



Appeal Decision

Site visit made on 11 May 2023

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/H1705/W/22/3300001

Central 37, Chapel Hill, Basingstoke RG21 5UH

- 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 Vivid Housing Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/03311/OUT, dated 20 November 2020, was refused by notice dated 9 December 2021.
 - The development proposed is the demolition of the existing building and the redevelopment of the site to provide up to 75 no. dwellings, with all matters reserved except for access at the point of entry/exit into the site.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and the redevelopment of the site to provide up to 75 no. dwellings, with all matters reserved except for access at the point of entry/exit into the site, Central 37, Chapel Hill, Basingstoke RG21 5UH in accordance with the terms of the application, Ref 20/03311/OUT, dated 20 November 2020, subject to the following conditions on the attached schedule A.

Procedural Matters

2. This outline application has access to be determined at this stage, and all other matters reserved for future consideration. Submitted plans show flat types, elevations, siting, landscaping, public open space and bin store, and have been treated as indicative. Computer generated images of the development have also been treated as indicative. During the determination of the planning application, amended indicative plans showed better provision of Multi-Functional Green Space (MFGS) and the siting of a revised apartment block further back into the site.
3. Access has been treated solely as that directly into/from a cul-de-sac road that leads to a roundabout outside of the site. Access matters normally also cover internal access roads, parking and turning. Based on the appellant's appeal statement, these highway features have been treated as indicative and thus, this appeal only considers access in a partial way, covering the access directly into and out of the site. On this basis, a detailed site access plan showing entry/exit into the site has only been considered as part of the access matter, and the description of the proposal has been amended to reflect this.
4. During the determination of the application, the number of dwellings that the development would provide up to, was changed from 80 to 75. Indicative plans show 74 residential units, comprising 68 flats and 6 maisonettes, with a

mix of 33 two-bed/4 person and 41 one-bed/2 person units. Another indicative plan shows the relocation of a bin store from the ground floor of the apartment building and 75 units, comprising 69 flats and 6 maisonettes, with an indicative mix of 34 two-bed/4 person and 41 one-bed/2 person units.

5. A Unilateral Undertaking (UU) dated 20 October 2022 relates to the provision of public open space, affordable housing, local infrastructure, landscape management plan and travel plan, which will be considered later in this decision.

Main Issues

6. The main issues are the (a) whether the proposal would provide acceptable public open space, having regard to MGFS, equipped children's space and allotments, (b) the character and appearance of the area, (c) the setting of the South View Conservation Area, the scheduled monument of the Chapel (ruins) of the Holy Ghost, the Grade II* listed Chapels (ruins) of the Holy Ghost and Trinity, the Grade II listed lodge, entrance gateway and screen walls of the Chapel Hill Cemetery, the Grade II listed Church of the Holy Ghost and attached Presbytery and a Non-Designated Heritage Asset (NDHA), The Rising Sun Public House (PH), and (d) the viability and vitality of the PH.

Reasons

Public open space

7. Under the Basingstoke and Deane Local Plan (LP) 2011-2029, Policy EM5 only permits development proposals that do not prejudice the delivery of the Council's Green Infrastructure Strategy (GIS) or result in undue pressure on the network which cannot be fully mitigated. Green infrastructure should support the requirements of the proposed development and be in accordance with the Council's adopted green space standards, with green space and equipped play normally provided on the site. Off-site financial contributions for the enhancement of existing facilities, will be considered in certain circumstances including ensuring the needs of new residents can be met without adversely impacting on the needs of existing residents.
8. LP Appendix 4 details an absolute minimum requirement (AMR) at 20 sqm per person and a quantity standard (QS) of 65 sqm per person for MGFS. Under AMR, there is an additional requirement of 0.5 sqm per person for equipped play areas. For the illustrated 75 residential unit scheme, AMR and QS would require MGFS of approximately 2,410 sqm and 7,644 sqm respectively¹. Under the Green Infrastructure Strategy (GIS) for Basingstoke and Deane 2018-2029, November 2018, the Council will require developments to meet the identified QS in all situations and will only accept a variation from this requirement in exceptional circumstances where this is fully justified.
9. The illustrative plans show approximately 3,724 sqm of public open space, with approximately 2,514 sqm of contiguous open space, including a kickabout area of 1,400 sqm, and 1,210 sqm of incidental green space and landscaping. The kickabout area would have a 2m buffer zone and at the reserved matters stage, there would be opportunities to lower the ground level and place boundary treatments to improve its assimilation into the development. In

