Recommendation: A) the application be REFUSED for the following reasons:

1) The use being applied for does not have a locational need to be in the countryside. There is no justification within Development Plan Policies or any other material considerations that establishes the principle of development, or is considered to be of sufficient weight for allowing the change of use to caravan / motor home storage (B8) on this site. The proposed use would, by the need to offer a secure storage facility introduce an incongruous compound appearance in this rural location through high boundaries (fence), security lighting, exacerbated by the site location adjacent to the highway and a Public Right of Way. The application s therefore considered to be contrary to Sections 6 and 15 of the NPPF (2018), Policies EP4, EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029, and the Farm Diversification SPD.

2) It has not been demonstrated that the application does not have a detrimental impact on local biodiversity by the introduction of motion activated security lighting within close proximity of trees / hedgerows where bats have been recorded. No overriding public interest for the development has been made. The application is therefore considered contrary to Section 15 of the NPPF (2018) and Policy EM4 of the Basingstoke and Deane Local Plan 2011 – 2029 and Natural Environment and Rural Communities Act 2006.

3) Insufficient information has been provided to demonstrate that the development is acceptable in relation to drainage and contamination (in relation to the enlarged hardstanding). As such the application has failed to demonstrate compliance with Sections 14 and 15 of the NPPF (2018) considered Policies EM7 and EM12 of the Basingstoke and Deane Local Plan 2011 – 2029.
B) if the Head of Law and Governance is satisfied with the evidence, and in the opinion of the Head of Planning and Infrastructure it is expedient to do so, enforcement action as defined in Section 171A of the Town and Country Planning Act 1990 (as amended), be initiated requiring:

1) Cease the use
2) Remove the operational development that has taken place.
3) Compliance with conditions contained within 15/03634/ROC pursuant to the reinstatement of the hedgerow and compliance with the ongoing maintenance.

Time limits
1) 6 months to cease the use.
2) An additional 3 months to remove all the operational development

Reasons for enforcement

1) The development does not have a locational need to be in the countryside. There is no justification within Development Plan Policies or any other material considerations that establishes the principle of development, or is considered to be of sufficient weight for allowing the change of use to caravan / motor home storage (B8) on this site. The use by the need to offer a secure storage facility introduce an incongruous compound appearance in this rural location through high boundaries (fence and bund), security lighting, exacerbated by the site location adjacent to the highway and a Public Right of Way and the introduction of surfacing the whole of the site. The application s therefore considered to be contrary to Sections 6 and 15 of the NPPF (2018), Policies EP4, EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029, and the Farm Diversification SPD.

2) The bunds, access and track that have been developed on the site have a negative impact on the biodiversity gains including those secured by 15/03634/ROC. The bunding over the roots of existing trees and hedgerow is detrimental to the future retention of the natural features. The introduction of motion activated security lighting within close proximity of trees / hedgerows where bats have been recorded is detrimental to the biodiversity of the area. No overriding public interest for the development has been made. The application is therefore considered contrary to Section 15 of the NPPF (2018) and Policy EM4 of the Basingstoke and Deane Local Plan 2011 – 2029 and Natural Environment and Rural Communities Act 2006.

General comments

The application is being presented to the Development Control Committee at the request of Cllr Gardiner who has stated that “given the level of objection I expect a recommendation for approval to go to DC. I would like it to go to DC should the recommendation be for refusal and be viewed.
The application is part of a field that has been subdivided and two separate planning applications submitted. The application for the other half of the field is also on the agenda for consideration (application 17/03708/FUL refers).

Planning Policy

National Planning Policy Framework (NPPF) (July 2018)

Section 2 (Achieving sustainable development)
Section 4 (Decision Taking)
Section 6 (Building a strong competitive economy)
Section 9 (Promoting sustainable transport)
Section 12 (Achieving well – designed places)
Section 14 (Meeting the challenge of climate change, flooding and costal Change)
Section 15 (Conserving and enhancing the natural environment)

Basingstoke and Deane Local Plan 2011-2029

Policy SD1 (Presumption in Favour of Sustainable Development)
Policy SS1 (Scale and Distribution of New Housing)
Policy CN6 (Infrastructure)
Policy CN7 (Essential Facilities and Services)
Policy CN8 (Community, Leisure and Cultural Facilities)
Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
Policy EM5 (Green Infrastructure)
Policy EM6 (Water Quality)
Policy EM7 (Managing Flood Risk)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM12 (Pollution)
Policy EP4 (Rural Economy)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Design and Sustainability SPD
Appendix 5 (Construction Statements)
Appendix 14 (Countryside Design Summary)
Landscape Character Assessment SPG
Landscape and Biodiversity SPD
Farm Diversification SPD

Other material documents

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2015)
Description of Site

This 0.47ha site is situated in the countryside to the immediate south west of the settlement of Little London and to the north of Basingstoke. The site comprises a caravan storage use, bounded by a 4m enclosure. Access is from Bramley Road, via the existing access road.

To the north is the existing Berry Court Solar Farm, beyond the solar farm to the north is a Business Park. To the east, south and west is countryside, to the south is Bramley Road and to the west is a PROW.

Proposal

The application is retrospective as the use has commenced. The description of development contains the matters to be considered in assessing the planning application as:

- Continued use of agricultural land for the secure storage of touring caravans and motorhomes; retention fence upon earth bund and retention of extended hardstanding and erection of 12 x 4m high poles to mount CCTV / lights

In addition to matters proposed in the application there has been other operational development that has taken place which forms part of the development as a whole and is identified as existing on the submitted plans.

The additional operational development that has taken place is the creation of hard surfacing to create a waiting area outside the gates and the surfacing of the remainder of the site, creation of a vehicular access through the existing hedgerow and a track from the existing service road, 2m bund around the site.

