the development. Similarly, I am not persuaded that it should form a temporary access route during the construction phase. Nor am I convinced that an alternative temporary access route could be achieved from the narrow lane some distance to the east of Overton Hill without significant harm to highway safety and the rural landscape. I therefore conclude that the

proposed means of access via Overton Hill would be acceptable and would not result in severe harm to local highway safety.

### *Ecology*

34. The appeal site is a short distance from the River Test which is a Site of Special Scientific Interest (SSSI). I heard at the Hearing that survey work by the Overton Biodiversity Group had recorded water voles in the locality, but not on the appeal site. Reference was made to a recent development at nearby Foxdown where deterrents to mitigate water vole predation by domestic animals had not proved effective. Consequently, concern was expressed as to whether predation by cats and dogs could be adequately inhibited.
35. I note from the appellant's Ecological Phase 1 Habitat Survey<sup>5</sup> that a field to the north of the appeal proposal will remain for animal grazing and as such serve as a proposed buffer between the housing and the valley floor. Additionally, I have very little evidence before me of the numbers of water vole in the locality and the impact of domestic animal predation on this species. Neither Natural England nor the Council's biodiversity officer raised an objection regarding either water voles or otters (species in the SSSI citation). Furthermore, a Wildlife Protection and Mitigation Plan could be secured by condition prior to development commencing, including details, to be agreed, of any mitigation measures for water voles. Taking all of the above into account I am satisfied that the appeal proposal would not result in significant harm to local water vole and otter populations.
36. Additionally, concern was also expressed about the effectiveness of the proposed skylark enclosure and possible conflict with recreational activity. The appellant referred to additional information provided in response to comments from the Council's Biodiversity Officer<sup>6</sup>. Having considered the evidence before me, which is inconclusive on whether skylarks nest on the appeal site, I am satisfied that through a mitigation plan, which could be secured by condition, a deliverable solution could be found to create a suitable skylark plot within the 5.52 hectares of open space on the appeal site.
37. I therefore conclude that the effects of the proposal on biodiversity would be acceptable and the proposal would comply with the third bullet point of paragraph 109 of Section 11 of the Framework.

### *Local Heritage*

38. The appeal site adjoins the Overton Conservation Area (OCA) and part of the proposed secondary access for emergency vehicles would be within the OCA. The appeal site would also be a short distance from Quidhampton Mill, a grade 2 listed building on the River Test and a moderate distance from St Mary's Church a grade 2\* listed building on the lower slope of the Test valley opposite the appeal site to the west.
39. I am mindful of the particular requirements with regard to Listed Buildings and Conservation Areas set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively. In relation to the OCA, the secondary access for the appeal proposal would effectively formalise an existing access point which already serves a number of dwellings on Station

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<sup>5</sup> Report No. Ref 1420/ECO.Phase1/rpt.1/June'12(Updated: March'13)

<sup>6</sup> Doc 2



Road and some pumping stations. From the plan<sup>7</sup> before me I am satisfied that the works to formalise this point of access and provide ancillary parking would be very modest and would not materially alter the existing arrangement. As such there would be no harm to the character and appearance of the OCA.

40. Both the listed buildings are within the valley, which is characterised by extensive tree cover. As such the appeal site is not prominent from either building, being largely obscured by intervening tree cover. Any glimpsed view of the appeal site from St Mary's Church would be seen in the context of the adjoining recently completed Overton Hill development. Accordingly, and in the absence of any objections in this regard from the Council, I find that the appeal proposal would preserve the setting of these listed buildings.

#### *Other Considerations*

41. The appeal proposal would provide for some 120 dwellings in a Borough where the SoCG acknowledges that there is a significant shortfall in deliverable housing land when tested against the Council's proposed housing target. As such the appeal proposal would accord with paragraph 47 of the Framework which emphasises the need to boost significantly the supply of housing. The SoCG also confirms that there is a demonstrable need for affordable housing, a view reiterated in the local context of Overton by Cllr Tilbury at the hearing. Accordingly, the provision of 120 homes, with up to 40% of those affordable homes, is a matter which attracts significant weight in favour of the proposal. Additionally, the proposal would generate considerable funds in terms of the New Homes Bonus and this benefit also carries significant weight.

#### **Conclusion**

42. The appeal proposal would be satisfactory in terms of the three main issues identified. I have also concluded that it would not result in any significant harm in respect of other matters raised by objectors to the scheme. As such the proposed development would be acceptable when considered against the policies of the adopted Local Plan and the content of the Framework when taken as a whole. Indeed, it would bring considerable benefits including a notable contribution to housing supply in general and affordable housing in particular in a Borough where there is a shortfall of deliverable housing land. Therefore, in considering paragraph 14 of the Framework I conclude that there are no adverse impacts which would significantly and demonstrably outweigh the benefits. Accordingly the presumption in favour of sustainable development applies and planning permission should be granted.
43. I have had regard to all other matters raised, both in oral and written representations, but have found nothing to change my conclusion that this appeal should succeed.