¹ Figures from the Parks and Open Space response dated 22 July 2021.

terms of definition of MFGS, the definition within Council's Green Standards within the GIS indicate areas should be minimum size of 200 sqm, with a dimension no less than 15m and as such the incidental green space and landscaping does come within MFGS. In terms of the contiguous open space, this would meet the AMR but not the QS. The UU would secure an off-site contribution of MFGS equivalent to the shortfall between its on-site provision and the QS. The UU defines the MFGS as that within the Council's Green Space Standards within the GIS and for on-site provision to be agreed in writing by Council before development commences.

10. The Councils Parks and Open Spaces Officer has objected to the proposal. There is currently a deficiency within the Norden Ward of MFGS, with overall provision only just above the AMR. Recent developments, including at the Chapel Hill/Chapel Gate, have provided MFGS at a standard below the AMR.
11. However, providing on-site MFGS up to QS would cover most of the site and this would clearly be unviable. The rectangular shape of the site and the need for an access point at its top end, close to a roundabout at chapel Hill, and the need to site residential units away from the garden and public house of The Rising Sun, also constrains the development. Furthermore, the Council has a deficient 5 Year housing Land Supply (5YHLS), 4.2 years, April 2023, and given the location of the site within a dense urban area, with good accessibility to services and facilities by sustainable transport, there is need to make effective use of land.
12. Obligations would secure off-site contributions for the MFGS to be used for planned enhancements at Whiteditch Playing Fields and/or Southview Cemetery and/or Lyford Road Open Space. They would also secure a financial contribution for a new equipped play area facility at Whiteditch Playing Fields which would be within a reasonable walking distance of the development, below 10 minutes. Whilst residents would have to cross roads to get to it, this is inevitable in a dense urban area and although this may necessitate finding safe places to cross, there is no evidence that this would be insurmountable. Additionally, an allotment contribution would secure improvements at the Burgess Road, South View and Whiteditch allotments. Financial contributions would also be secured for the maintenance of the onsite MFGS.
13. On this basis, there are exceptional circumstances to provide MGFS at just over the AMS on-site and for the shortfall between its provision and the QS requirement to be provided off-site through contributions. Similarly, there would be justification to not require a minimum kickabout area of 1,600 sqm and associated 10m buffer zones under the GIS.
14. In respect of these public open space contributions, the obligations securing them are necessary to make the development acceptable in planning terms, directly related to them, and are fairly and reasonably related in scale and kind. They would meet the statutory tests of the Community Infrastructure Regulations 2012 (as amended) and paragraph 57 of the Framework. For all these reasons, the provision of MFGS, children's play space and allotments would be acceptable, on site and through off-site contributions, ensure the needs of residents can be met without impacting on existing residents and would comply with Policy EM5 of the LP and GIS.