Not all the works that have taken place are listed in the description of development or within the area outlined in red (the eastern bund and the turning / waiting area to the north of the gate are excluded from the red line for example). The bund is not within the description of development.

Therefore the report below considers the merits of the application and then subsequently assesses enforcement issues of the development as a whole.

Consultations

Pamber Parish Council – Objection on the grounds of loss of green space and traffic movement

Landscape – Objection - Adverse impact on landscape character and visual amenity in accordance with Policy EM1 of the Adopted Local Plan.

Biodiversity – Objection

Trees – Objection
Environmental Health – (Verbal) No information submitted to evaluate but the risk to human health is low given the use and no receptors on site. As no information on imported materials not able to comment on contamination.

Campaign to Protect Rural England (CPRE) – Objection.

Highways – No objection

Public Observations

Forty five letters of objection:

Principle

- Outside any settlement policy boundary.
- The site is isolated
- Not previously developed land
- Has a harmful impact on the character of the area.
- Previous development has been declined, this would create a precedent.
- Neighbourhood Plan is underway that includes Little London and therefore any potential development sites can be fully assessed and duly allocated
- Agricultural land should not be used in this manner.
- The bunds and access were not existing at the time of the solar farm
- Not a temporary storage facility, permanent tarmac with hook ups.
- Many thousands of pounds worth of caravans and therefore the 24hr security lighting is out of character with the area.

Landscape Character / Visual Impact

- Look at aerial views now from a few years ago, it has become an industrial estate.
- Used for grazing horses / ponies before this.
- No buildings on the north side of Bramley Road between Pamber End and Bramley Road, where will it end?
- The high banks and shrubs are there to hide the destruction of the countryside and are an eye sore themselves.
- Was previously used to graze horse and now developed beyond all recognition.
- Out of Character with Bramley Road
- Bunds with a fence on top are out of character in this rural location.
- Damage to trees and hedgerow from bunds, trunks enclosed by soil.
- Bunds first constructed for the application for a barn (16/03922/AGPD) and were not pre-existing as stated on the plan for that application.
- 4m lighting poles totally out of keeping with the rural area.
- Light pollution when they are on in an area fortunate to have no significant light pollution.
- No street lights.
- Urbanization of a piece of open countryside.
- Large ugly and out of keeping, contrary to local plan (EP4).
- Solar farm is temporary and this sits in front of it., in an isolated location.
• Lighting and CCTV industrialises the site.
• Looks a mess.

**Biodiversity**

• The solar farm had conditions requiring a Habitat Enhancement plan, the access and track would have required compliance with this document.
• Laurels are not native to the UK and can be deemed invasive, Cherry Laurel can be poisonous.
• No biodiversity study has been submitted for this unauthorised development.
• New lighting in Little London and the proposal will bring in artificial lights which is wrong and will set a precedent and increase the carbon footprint.

**Highways**

• Berry Court Farm is not suitable for cars towing caravans.
• Unprecedented increase in traffic, 85 odd motorhomes.
• Insufficient visibility for the access and the PROW.
• Could increase flooding as large area of tarmac, field was known to flood before the development.

**Other issues**

• Huge area of hardstanding, has the disposal of surface water been designed or managed?
• Water quality, flooding has it been considered.
• Just because it is retrospective should not give automatic approval.
• Set a precedent making it difficult to control development elsewhere on the blue land.
• Hidden to hide the breach of planning control.
• Support comes from users who have no interest in the location, character or sustainability of the rural community and should be disregarded.
• Forced through with no consultation
• What were the bunds and hard surfaces made of? Was it checked for non-hazardous substances which could leach into local water courses?
• Local economy is not helped by the use.
• Decision can’t be based on need but planning policies.
• If planning permission is given will open the area up for further development.

One hundred and eight letters of support:

**Need**

• Alleviates need to store on driveway which can be an eye sore and unneighbourly and also attracts thieves.
• Deeds on property do not allow storage at home.
• Meets need for wide area.
• Nearest sites are Purley and Arborfield which is full and 2000+ houses being built in the future.
• Can be traffic problems when manoeuvring caravans on housing estates.
• Caravans and motorhomes is a growth business in the UK and predicted to increase.
• Caravan and Motorhomes sales increasing each year.
• Secure storage within 1 hour is hard to find, full with waiting lists.
• Helps the holiday industry.
• Insurance companies refuse to cover high value motorhomes unless they are stored in a secure storage facility.
• Existing sites closing down.
• Reading Caravan Centre – Shortage of storage in Hampshire / Berkshire. Have visited this site and impressed with the level of security, caravans are not visible.
• Sandyfield in Winchester closed (loss of 500 spaces).
• NCC figures (UK trade body that reports on caravans and motor homes) show in current use 555,000 touring caravans and 225,000 motorhomes;
• Local storage facility broken into recently in Baughurst, had fencing, bunds are needed.
• Bunds are a traditional means of enclosure
• Caravans stolen to order

Site

• Site is accessible and secure, well hidden, can’t be seen from road.
• Correct spacing, meets fire regulations.
• Plots are numbered.
• Good facilities for washing vans.
• Well screened from the road, stops unsightly views and ample tree planting.
• Enough hard standing, well drained and level.
• Landscape comments are untrue.
• The well screened enclosure does not detract from the overall rural scene.
• Untrue comments from objectors should be ignored.
• Adjoins a business park and a solar farm.
• Not a problem for anybody / public and accommodates many holiday makers.
• No noise or pollution.
• Very little traffic.
• Owner has lots of rules, no sleeping, no smoking, no children running around, and noise has to be kept to a minimum.
• Was used for horses so not taken any land out of agricultural use.
• Site was 1 acre, sufficient for 1 horse for part of the year.
• Light / CCTV poles are not visible from anyone’s house and so comments should be disregarded.
• Feel safe on the site as a lone woman.
• Not everyone comes and goes at the same time so traffic is minimal.
• Phil and Vanessa cannot do enough to ensure security and smooth running.
• Site not sustainable for agricultural use.
• Lived on Bramley Road for 47 years, not noticed an increase in caravans, and wouldn’t know they were there.
• Can’t see it when driving past.
Other matters

- Form of farm diversification.
- Brings business as often stop at local stores, garden centres etc.
- Use local technicians for maintenance.
- Rather concentrate reducing HGV / PSV on the road.
- Is in line with the new NPPF
- Easier to regularise this site and concentrate on other sites that are out of order.
- Nearby site has residential caravans that are unauthorised and unregulated.
- Only flooding has been due to blocked watercourse.
- Business Park has been in place for 30 years and has employed 100’s of people.
- No accidents since 1995 entering or leaving the site.