#### **Conditions**

44. In their SoCG the parties suggested a number of conditions which would be necessary if the appeal was to be allowed. I have considered these in the light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the suggested wording.

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<sup>7</sup> MMD-306192-C-SK-00-XX-0003 Rev P3

45. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the Act. The fourth condition identifies the approved plans, which is necessary in the interests of proper planning and for the avoidance of doubt. The fifth condition requires details of the housing mix including a proportion of lifetime homes which is necessary to ensure a balanced mix of dwelling types and sizes reflective of a sustainable community. The sixth requiring details of external materials to be agreed, is necessary to ensure a satisfactory appearance. The seventh requiring compliance with a level of the Code for Sustainable Homes is necessary to ensure construction to a good environmental standard.
46. The eighth, ninth and tenth conditions require details of hard and soft landscaping, a comprehensive landscape management plan and protection of existing trees. These conditions are necessary to ensure an appropriate standard of landscaping at this edge of village location. The eleventh condition requiring a detailed measured survey of the site is necessary in the interests of character and appearance given the topography of the site. The history of the site also makes it necessary that an appropriate investigation for potential contamination, and any ensuing remediation, is undertaken to ensure the safety of future occupiers. However I have simplified the condition in the interests of clarity and as such they require the details of contamination investigations to be negotiated between the parties.
47. The thirteenth and fourteenth conditions requiring submission of details on the internal highways and parking and the submission of a construction method statement are necessary in the interests of highway safety and protecting the living conditions of residents on the existing housing development at Overton Hill. However, I have removed some of the specificity to avoid repetition with other conditions and to enable the parties to negotiate appropriate details. The fifteenth, twentieth and twenty-first conditions requiring external lighting to be controlled and the preparation of a Wildlife Protection and Mitigation Plan are necessary in the interests of preserving and enhancing local biodiversity.
48. The sixteenth and seventeenth conditions requiring a deliverable drainage strategy and details on any surface water drainage scheme are necessary in the interests of environmental protection and reducing flood risk. The eighteenth condition on archaeology is necessary in order that the heritage potential of the site is investigated through an agreed process of archaeological examination in accordance with paragraph 141 of the Framework. However I have simplified the condition in the interests of clarity and as such they require the details of the archaeological investigation to be negotiated between the parties. The nineteenth condition requiring details of the secondary point of access onto Station Road is necessary in the interests of highway safety and to secure the timely delivery of this element of the proposal. The twenty-second and twenty-third conditions requiring hours of construction and associated movements to be managed, are necessary in the interests of the living conditions of surrounding residents.

*David Spencer*

INSPECTOR.

## **APPEARANCES**

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

Michael Bedford	Of Counsel: instructed by the Solicitor of the Council
Gregg Chapman	Principal Planning Officer
Margaret McGrath	Parks and Open Spaces Development Officer
Alex Piper	Facilities Provisions Officer
Suzanne Smith	Community Facilities Officer
Ben Clifton	Highways, Hampshire County Council
Glenn Parkinson	Education, Hampshire County Council

### **FOR THE APPELLANT:**

Reuben Taylor	Of Queen's Counsel: instructed by Turley Associates
Simon Packer	Turley Associates
Kevin Light	DLA Ltd
Martina Olley	Mott MacDonald Ltd

### **INTERESTED PERSONS:**

Cllr. Ian Tilbury	Borough Councillor
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## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Signed and Executed S106 Agreement dated 9 January 2015
2. Additional Information in response to Biodiversity Officers comments
3. Hampshire County Council Transport Contributions Policy September 2007
4. Closing Statement on behalf of Basingstoke & Deane Borough Council

## **SCHEDULE OF CONDITIONS**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Dwg No 1000 Site Location Plan (May 2013)
  - Dwg No 3300 Rev 1\_1 Indicative Masterplan Layout (September 2013)
  - Dwg No 3510 Rev 1\_0 Access Parameters (August 2013)
  - Dwg No 3520 Rev 1\_0 Building Heights Parameters (August 2013)
  - Dwg No 3530 Rev 1\_0 Housing Density Parameters (August 2013)
  - Dwg No 3540 Rev 1\_0 Landscape Parameters (August 2013)
  - Dwg No 3540 Rev 1\_0 Land Use Parameters (August 2013)
  - Dwg No MMD-306192-C-SK-00-XX-003 Rev P3 Proposed Emergency Access/ Pedestrian / Cycle Access (October 2013)
- 5) Applications for the approval of reserved matters shall be in accordance with Saved Policy C3 of the Basingstoke and Deane Borough Adopted Local Plan 1996-2011 and the Housing Mix and Lifetime Mobility Standards Supplementary Planning Document (or any policies or guidance superseding these documents or other such housing mix agreed with the Local Planning Authority) with particular regard to the provision of an appropriate mix and implementation of 15% or more of market dwellings being built to lifetime mobility standards.
- 6) No development shall commence until a material schedule detailing the types and colours of external materials to be used, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include boundary treatment, proposed finished levels or contours, vehicle and pedestrian access and circulation areas within the site, location and design of play areas, hard surfacing materials and minor artefacts and structures (eg. Furniture, refuse or other storage units, signs, lighting, external services etc). Soft landscape works shall include a planting plan, written specification (including cultivation and other operations associated with plant and grass establishment), and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. If applicable, these details will also extend to cover areas of open space to be adopted by the Council. Such areas shall be agreed in writing prior to development commencing. In addition an implementation timetable shall be submitted to and approved in writing before development commences. All hard and soft landscape works shall be carried out in accordance with the approved details in accordance with the programme agreed with the local planning

authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 9) No dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme have been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.
- 10) No development shall commence until details of mitigation proposals to reduce the impact on trees, including specifications and methods in relation to the construction of the new pedestrian, cycle and emergency vehicle means of access from Station Road, 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.
- 11) No development shall commence until a measured survey has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby agreed datum point which shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 13) No development shall commence until plans and particulars showing the detailed proposals for all the following aspects have been submitted to and approved in writing by the Local Planning Authority:
  - (i) the width, alignment, gradient and type of construction proposed for the roads, footways and access(es) including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting, surface materials, the method of disposing of surface water, and details of a programme for the making up of roads and footways;

- (ii) the means of access within the site, including the layout, construction and sight lines;
- (iii) the provision to be made for the parking of vehicles in accordance with the Council's adopted standards;
- (iv) the alignment, height and materials of all walls and fences and other means of enclosure where they abut or are adjacent to road, footpath or access;
- (v) safe and convenient access facilities for people with disabilities (those confined to a wheelchair or others with mobility impairments);
- (vi) the number, type, location and style of cycle parking to be provided on site;
- (vii) 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.

Development shall be carried out in accordance with approved details.

- 14) 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:
- i) the means of access for construction traffic from Overton Hill
  - ii) the provision of measures to prevent access by construction traffic from and to Station Road (C79)
  - iii) the parking of vehicles of site operatives and visitors
  - iv) loading and unloading of plant and materials
  - v) storage of plant and materials used in constructing the development
  - vi) the provision of onsite turning facilities so that all vehicles enter and leave in a forward gear only
  - vii) the provision of an onsite holding area within the site to enable the controlled release of vehicles leaving the site
  - viii) wheel washing facilities
  - ix) measures to control the emission of dust and dirt during construction
- 15) Details of any external lighting and street lighting shall be submitted to and approved in writing by the local planning authority before the development hereby permitted begins. Artificial lighting shall be directed away from the SSSI and ecological buffer corridors and focused with cowlings. Development shall be carried out in accordance with the approved details.
- 16) No development shall commence until a drainage strategy of the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until any drainage works referred to in the strategy have been completed in full.

- 17) No development shall commence until such time as a surface water drainage scheme, including a sustainable urban drainage approach (SUDs) has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.
- 18) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include a timetable for the analysis, publication and dissemination of results and archive deposition.
- 19) No development shall commence until full details of the new pedestrian, cycle and emergency vehicle means of access from Station Road to the north western corner of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include: method of construction; visibility sightlines; surface water drainage; street lighting; access control measures; ancillary car parking spaces; and signage, as shown in principle on Mott MacDonald Dwg No. MMD-306192-C-SK-00-XX-0003 Rev P3 dated 31 October 2013. The approved pedestrian, cycle and emergency vehicle access shall be constructed and fully implemented before the first occupation of the dwellings and shall thereafter be maintained in accordance with the approved details.
- 20) 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 details of the following:
  - (i) The timing / ecological watching brief procedures required to address the protection of breeding birds, reptiles and amphibians before and during any development works;
  - (ii) Details of proposals for mitigating any potential adverse effects on bats, reptiles, amphibians, water voles, otters or birds and any features that they are dependent on. This is to include details of measures that will be taken to avoid light spillage within the areas identified as important for bat foraging;
  - (iii) 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;
  - (iv) The provision of accesses into the western buffer (of a suitable number, size and design) to allow for the appropriate maintenance of this area.

No development or other operations shall take place other than in complete accordance with the approved Wildlife Protection and Mitigation Plan.

- 21) No development shall take place until full details of a habitat enhancement and management scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide information on how the northern and western boundaries of the

site and the proposed neighbourhood park will be enhanced and managed for biodiversity including details of the following:

- (i) the purpose, aims and objectives for the scheme, taking into account existing biodiversity on the site, results of species surveys and loss of habitats resulting from the development;
- (ii) A full specification and method statement for the implementation of the enhancement / habitat creation proposals;
- (iii) Aftercare and long term management; and
- (iv) Timing of the works and implementation

The development shall be carried out and thereafter maintained in accordance with the approved details.

- 22) Demolition or construction works shall not take place outside 0730hours to 1800hours Mondays to Fridays and 0800hours to 1300hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 23) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall be taken at or despatched from the site outside 0730hours to 1800hours Mondays to Fridays and 0800hours to 1300hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Schedule Ends.

Richborough Estates