Character and appearance

15. The site is dominated by a large metal-clad warehouse and extensive hard surfacing. It fronts onto John Liddell Way and a roundabout serving Kingclere Road/Chapel Hill/Chapel Gate/Sherbourne Road, which dominates the top end of the site. On its town centre side boundary, there is the Rising Sun PH, accessed off Chapel Hill, and Dextra Court which is accessed off a cul-de-sac road linking up with the roundabout. On the other side boundary, there is new residential development comprising flats and dwellings at the recent Chapel Hill/Chapel Gate development. Behind the site, there is a railway.
16. Within the surrounding area, building architecture, scale, form, layout and landscaping is varied reflecting the growth of the area which results in a mixed character and appearance of the area. Both the recent housing and Dextra Court are dominated by car parking areas such that extensive hard surfaced areas on frontages are an overriding quality.
17. On the frontage of the site, the latest indicative layout and elevation plans show two storey maisonettes with roof gables, steeply pitched roofs and bays. The scale, proportions and height would give rise to a bulkier form of housing compared to recent housing along John Liddell Way. However, the indicative plans show that the maisonettes could be sited further back from the frontage than this other housing and matters of design would be determined at a reserved matter stage. There would be removal of the frontage vegetation but the appellant's Tree Survey and Impact Assessment (TSIA)² indicates these to be low-quality trees, confirmed by my site inspection, and there would be scope for additional landscaping to be determined in any reserved matter.
18. Beyond these maisonettes, indicative plans show a large apartment block sited beyond an internal access road and the MFGS, including the kickabout space. The apartment block's scale and siting would be like that of the neighbouring Chapel Hill/Chapel Gate development. The 4-5 storeys shown illustratively would be seen within the context of the taller apartment blocks of the neighbouring development. The indicative plans also show that the design of the block could be articulated to reduce bulk and massing, with bays, recesses, and step backs, especially in relation to the top storey. Such details would again be finalised at a subsequent reserved matters stage.
19. In relation to the neighbouring Dextra development, the indicative plans show that the proposed apartment block would be greater in scale. However, there would be separation provided by car parking and access areas of this neighbouring development and much of the new block would also be separated by an open space area. The top floor could be recessed as shown on the indicative plans, and the face of the block could be articulated to reduce bulk and massing at the reserved matters stage.
20. For all these reasons, the illustrative plans demonstrate that a residential development of up to 75 dwellings would not harm the character and appearance of its surroundings. Accordingly, the proposal would comply with Policy EM1 and EM10 of the LP, which collectively and amongst other matters, requires sympathetic consideration to local character and visual quality of the area concerned, and high quality design.

² Tree Survey and Impact Assessment, for land at Central, 37 Chapel Hill, Basingstoke RG21 5TB, Keen Associates, Keen Associates.

Heritage assets

21. The proposed development would be located adjacent to Southview Conservation Area. Within the Conservation Area, there is The Rising Sun PH, a NDHA, and several ecclesiastical heritage assets. The PH is located adjacent to the proposed access to the development and the appeal site itself. There are the chapel ruins of the Holy Ghost and Trinity (Scheduled Monument and Grade II* listed buildings), Grade II listed Chapel Hill Cemetery (Lodge, entrance gate and screen walls), and Grade II listed Church of the Holy Ghost and Presbytery.
22. The Holy Ghost cemetery was the towns' burial ground from 13th to early 19th century, with the ruins of the Chapel of the Ghost and Holy Trinity dating back to 13th and 15th century. Both chapels fell into ruin during the reformation, and they are illustrative of the events that took place at this time. They have evidential importance in displaying medieval construction and progression in chapel design. During the later 19th century, the Chapel Hill cemetery, along with the lodge, gateway and screen walls were built in a gothic style and the cemetery remained open until early 20th century. These ecclesiastical heritage assets are set within spacious and mature landscaped grounds.
23. The grouped Grade II Church and Presbytery of the Holy Ghost opened in 1902. The church and Presbytery are faced with flint and red brick respectively, and ashlar stone dressing and roman tile roof. Both are designed in a high Victorian Gothic style, on more enclosed sites. All of these ecclesiastical heritages inform an understanding of the growth of the town and community that they served. For all these reasons, they have archaeological qualities (the chapel ruins), historic and architectural qualities that are of importance and significance as heritage assets, and special interest as listed buildings.
24. The Rising Sun PH is designated as notable building within Council's Local List of Buildings of Architectural or Historic Interest (LLBAHI) (2007) and prominently fronts onto Chapel Hill. Although it has been extended, it dates back from the late 19th century and is attractively domestic in scale, constructed with painted brick and a frontage gabled parapet, disguising a low-pitched roof behind. By virtue of its long-term use as a public house, it also informs an understanding of the towns growth, and with its architectural and historic interest, provides significance as a NDHA.
25. The Conservation Area also comprises extensive traditional housing much of which was built with the arrival of the railway. The Draft South View Conservation Area Appraisal (CAA) (2006) details terraced, semi-detached and detached properties, mostly two storeys, and dating back from the Victorian and Edwardian periods, but with some infill from the 1930s to the present day. The street pattern is uniform, with a strong sense of cohesion and place, with dwellings constructed of red brick and clay tiles/slate, and traditional architectural features, such as sash windows, panelled doors, stone window cills and lintels, decorate barge boards.
26. As a result, the Conservation Area is varied but has different phases of housing and ecclesiastical development helping explain how the town developed and is of importance and value. The ecclesiastical buildings and ruins, set in spacious landscaped grounds, are also a major contributor to history of the area. Many of the ecclesiastical features stand out as major features of the Conservation

Area due to their architecture and age. The appearance of the Victorian and Edwardian housing is of high quality, and it is these archaeological, historic and architectural qualities that are of significance and special interest.