One letter of comment:

- Construction of bunds needs to be part of the consideration, and any damage they may have done to trees and hedges.
- Concern about the bunds being developed in the adjoining field.
- Last two farmers went bankrupt.

Relevant Planning History

16/03922/AGPD  A typical portal-frame agricultural building of 3 No 6.096m bays. The centre bay to be closed and the two end bays open for access.  Raise no objection 17/11/16

14/02338/FUL  Installation of a solar park and associated works to include a temporary roadway and construction compound, security fencing and landscaping works (Operational for 25 years).  Granted 23/04/15

15/03634/ROC  Variation of condition 1 of planning consent 14/02338/FUL (Installation of a solar park and associated works to include a temporary roadway and construction compound, security fencing and landscaping works) to allow an alternative site layout. Variation of conditions 3 to 11, 15 to 16 and 20, for works to be carried out in accordance with submitted details (Retrospective)  Granted 17/02/16
Discharge of condition 10 of 15/03634/ROC  Discharged 17/03/16

Erection of an Energy Storage System to the operational Berry Court Solar Farm  Granted 02/08/16

Erection of 3 bedroom dwelling, parking and associated amenity area. Change of use of land from the keeping of horses to residential  Pending consideration

The application above is also being considered at this meeting, it is adjacent to this application as the original field has been subdivided with the application for the caravan storage on one side and the application for the new dwelling on the other. Within this appraisal this application is referred to as “the Dwelling application”.

Assessment

Use of the site

During the life of the application the applicant stated that the use of the land was not agricultural but had been used for the keeping of horses.

For a use to be lawful for planning purposes it needs to either:
   i) have planning permission for the use, or
   ii) be immune from enforcement or no enforcement notice is in force, or
   iii) not be a material change of use or is a change of use which does not require planning permission (permitted development).

The onus of proof is with the applicant and the LPA have to determine on the ‘balance of probabilities’ what the lawful use of land based on all the evidence they have.

The onus of proof of a lawful use is firmly on the Applicant. The Council need not go to great lengths to show that the use and/or operations specified in the application are, or are not, lawful. The test of the evidence is ‘on the balance of probability’. The Applicant’s own evidence does not need to be corroborated by independent evidence. If the Council has no evidence of its own, or from others, to contradict or otherwise make the Appellant’s version of events less than probable, provided the Applicants evidence alone is sufficiently precise and unambiguous to justify the claim that the use is lawful.

The material change of use stated to have taken place was from agriculture to the keeping of horses. For the use to be lawful then this material change of use needs to have been for a period of 10 years or more.

With regard to this application the use of the land at the time of the application was neither agricultural or for the keeping of horses and the caravan storage use had commenced and the application will be considering the acceptability of this.
Where the previous use is relevant is when considering what the proposed change of use is from and what implication that has on policy appraisal.

- **Agricultural Use**

If the previous use was agricultural then the site is not considered previously developed land and the site had the benefit of agricultural permitted development rights which are considered later in this report.

- **Keeping of horses use**

A Planning Contravention Notice (PCN) was served on the applicant, agent and previous owners of the site. In the PCN responses the term Previously Developed Land (PDL) is used; as in the respondents were not aware that the site was PDL, i.e., used for the keeping of horses.

The evidence (stator declarations, PCN responses, neighbour letters, ‘street view’ images) show that horses have been on the land at times but this is not an application for a Lawful Development Certificate, and the evidence is not precise or unambiguous as there is no evidence of the number of horses or if there was a material break or change in the intensity for the period when the shelter was derelict (evidenced in the ‘street view’ images) or whether the agricultural use was abandoned.

Even if it could be claimed that the use of the land was equestrian this wouldn’t result in the whole site (and the adjoining site that was part of the original field) being PDL. This is because the most up to date definition of previously developed land is contained within the National Planning Policy Framework (July 2018) is defined as:

‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’ (**Officer emphasis**)

This definition is reiterated within the Glossary of the current Local Plan.

Given that the only structure was a small shelter / stable in the north western part of the original field the curtilage of such a small structure would not extend to the whole of the field. Curtilage is not determined by a measure but is judged on a matter of fact and degree and the court has established three characteristics of curtilage (The Hon. David McAlpine v SoS & Another 14/11/94):

1) it was confined to a small area about a building;
2) an intimate association with land which was undoubtedly within the curtilage was required; third,
3) it was not necessary for there to be physical enclosure of that land which was within the curtilage but the land in question needed to be regarded in law as part of one enclosure with the house.

It is therefore considered that even if the use prior to the unlawful caravan use commencing was equestrian the whole field (this application and the Dwelling application site) would not meet the criteria of PDL.

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the Development Plan for the area is the adopted Basingstoke and Deane Local Plan 2011-2029. At a national level, the National Planning Policy Framework (NPPF) was reissued in 2018 and the NPPF constitutes Policy, which the LPA must have regard. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration.

The site is located outside of a settlement policy boundary as identified by Policy SS1 within the countryside and so countryside policies of the Development Plan apply.