27. Outside of the Conservation Area, the White building is identified as a locally Listed Building under the LLBAHI. It was formerly a manufacturing building, constructed in an art deco style in 1939 within a large industrial area. This area has now been developed for housing and it has been converted into residential use. Nevertheless, despite alterations, it comprises historical and architectural qualities that are of importance and significance as NDHA.
28. Section 66 of the Planning (listed Building and Conservations Area) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Unlike listed buildings, there is no explicit statutory duty in respect of the setting of a Conservation Area or scheduled monument but in terms of the National Planning Policy Framework (the Framework), the setting of a heritage asset can contribute to its significance.
29. The ecclesiastical listed buildings and structures are set within, or border spacious landscaped grounds and by reason of their purpose, would have attracted people activity along adjacent roads and areas from where the heritage assets would be appreciated from the surrounding area. Mapping evidence show the surrounding were largely undeveloped even at the time of the development of Church and Presbytery of the Holy Ghost, and there is intervisibility between them and the appeal site. For all these reasons, the setting of these listed buildings and structures, and this part of the Conservation Area extends quite widely, covering the appeal site. The Rising Sun PH would also have appreciated from the appeal site, albeit the top part of the site due to its more localised community function.
30. With respect to the Conservation Area, the CAA identifies a key vista on Sherborne Road adjacent to the listed Church of the Holy Ghost and Presbytery just to the north of the roundabout. Within this view, the listed buildings are landmark buildings of high built quality, with an imposing street presence, which are viewed in a wider landscape setting.
31. For the White House, there would be little intervisibility between the appeal development and the NDHA. Although this is not the sole measure of determining setting, the development would be located a significant distance away from the development and is no longer within industrialised context but rather a heavily developed residential context. As a result, the setting would not extend to the appeal site.
32. The large industrial building and extensive hard surfacing on the site is starkly utilitarian, despite its lower ground level and frontage vegetation, and negatively affects the settings of the scheduled monument, listed buildings and Conservation Area. The latest indicative plans show a row of maisonettes in keeping with the pattern of development along the street frontage of the site and beyond them, the contiguous MFGS. Such a layout and design of development would be an improvement on the bulky and utilitarian development on the site and would better reveal the historical and architectural qualities, significance and special interest of the scheduled monument, listed buildings, Conservation Area and the NDHA.

33. The latest indicative plans show a taller apartment block but this would be sited much further back into the site. At the reserved matters stage, the design could be articulated to prevent monolithic massing, bulk and scale. On this basis, this aspect of the scheme would have a neutral effect on heritage asset settings.
34. For all these reasons, it has been demonstrated that the settings of the scheduled monument, listed buildings, Conservation Area and NDHA would not be harmed. The proposal would comply with Policies EM1, EM10 and EM11 of the LP, which collectively and amongst other matters, requires sympathetic consideration to character and visual quality of the area, paying particular attention to historic landscapes and features, high quality design and the conservation or enhancement of the quality of heritage assets.

The Rising Sun PH

35. Paragraph 187 of the Framework requires new development to be integrated effectively with existing businesses and community facilities, such as pubs, and that existing businesses and facilities should not have unreasonable restrictions placed on them, as a result of development permitted, after they were established.
36. The proposed development site would be adjacent to The Rising Sun PH and its large pub garden. The PH operates up to 2330 hours but also holds special events, often utilising its pub garden. Representations indicate that during the summer months, 2-3 events are held each month, and that in any case, people use the garden in summer. Complaints from residents of the new development could compromise the activities of the public house and its viability, including its role as a community facility in the area, and indeed its significance as a NDHA.
37. However, the appellant's Environmental Noise and Vibration Assessment (ENVA)³ concluded that suitable internal noise levels would be achieved within the development, based on noise impacts, including amplified music, from the PH. During hot weather, it was recognised windows of the proposed dwellings may be required to be open to prevent overheating but the appellant's Technical Note⁴ sets out measures for providing mechanical ventilation and comfort cooling without need for relying on opening windows. The details and implementation of this could be conditioned. Significant weight is attached to both the ENVA and TN, as they are based on best practice and professional standards. In their final response, the Council's Environmental Health Officer, recommended no objections, subject to the imposition of suitable planning conditions.
38. For all the above reasons, the living conditions of new residents would not be adversely compromised by noise and disturbance from the operation of the Rising Sun PH. Conversely, the viability of the PH would not be compromised by complaints. Accordingly, the proposal would comply with Policy EM12 of the LP, which amongst other matters, permits development sensitive to pollution, including noise, where there is no detrimental impact on the quality of life of people as result of neighbouring uses and activities.

³ Environmental Noise and Vibration Assessment for planning, Vivid Housing Ltd, Cundall, June 2021

⁴ Technical Note TN1 (1022189/TN1), Cundall, 11 October 2021.

Other matters

39. The industrial site lies within a designated LP employment area and the proposal would result in the loss of an employment use. It is bounded on two sides by residential development and has been vacant since at least 2019 when marketing commenced. The proximity of residential uses casts significant doubt on the viability of its industrial use and therefore, the loss of this industrial site would be justified. Such a view that concurs with the Council's Planning Policy response indicating the difficulty of seeking to retain the site in its current use.
40. The indicative plans detail the provision of 90 car parking spaces, of which about half are intended to be allocated and the remainder unallocated. The appeal site is in a location with good access to services, facilities, and amenities by sustainable transport means. On this basis, it has been demonstrated that this level of parking provision is acceptable.
41. The development would be accessed off a cul-de-sac access road, also serving Dextra Court, that links up with a roundabout serving four other roads. Residents have undertaken traffic surveys of vehicles and pedestrians along neighbouring roads, taking into account the new Chapel Hill/Chapel Gate development. The appellant's Transport Statements⁵ details an overall reduction in traffic generation from the residential development compared to the warehouse use on the site, although there would be a slight increase at peak times. This has been disputed by third parties.
42. However, there is no persuasive detailed highway evidence, including comprehensive surveys in line with best practice and policy, to refute this and importantly, to demonstrate that the development would result in unacceptable risk to highway safety or that the cumulative impacts on the road network would be severe. Furthermore, as part of the proposal, there would be a beneficial pedestrian walkway constructed along the cul-de-sac access road for residents of Dextra Court, where there is currently none. With a residential development, there would be a reduction in HGV traffic compared to the warehouse use. The Highway Authority has also raised no objection to the proposal and as a statutory consultee, significant weight is attached to their comments. For all these reasons, the proposal would not be harmful on highway grounds.
43. The site is not located within an Air Quality Management Area (AQMA) and the Council's Environmental Health Team agrees with the methodology and findings of the appellant's Air Quality Assessment (AQA)⁶. The AQA concluded that dust arising during the construction phase could be mitigated by way of an appropriate condition. The predicted development traffic flows are well below the threshold for sensitive developments outside AQMAs and the development would replace an existing industrial use. It is intended to use individual boilers rather than a centralised boiler and a planning condition requiring sustainable energy and resource use would reduce emissions from this development. For all these reasons, the development would cause no significant impact on air quality.

⁵ Transport Statement, Vivid Housing Ltd, - Transport, Ref:MS/BB/TTB/4651-001DR and Transport Statement Addendum Technical Note – ITB14651-004TN

⁶ Air Quality Assessment, Central 37, Chapel Hill, Basingstoke, Vivid Housing Ltd, 25 November 2020.

44. By reason of distance separation from neighbouring properties, the indicative plans demonstrate that no significant harm to the living conditions of neighbouring residents, having regard to light, privacy and outlook, would occur. There are no objections to the provision of service utilities from statutory undertakers. In the absence of objections from relevant providers, no objections can be raised regarding availability of school, medical facilities or community centre.