The application is for the storage of caravans and is a B8 use as no repair, sale or occupation of the caravans takes place or has been applied for. Caravan storage is not a use that has a locational need to necessarily be located in the countryside.

Chapter 6 of the NPPF supports a prosperous rural economy stating ay paragraph 83 that to promote this the following should be considered:

   a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
   b) the development and diversification of agricultural and other land-based rural businesses;
   c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
   d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy EP4 (Rural Economy) states that to support the rural economy, development proposals for economic uses in the countryside will be permitted where they:

   a) Are on previously developed land; or
   b) Are for a change of use or conversion of a suitable permanent building; or
c) Are for a replacement building that is not temporary in nature or for an extension to an existing building, provided that the proposal should not require substantial rebuilding, extension or alteration, and should not result in the requirement for another building to fulfil the function of the building being converted or replaced; or
d) Enable the continuing sustainability or expansion of a business or enterprise, including development where it supports a farm diversification scheme and the main agricultural enterprise; or
e) Are for a small-scale new business, provided it is not in an isolated location.

The Farm Diversification and Traditional Farmsteads SPD was drafted to support policy EC7 (from the old LP). Policy EC7 was replaced by Policy EP4 (Rural Economy) and the aims of both the old and new policy are the same and the SPD supports the new policy. The SPD offers support on what is farm diversification and has seven key objectives:

1) to facilitate sustainable development, appropriate for its location
2) to improve the sustainability of rural areas through the provision of appropriate facilities and services
3) to maintain and enhance the distinctiveness of the rural landscape
4) to strengthen the rural economy through improving the viability of agriculture
5) to maintain and enhance the amenity value of rural areas
6) to re-use existing traditional buildings
7) to maintain and enhance nature conservation and biodiversity

- Policy EP4 (a, b and c) and NPPF a)

The report above has discussed why the council do not consider the site as PDL and therefore criterion a) does not apply. Criteria b) and c) and NPPF a) also do not apply as no buildings are proposed to be reused or erected.

- Policy EP4 (d) and NPPF 2)

The application is not continuing sustainability or expansion of a business or enterprise. The supporting statement says that it was the closure of the Sandyfields caravan storage facility (near Winchester) that prompted the applicant to offer replacement accommodation on his land.

The supporting information states that the proposal is a form of farm diversification and therefore complies with criterion d). The LPA do not consider caravan storage (a B8 use) as a form of farm diversification. The supporting text of EP4 states that farm diversification schemes can provide income for farmers while sustaining their main agricultural enterprise. The proposed B8 storage use does not help support farming activities on the rest of the farm but replaces the farming activity that could take place on the farm or if lawful a low intensity equestrian use.

Caravan storage has no link with rural / agricultural activities (unlike equestrian/ tourist/ rural craft type uses). Caravan storage as proposed does not support the local economy as only two part time jobs are created and additional income will only
go to the landowner. The users of the facility will be driving in and then out of the site onto other tourist destinations and will not be adding economic benefit to the local community.

No Farm Business Plan has been provided that demonstrates how the use of the site for the storage of caravans is supporting the remaining agricultural business. The applicant has provided the details of the remainder of the agricultural holding as part of the PCN response and the original farm was three lots between New Road and the Bramley Road, fronting most of Silchester Road. There is additional rented land north of New Road, referred to as the north field / wheat field.

The three lots on the south of New Road are used for a number of commercial / industrial uses on the industrial estate which appear to be run as separate businesses and therefore would be separate planning units and rental income would be given to the land owners. The second major use is the solar farm which still retains an agricultural use and provides a diversified income for the land owner; some of the agricultural land is subject to the refused planning application 17/00207/OUT for 4 dwellings and a village hall and also the Dwelling application adjacent to this site.

It would appear that the holding already has a significant amount of diversification in the form of the industrial estate and the solar farm and any Farm Business Plan would demonstrate how this proposed additional B8 storage use would complement the remaining agricultural activity, taking into account this existing diversification on the holding.

The NPPF supports farm diversification and other land based rural businesses, as stated the LPA do not consider that the development has demonstrated that this is farm diversification and caravan storage is not a land based rural activity, it does not need to take place in the countryside.

It is therefore considered that the application has not met the criteria of Policy EP4 (d) or NPPF b).

- Policy EP4 (e)

This criteria relates to the scale of the enterprise proposed and supports small scale development provided they are not in an isolated location.

The term isolated is used more to evaluate the location of residential uses. Using the same evaluation then this use would be in an isolated location as it is not within a settlement policy boundary as identified by policy SS1 nor is it within a settlement as defined by the Local Plan (Little London would meet the definition of a settlement as it is a village with a village hall and a public house).

The farm is adjacent to Little London but so are thousands of other plots in the borough and the test is within not adjacent or close too. In addition this proposed use and access are located on the Bramley Road, away from the access to Little London, which is on Silchester Road.
In addition to being in an isolated location the proposed use is not considered small scale. The supporting statement produced at the time of the application stated that there were 65 caravans and 14 motor homes on the site at that time, a total of 79 units (as stated in the application forms) which is not considered a small scale proposal as it takes up the whole application site which is 0.47 hectares and operate 7am – 9m Monday to Friday, 9am – 7pm Saturdays, Sundays and Bank Holidays.

It is therefore considered that the application has not met the criteria of Policy EP4 (e).

- NPPF (c and d)

The application is not considered to be a form of rural tourism or leisure development and is not resulting in the loss of local services or community facilities.

**Sustainable Development**

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and Local Planning Authorities are encouraged to approach decision-taking in a positive way, to foster the delivery of sustainable development.