Unilateral Undertaking

45. In addition to the public open space provision mentioned above, the UU would secure a mix of the dwellings as affordable housing provision, comprising affordable rented/social rented and Intermediate Housing with transfer to a registered provider, in accordance with Policy CN1 of the LP. The affordable house is essential to deliver a mix of housing to meet the needs of the community. It is a significant benefit in favour of the proposal.
46. Obligations would also secure a landscape management plan, a cultural infrastructure contribution and a travel plan. In accordance with LP Policy EM1, the landscape management plan is necessary to ensure the long-term strategic protection of structural landscape and communal open spaces. LP Policy CN6 requires new development to provide and contribute towards infrastructure to meet the needs and requirements from the development. The cultural contribution would be used to commission and erect public art within the public open space to create identity and a sense of place in accordance with this policy and the Council's Planning Obligations Supplementary Planning Document (SPD) 2018. LP policy CN9 requires development to minimise the need to travel, promote sustainable transport and support the transition to a low carbon future. In accordance with this policy, an obligation would require a travel plan to encourage residents to use sustainable transportation and associated bond to incentivise the operation of the travel plan and be returned if the travel plan is adhered to.
47. For all the above reasons and taking into account Council's CIL statement⁷, these obligations would meet statutory tests of the Community Infrastructure Regulations 2012 (as amended) and paragraph 57 of the Framework. They are necessary, directly related to the development and fairly and reasonably related in scale and kind.

Conditions

48. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed. Subject to small amendment, the appellant has raised no objection to these.
49. Conditions are attached limiting the life of the planning permission and set out the requirements of the submission of reserved matters in accordance with the Act. Further details on access are required as explained in the Procedural Matters of this decision. As access has been partially considered, a condition

⁷ CIL Compliance Statement, November 2022.

requiring the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt.

50. Conditions relating to housing mix, landscaping, including replacement, and external materials is not necessary as this relates to layout, landscaping and appearance reserved matters, yet to be determined. Similarly, conditions requiring details of vehicle parking and turning, cycle parking and refuse/recycling should be dealt with under the access (for the internal access roads) and layout reserved matters. The provision of 15% accessible and adaptable housing relates to the principle of the development, with a specific requirement detailed in LP Policy CN3, and is necessary.
51. In the interests of biodiversity, a condition is necessary securing the implementation of acceptable mitigation, compensation, and enhancement measures. To address climate change, a condition is necessary requiring further details of how the recommendations of the appellant's Sustainability Statement, including electric charging points, would be implemented in the scheme. To ensure acceptable living conditions for residents, conditions are necessary to require the implementation of approved acoustic measures and testing. In the interests of neighbour's living conditions and highway safety, a condition requires the implementation of an approved construction method statement. Given the previous industrial use of the site, contamination conditions requiring remediation are necessary to protect resident's living conditions. For a similar reason, a condition is required to ensure imported material for construction is not contaminated.
52. In order to safeguard the conditions of local roads from construction vehicles, a survey of existing conditions and if necessary, remediation of damage, is necessary by condition. Given archaeological interest on the site, a written scheme of investigation is necessary and implemented. To avoid adverse flooding, the implementation of an agreed drainage system and maintenance is necessary. To safeguard the living conditions of residents, hours of construction and delivery on the site are restricted. In the interests of highway safety, a condition stopping up existing accesses is required. A limit on water usage is necessary to ensure sustainable use.
53. In the absence of evidence to the contrary, conditions requiring the management and maintenance of streets will be the responsibility of the developer if not adopted, or the highway authority, if adopted. Details of any works on highway land are also matter between the developer and highway authority and requiring details here, would duplicate other legislation.

Conclusion

54. The development would provide a significant amount of housing, including affordable, boosting housing supply. Additional public benefits would include the re-use of a brownfield site in a sustainable location. The development would provide an acceptable on-site provision of MFGS and there would be no harm to the character and appearance of the area, the setting of a designated and undesignated heritage assets. Through mitigation, the living conditions of residents would not be compromised due to noise and disturbance from a public house. Conversely, there would be no adverse effect on the viability of this community facility.