In determining planning applications the NPPF advises in Para 11 that:

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

  i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): The three objectives to achieving sustainable development are defined in the NPPF as: economic, social and environmental. These dimensions are also referenced within the adopted Local Plan at Policies SS1 and EP2.
• Economic

The NPPF states that planning can help to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

This is an application for economic development; however the application form states that only 2 part time jobs will be created so the impact of providing employment in rural areas is minimal. In addition this is not a rural tourism application; visitors will arrive and leave without spending any time or money in the local area; the supporting information states that the access being on the Bramley Road means that unless a client lives in Silchester or Little London they will not have a need to pass through, therefore they would not be using any local facilities and the only income would be generated for the landowner.

Further in this report the demand for caravan storage and whether this site is the right land in the right place for such a demand is discussed.

• Social

The NPPF states that planning can help to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;

This is not a housing scheme, although caravan storage could support storage social well-being.

• Environmental

The NPPF states that planning can help to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

A key aspect of considering environmental sustainability is the visual impact of the development on the character of the area and surrounding environs. This is discussed in more detail below.

Impact on the character of the area/ design

The NPPF at chapter 12 (Achieving well-designed places) states at paragraph 127 that planning decisions should ensure that developments:

    a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

At chapter 15 (Conserving and enhancing the natural environment) it states at paragraph 170 that the planning decisions should contribute to and enhance the natural local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Policy EP4 states all development proposals must be well designed and of a use and scale that is appropriate to the site and location when considering:

f) landscape, heritage and environmental impacts;

Policy EM1 states development will be permitted only where it can be demonstrated, through an appropriate assessment, that the proposals are sympathetic to the character and visual quality of the area concerned. Development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected.

Policy EM10 states all development proposals will be of high quality, based upon a robust design-led approach and part 1) says that applications will be permitted where they:

c) Positively contribute to the appearance and use of streets and other public spaces;
e) Provide a co-ordinated and comprehensive scheme that does not prejudice the future development or design of adjoining sites;

The policy goes on at part 2) stating all development proposals will be required to respect the local environment and amenities of neighbouring properties in accordance with the principles set out below. Development proposals will be permitted where they:

a) Positively contribute to local distinctiveness, the sense of place and the existing street scene, taking into account all relevant SPDs and community documents that identify the local character and distinctiveness of an area which is valued by local communities, whilst allowing for innovation where appropriate.
Although the LPA do not consider that it has been demonstrated that the application is a form of farm diversification this is what the applicant has stated the application is for. The Farm Diversification and Traditional Farmsteads SPD has seven key objectives, the following being relevant to this part of the appraisal:

1) to facilitate sustainable development, appropriate for its location
2) to maintain and enhance the distinctiveness of the rural landscape
3) to maintain and enhance the amenity value of rural areas

The site is located south of the existing solar farm within the landscape character area of North Sherborne, as defined in the B&D Landscape Assessment, 2001. The overall landscape character is described as:

"In common with much of the lowland landscape to the north of the Borough, this area is a patchwork of mixed farmland and woodland, which forms the setting for a diversity of other landscapes including managed parkland, minor valleys, and more extensive areas of woodland. Despite its diversity, the overall effect is a unified and balanced landscape, with the low-lying and gently undulating landform linking the various landscape types into one distinct character area. A small southern part of the area, between Wolverton and Ramsdell, lies within the North Wessex Downs AONB. In many areas the landscape has retained a quiet, rural character, with a network of narrow, winding roads linking the dispersed villages, hamlets and isolated farmsteads. The quietness of the area is disrupted, however, in those areas along the A340 corridor, and the rural character affected near the larger settlements of Tadley, Mortimer and Chineham. In common with much of the lowland landscape to the north of the Borough, this area is a patchwork of mixed farmland and woodland, which forms the setting for a diversity of other landscapes including managed parkland, minor valleys, and more extensive areas of woodland. Despite its diversity, the overall effect is a unified and balanced landscape, with the low-lying and gently undulating landform linking the various landscape types into one distinct character area. A small southern part of the area, between Wolverton and Ramsdell, lies within the North Wessex Downs AONB. In many areas the landscape has retained a quiet, rural character, with a network of narrow, winding roads linking the dispersed villages, hamlets and isolated farmsteads. The quietness of the area is disrupted, however, in those areas along the A340 corridor, and the rural character affected near the larger settlements of Tadley, Mortimer and Chineham. This description gives rise to a number of key characteristics:

• gently undulating, subtle landform dissected by a network of minor tributary valleys;
• pattern of predominantly arable farmland and improved grassland with occasional well-managed parkland, enclosed within an established woodland and hedgerow structure with many hedgerow trees;
• south-west corner lies within North Wessex Downs AONB, and overall landscape typically has a rural character, except near Tadley and Mortimer to the north and Basingstoke/Chineham to the southeast. Generally quiet, apart from areas along the busy A340;
• predominantly assarted and small parliamentary fields, giving way to large wavy, small wavy and parliamentary fields to the east;
• variety of woodland, including small predominantly broadleaf copses and larger woodland;
• remnant areas of scarce habitat types including ancient semi-natural woodland, heathland (notably part of the Pamber Forest and Silchester Common SSSI), and neutral/acidic unimproved grassland. The latter includes Ron Wards Meadow with Tadley Pastures SSSI, one of Hampshire’s finest surviving hay meadow/pasture complexes;
• moderate intervisibility across the area, with vegetation and low-lying nature of the landscape containing distant views;
• apart from the larger settlement of Tadley, a settlement pattern dominated by small villages, hamlets, isolated farmsteads and individual properties distributed throughout the rural landscape, reached through a network of narrow, winding roads;”

The proposed site is located south of the solar farm at Berry Court. From Bramley Road, the solar farm is largely not visible, being screened by intervening hedgerow vegetation and mature trees. North of the solar farm is located the Berry Court Industrial Estate. The fencing proposed on top of the bunds would be at a height so as to be incongruous, creating a compound appearance which has adverse impacts on landscape character and visual amenity in this highly visible location. The presence of an enclosed, inward looking development with no visible frontage or connection to Bramley Road detracts from the current rural landscape quality. The proposed development includes fencing on top of the bunds with laurel hedges creating a very strong urbanising influence in a rural location.

The fence on top of the landform, creating a 4m enclosure around the storage use does mean that the caravans are not visible from outside the site but this existing landform and fencing is very unsightly resulting in a very significant adverse effect upon character and visual amenity of the area. In the scenario that the bund is accepted as existing, the proposal to erect the perimeter fencing in order to screen the caravans would still be unacceptable as the fencing itself is of an urban industrial character, without the fence there would be views of caravans and the interior of the site.

The development abuts the PROW to the west of the site, adjacent to the eastern boundary and does have an overbearing impact on the enjoyment and experience of using this rural route. This route is already negatively impacted upon for some distance by the industrial estate that is located to the north of the solar farm, which is within a short walk from this site and would be experienced in close succession by users of the PROW. The further erosion of the rural character of this PROW from incongruous boundaries is detrimental to the character, visual appearance and enjoyment of the PROW.

The proposal includes the introduction of 12 x 4m poles with lighting and CCTV. The lighting would be motion activated and given the proposed hours of use the business would be open in the dark. The area has no street lighting or other sources of light, other than dispersed residential properties. The high level illumination would be out
of keeping in this rural location and would draw attention to the compound like design when the site is operational in the dark.

The change of use requires the Sub-division of agricultural field. The part of existing landscape character is the patchwork of mixed farmland and woodland as identified in the BDBC Landscape Character Assessment. The subdivision of the historic agricultural field of which the application site forms part, has an adverse impact on this character.

The Landscape team were consulted on the application and have objected to the proposal with the key impact being impact on landscape character and visual amenity in accordance with Policy EM1 of the Adopted Local Plan. For the reasons set out above including the compound like enclosure, fencing, lighting etc. it is considered that the development fails to comply with EM1 and EM10, the NPPF and the Farm diversification SPD.

Impact on Trees / Hedgerows.

The Tree team were also consulted on the application and have objected to the application and have stated that;

“Having viewed the site from the highway, it is clear that ground level changes have raised the soil level profile within the root protection areas of the important roadside oak trees. There is a high likelihood that the ground works will have compacted the original soil levels and it is certain that the trees will suffer in the future through root asphyxiation.

I would object to this application and ask whether enforcement can be involved to ensure the landowner re-aerates the rooting environment of the trees. This will need a carefully considered programme of remedial works, prepared by an arboriculturist and approved by the Tree Officer prior to removing the bund.”

The Tree team have recommended refusal of the application on the grounds that preparatory works for the development have caused harm to existing trees which make a positive contribution towards the character and appearance of the locality, contrary to criteria (b) and (e) of policy EM1.

These comments are noted but although the bunds are within the red line they are not included within the description of development and therefore not part of the formal consideration of the planning application. This issues is covered further within the enforcement part of the report.

Biodiversity

The Local Planning Authority has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.
These requirements are also reflected within and Policy EM4 of the Local Plan which states at 1) that development proposals will only be permitted if significant harm to biodiversity and/or geodiversity resulting from a development can be avoided or, if that is not possible, adequately mitigated and where it can be clearly demonstrated that:

a) There will be no adverse impact on the conservation status of key species; and
b) There will be no adverse impact on the integrity of designated and proposed European designated sites; and
c) There will be no harm to nationally designated sites; and
d) There will be no harm to locally designated sites including Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs); and
e) There will be no loss or deterioration of a key habitat type, including irreplaceable habitats; and
f) There will be no harm to the integrity of linkages between designated sites and key habitats.

It goes on to state at 2) that if they do not comply with the above then they will only be permitted if it has been clearly demonstrated that there is an overriding public need for the proposal which outweighs the need to safeguard biodiversity and/or geodiversity and there is no satisfactory alternative with less or no harmful impacts.

Criteria 3) and 4) state that applications for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity and in order to secure opportunities for biodiversity improvement, relevant development proposals will be required to include proportionate measures to contribute, where possible, to a net gain in biodiversity, through creation, restoration, enhancement and management of habitats and features including measures that help to link key habitats.

The NPPF states at paragraph 170 in chapter 15 (Conserving and enhancing the natural environment) that the planning decisions should contribute to and enhance the natural local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

It goes on at paragraph 175 to state LPA’s should apply the following principles when determining planning applications:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
The site is not located within any area designated for its ecological importance however does sit within immediate proximity to the solar farm. The solar farm secured the long term retention and management of hedgerows around the site, in particular the intact and continuous southern boundary (the northern boundary on this site).

The application includes 12 x 4m poles with motion activated security cameras and lights. The opening hours on the application form state the site will be open between 7am – 9am Monday to Friday, 9am – 7pm Saturdays, Sundays and Bank Holidays. The lights are proposed to be motion sensitive located on the edge of the application adjacent to existing trees and hedgerows and there are lots of records of bats in the immediate area.

The application has been provided with a planning statement but there is no consideration of biodiversity implications within it and the lights could have an impact on bats who can be active from late autumn to early spring, as highlighted by the Biodiversity officer. The supporting information does not provide evidence to challenge this or to give an overriding public need for the proposal that clearly outweighs the need to safeguard biodiversity. The application is therefore considered contrary to policy EM4, the NPPF (para 170 and 175) and the Natural Environment and Rural Communities Act 2006.

Need

The need for caravan storage can form part of the planning balance, along with location and impact of the development, but the need has to be demonstrated. At Paragraph 172 of the NPPF the need for development in designated areas (AONB, National Parks, the Broads) is discussed stating that if need is an argument for development then such applications should include an assessment of the need and reviewing alternatives. This is not such a site but it is clear that need has to be demonstrated.