55. The proposal would comply with policies of LP, and the development plan taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be granted. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Richborough Estates

Schedule A

- 1) Details of the access (within the site), 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 takes place 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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: 1192 PD 101C and ITB 14651-GA-007E (in so far as they relate to the access matter partially approved).
- 5) Applications for the approval of reserved matters shall be in accordance with Policy CN3 of the Basingstoke and Deane Local Plan 2011-2015 in providing a minimum of 15% to be built as accessible and adaptable, Building Regulation M4(2) 2015 (as amended).
- 6) No development shall take place on the site until an Ecological Enhancement Management Plan, in accordance with the recommendations and procedures contained within Chapter 5 of the Ecological Impact Assessment, ECOSA, dated November 2020, has been submitted to and approved in writing by the local planning authority. Vegetation clearance shall only take place September to February unless otherwise approved in writing by the local planning authority following ecological assessment. The development shall be completed in accordance with the approved plan.
- 7) No development shall take place on the site until a detailed Sustainability Implementation Report, in accordance with the design principles of the Sustainability Statement, submitted by Turley, November 2020, has been submitted to and approved in writing by the local planning authority.

Such a report shall demonstrate how the layout, design and construction of the development will allow for the efficient use of natural resources through reducing resource requirements in terms of energy demands and water use; the use of renewable and low carbon energy technologies; the use of passive solar design to maximise the use of the sun's energy for heating and sustainable cooling of buildings; and the mitigation of flooding, pollution and overheating. It shall include details of a scheme of Electric Vehicle Charging Points for both unallocated and allocated parking spaces. The development shall be completed in accordance with these approved report details.
- 8) No development, except demolition, groundworks and site preparation works, shall take place on the site until a detailed noise impact assessment for protecting the occupiers of the dwellings, from transport and public house noise, has been submitted to and approved in writing by the local planning authority.

Such an assessment shall consider and detail, here required, a reduction in noise exposure by effective site layout, building orientation, use of physical barriers, utilisation of open space as a buffer, internal room configurations, glazing, mechanical ventilation units and associated ductwork, and other available mitigation measures. The assessment should specifically consider whether north and east facing apartments facing The Rising Sun Public House require alternative methods of mechanical ventilation in accordance with Technical Note TN1 (1022189/TN1). If air mechanical ventilation units and associated ductwork are to be used, information on the associated internal noise levels within dwellings, shall be submitted for approval as part of the assessment. These mitigation measures shall be shown to achieve the following noise levels:

- i) Internal day time (0700-2300) noise levels of no greater than 35dB LAeq, 16 hr for habitable rooms (bedrooms and living rooms) with windows open unless alternative method of mechanical ventilation, approved in writing by the local planning authority, is specified to supply outside air to habitable rooms with windows closed and avoid the need to open windows.
 - ii) Internal night time (2300 -0700) noise levels shall not exceed 30dB LAeq for habitable rooms (bedrooms and living rooms) with individual noise events not exceeding 45dB LAFMax with windows open unless alternative method of mechanical ventilation, approved in writing by the local planning authority, is specified to supply outside air to habitable rooms with windows closed and avoid the need to open windows.
 - iii) Garden areas shall not exceed 55 dB LAeq, 16 hr.
- 9) No dwelling shall be occupied until a post completion noise survey has been submitted and approved in writing by the local planning authority. The post completion testing shall assess the performance of the noise mitigation measures approved in the previous condition 8.

The survey and reporting methodology shall be agreed in writing beforehand by the local planning authority. It shall include details of professional noise guidelines, appropriate instrumentation configuration, sound level intervals, contemporaneous measurements, and how night-time noise events are to be recorded.

Where noise measurements are undertaken in unfinished and unfurnished rooms, the reverberation time in the test room shall be measured in accordance with BS EN ISO 3382-2 "Acoustics. Measurement of room acoustic parameters. Reverberation time in ordinary rooms." The measurement results shall be adjusted accordingly to account for the change in reverberation time between the tested condition and future reverberation time within the room when furnished.

All measurements will be undertaken with windows closed and the approved mechanical ventilation system operating.

If the noise levels set out in the previous condition 8 are exceeded, additional noise mitigation measures shall be submitted to and approved in writing by the local planning authority and implemented in full prior to the first occupation of the relevant dwelling(s).