The supporting information provides a paragraph on need stating that since the closure of a site in Winchester (510+ plots) that that applicant decided to open a storage facility, and that 30 of the customers come from the Winchester site.

The letters of support demonstrate clients from a number of locations for example Basingstoke, Tadley, Tilehurst, Caversham, Mortimer, Andover, Farnborough, Fleet, Hook, Thatcham; some of which are out of borough and some distance away, reducing the sustainability of the development and demonstrating that perhaps nearby and adjoining boroughs need to provide facilities. This is anecdotal evidence of need from the users but is not evidence of need from an analysis of existing facilities, alternative better located sites etc.

In addition the need for secure storage and the desire to hide the storage from passing view results in the need for the high boundary enclosure, CCTV and lighting, the visible parts of the development that have been discussed above why they are contrary to the character and visual appearance of the area. The secure storage also requires a level and hard surface which is why the area of hardstanding is so large, to facilitate the maximum use of the site.
Taking account of the above it is not considered that overriding need has been demonstrated that would be so significant as to outweigh the conflict with National and Local Plan policies discussed in this report.

There is a demonstrated need for housing in the borough but this does not mean that housing can just go everywhere. It is not considered that the need has been demonstrated sufficiently to have significant weight in the planning balance.

Impact on neighbouring amenities

The access to the development is from the existing access onto the Bramley Road, away from the settlement of Little London. There is a neighbour on the opposite side of the road and additional properties to the east on the opposite side of the road set back on an access track.

It is not considered that the use or the proposed hours of use would have a serious and detrimental impact on residential amenity of nearby residential properties.

If the application were to be approved then conditions would secure hours of use, no overnight sleeping on site, no amplification of music etc.

Highways

Access to the site is via Bramley Road, which is the access to Berry Court Business Park and then via a track which runs along the northern boundary of the application site. The highway team have raised no objection to the application and have stated that the ‘development is an additional development on a farm where piecemeal development has occurred over a number of years. Any further applications at Berry Court Farm should complete an assessment of the entire site’s trip generation to provide a complete assessment of the site’s trip generation which reflects all land uses.’

Flooding and contamination.

The NPPF states at paragraph 163 that where appropriate applications should be supported by a site specific flood risk assessment, going on to state at footnote 50 that in Flood Zone 1 an assessment should accompany all sites over 1 hectare or more. This site is 0.47 hectares which is below the threshold for a formal FRA.

At paragraph 165 the NPPF states that applications for major development should include sustainable drainage systems unless there is clear evidence that this would be inappropriate.

At paragraph 178 the NPPF states that planning decisions should ensure that ground conations and pollution issues are fully considered.

The application includes an enlargement of the hardstanding but it is not evidenced what the ‘before’ hardstanding was and the exact area that is expanded by this
application and details of how it will be drained / surface water managed have not been provided.

The PCN responses and the photographs from the agricultural prior determination application appear to demonstrate that chalk was imported and then the top surface placed over. Insufficient information has been provided to demonstrate that the drainage of the site is acceptable and that there would be no implications from such a large area of hardstanding.

The Environmental Health team have confirmed that give the end use the risk to human health is low. They are not able to comment on any contamination as no information has been provided.

A reason for refusal is therefore proposed that states that there is insufficient information to state that the enlarged hardsurfacing is acceptable in drainage and contamination grounds and the application is therefore contrary to Policies EM7 and EM12.

Section 106 agreement - need and compliance with statutory tests

Awaiting CIL form to be submitted and will be reported in the Update papers.

Environmental Impact Regulations

The 2017 EIA regulations requires applications to be screened to see if an Environmental Impact assessment is required.

The application is for caravan storage, which is a B8 use in the Use Class Order which is warehousing and storage uses. The site area is 0.47 hectares. Therefore the development is below the threshold.

In addition the the above application has evaluated the characteristics and impact of the development (storage) and although the application is recommended for refusal the impact is not considered to raise environmental impact at a scale that would need an Environmental Statement (ES).

The application is therefore not considered to be EIA development.

Conclusion on the Planning Application.

On balance the development is considered unacceptable and contrary to both National Guidance and the Development Plan and no material considerations of significant weight have been provided to depart from the development plan and supporting documents. The application is recommended for refusal.

The reasons for refusal are only directed at the development within the red land and within the description of development.
Enforcement

As the application is retrospective given the recommendation to refuse the application then enforcement action must also be considered. Although the application has only been refused on the land within the area outlined in red and the description of development the enforcement action can be directed at the use and all the operational development, if considered expedient.

Evaluation of Operational Development

The operational development that has taken place is listed below, not all is within the red line or included within the description of development:

- The creation of a track from the existing estate drive.
- Creation of access through the existing hedgerow, with gates.
- Creation of hardstanding in front of the gates to allow large vehicles to manoeuvre into the access.
- Creation of hardstanding across the whole site.
- Creation of 2m earth bunds.
- Erection of 2m fence on top of bunds.
- Landscaping on top of bunds.
- 12 x 4m high CCTV/lighting poles
- Container office for the caravan storage
- Incidental agricultural storage.

As this development site is only half of the field this enforcement appraisal is considering the development that has taken place on the whole field, so includes the bunds that envelope the site for the Dwelling application.

- Bunds

During the life of the planning application the applicant was asked to add the bunds to the description of development, but they stated that as the bund was 2m high and a means of enclosure then it was permitted development and that this had been confirmed by the Enforcement team. From reviewing the enforcement files no record can be found of a statement being made for this part of the farm, although it had been made for another area of the farm where bunds have been created.

With regard to the status of the bund the main issue is whether the bund is a means of enclosure permitted under the provisions of Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as modified) (the GPDO).