- 10) No development shall take place on the site, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) the loading and unloading of plant and materials;
 - iii) the management of construction traffic and access routes;
 - iv) the storage of plant and materials used in constructing the development
 - v) wheel washing facilities, including for wheels and chassis of all HGV's, plant and delivery vehicles;
 - vi) measures to control the emission of dust and other air-borne pollutants, dirt and vibration during construction, and clean mud from the site's access road and surrounding roads;
 - vii) Procedures for maintaining good relations, including complaint management, public consultation and liaison.
 - viii) Arrangements for liaison with the Council's Environmental Protection Team;
 - ix) Measures for controlling the use of site lighting.

No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials shall be deposited on the public highway. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 11) No development shall take place on the site until there has been submitted to and approved in writing by a local planning authority:-
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the Phase 1 Study (desk study and field reconnaissance), Hydrock, 30 October 2020 and, unless otherwise agreed in writing by the local planning authority,
 - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary, proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified, it should be reported immediately to the local planning authority.

- 12) No dwellings forming part of the development hereby permitted shall be occupied until a contamination verification report has been submitted to the local planning authority. The verification report shall demonstrate that any remediation scheme required and approved under the above condition 11 has been implemented fully in accordance with the approved details, unless varied with the written agreement of the local planning

authority in advance of implementation. Unless otherwise agreed in writing by the local planning authority such verification shall comprise;

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under previous condition 11 unless otherwise agreed in writing by the local planning authority.

- 13) No dwellings forming part of the development hereby permitted shall be occupied use until there has been submitted to the local planning authority certificates demonstrating that a) sufficient sampling of imported material has taken place and b) the imported material is free from unacceptable levels of contamination. Sampling should take place in situ at a frequency of 1 per 100m³, unless otherwise agreed in writing by the local planning authority.
- 14) No development shall take place on the site until a road condition survey of Kingsclere Road and Chapel Hill is submitted to and agreed in writing by the local planning authority. The scope of the survey shall first be agreed beforehand by the local planning authority. The findings of the condition survey shall be monitored and reported to the local planning authority at least every six months throughout the construction period of the development and any defects or damage attributable to construction activity to be rectified by the developer at their expense within three months of the defect being identified.
- 15) No development, including preparation and any groundworks, shall take place on the site until the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has first been submitted to and approved in writing by the local planning authority in order to recognise, characterise and record any archaeological potential that may exist of the railway turntable located within the lower part of the site, as well as confirming the reporting process for the results of the WSI. The investigation shall be carried out in accordance with the details so approved again prior to any site preparatory works.
- 16) No development, except demolition, groundworks and site preparation works, shall commence on the site until a detailed surface water drainage scheme for the site, based on the principles set out within the Flood Risk Assessment and Drainage Strategy (FRADS) Ref: 16452-HYD-XX-XX-RP-D-5001, has been submitted to and approved in writing by the local planning authority. The submitted details should include:
 - (a) a technical summary highlighting any changes to the design from that within the FRADS;
 - (b) infiltration test results and a groundwater assessment including seasonal variations (winter months), providing a representative assessment of those locations where infiltration features are proposed;
 - (c) detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;
 - (d) detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the

connectivity of the entire drainage features including the discharge locations. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.

- (e) evidence that urban creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;
- (f) water quality measures;
- (g) exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- (h) maintenance regimes of the entire surface water drainage system including individual features and a plan illustrating the organisation responsible for each element (including the drainage under the highway) and protection measures.

The development shall be completed and maintained in accordance with the approved details.

- 17) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 07:30 or after 18:00, Monday to Friday; before the hours of 08:00 or after 13:00, Saturdays and at no time on Sundays or recognised bank or public holidays, unless otherwise agreed in writing beforehand by the local planning authority.
- 18) No work relating to the construction of the development hereby approved, including site preparation prior to operations, shall take place before the hours of 07:30 or after 18:00, Monday to Friday; before the hours of 08:00 or after 13:00, Saturdays and at no time on Sundays or recognised bank or public holidays, unless otherwise agreed in writing beforehand by the local planning authority.
- 19) No part of the development shall be brought into use until all existing redundant accesses have been permanently closed and the footway crossings removed and the footway reinstated.
- 20) No part of the development shall be brought into use until the means of vehicular access to the site, pedestrian links and footways, have been constructed in accordance with the approved plan (Drawing No ITB 14651-GA-007 Rev E) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.
- 21) No development above ground floor slab level shall commence on the site until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day (unless otherwise agreed in writing with the local planning authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.