The meaning of development includes the carrying out of building, engineering, mining or other operations in, on, over or under land (s55(1)). The 1990 Act provides no definition of engineering operations, although the term does include the formation or laying out of a means of access to a highway. In this case, photographs of the bund under construction were taken by the officer visiting the site in relation to the 2016 Agricultural Prior determination application, showing the levels of the bunds
being marked out, in addition the PCN responses show organisation in relation to the
development of the bund / hardstanding for delivery of materials throughout the
required timescale and in ensuring any necessary site preparation was carried out.

On site, a degree of supervision could be reasonably expected and the vehicle
operator would need skill in use and handling of an excavator to ensure the
construction of a stable bund to not exceed 2m and be level and consistent through
the whole of the development. The LPA conclude the formation of the bund would
have been an engineering operation and constitute development.

The GDPO at Part 2 Class A permits “The erection, construction, maintenance,
improvement or alteration of a gate, fence, wall or other means of enclosure”.
Paragraph A.1 sets out the circumstances when development is not permitted by
Class A, which include restrictions on height. The bund does not infringe any of the
criteria and therefore the issue is whether the bund amounts to the construction of
‘other means of enclosure’ within Class A.

In order to satisfy the requirement of Class A the structure must have some function
of enclosure. In addition, the words “or other means of enclosure” are governed by
the ejusdem generis rule (of the same kind), so that the means of enclosure must be
similar to a gate, fence or wall.

The bund extends around the perimeter of the land and would be continuous, the
only break being at the access point. For these reasons, as a matter of fact and
degree, the bund encloses the land.

The bund is an artificial, man-made formation, with a degree of regularity in its shape
and consistency in materials. The length of the bund is dictated by the size and
shape of the site and does not distinguish the bund from a wall or fence.

However, the physical mass of the bund has resulted from the deposit, compaction
and moulding of a considerable amount of soil materials. The engineering operation
would have taken some time given the scale and uniformity of the bund. The bund
has a significant area of level surface at the top, to allow for the fence that has been
erected and landscaping that has been planted, not for the function of enclosure but
to allow a development capable of taking a fence / landscaping while remaining
stable. The bund increases significantly in width at the base with measurements
ranging from 4m to 6.9m on the plan as part of the planning application.

By reason of its nature and scale the bund bears little resemblance to and is a very
different form of enclosure to a wall, fence of gate and therefore as a matter of fact
and degree the bund would not be ‘an other means of enclosure’ and therefore falls
outside the scope of development that is permitted by Class A of Part 2 of the
GPDO.

The GDPO at Part 6 Class A permits ‘engineering operations’ on agricultural units of
5 hectares or more which are ‘reasonably necessary for the purpose of agriculture
within that unit.’ This permitted development is also subject to a number of
conditions. No evidence has been provided as to why the bund was necessary for
the purpose of agriculture and notwithstanding this a condition for agricultural
permitted development is that no part of the development can be within 25m of a metalled part of a trunk road or classified road, the bund is within 25m of the Bramley Road (the C32) and therefore if the lawful use of the land is agricultural then the bund requires planning permission.

If the lawful use of the site can be demonstrated to be equestrian then there are no permitted development rights for engineering operations and the bund would require planning permission.

Therefore although the plans submitted with the Agricultural Prior Determination application stated existing bunds, access and hardstanding it is apparent that they were in the process of being constructed at this time, evidenced by the photographs of the officer site visit and the PCN responses that show deliveries / purchases for them in 2016 and 2017. As they have not been completed long enough to be immune from enforcement action they are not ‘existing development’.

- Access through northern hedgerow and track

With regard to both the bund (on the northern boundary) and the vehicular access that has been created to the site from the solar farm to the north the PCN responses state that there has always been an access in this location. The planning history for the solar farm disputes this with plans for the first application (14/02338/FUL) showing existing trees and tree root protection areas on the layout plans. In addition the variation application (15/03634/ROC) approved a Landscape Management document in condition 3; page 4 of that document states:

**Retained Hedgerows and Trees**

‘The western half of the southern boundary is formed by an intact predominately hawthorn hedgerow with several hedgerow oak trees.’ And ‘Management of this length of hedgerow will be maintained in order to retain the existing heights to prevent potential shading of the solar panels. They will become part of an overall network with the proposed hedgerows, increasing the biodiversity and habitat potential.’

In addition condition 4 of the variation application approves a Habitat Enhancement and Management Plan which states at page 6:

**Hedgerows**

‘The western half of the southern boundary is formed by an intact hawthorn Crategus monogyna dominated hedgerow with trees (hedgerow H1, Plate 3), which measures approximately 4 m in height. Blackthorn Prunus spinosa, hazel Coryllus avellana and field maple Acer campestre also occur within the hedgerow, along with several mature and semimature pedunculate oak trees Quercus robur.’

In addition this document has a photograph (on page 9) of the hedgerow of the southern boundary of the western field taken from the centre of the southern boundary (of the solar farm), facing westwards, which would be towards the vehicular access point for this proposed use; no access is shown. All references to
the southern boundary hedgerow of the solar farm relates to the northern boundary of this site.

In addition condition 6 of the variation application removed permitted development rights to form new pedestrian or vehicular access to the site.

Ariel photographs and ‘street views’ of the site available on line and taken before the development commenced do not provide any evidence that there was a vehicular access at this point.

With regard to the track that links the access to the existing service road to the east this is also operational development. Condition 3 of the variation application approved a Hard Landscaping Details document. The area of the track is where the works compound and welfare area for the solar farm was located. Para 1,2 of this document states;

‘The temporary welfare area will be laid using Terrafirma matting. This is a fully removable matting system which will be laid on top of the existing surface. The surface used for the welfare are will be removed on completion of the project and the grass will be re-sown in this area so that it returns to its former state.’

The plans and photographs for the energy storage unit submitted in May 2016 do not show a track in this location (16/01901/FUL refers). The track is considered to be an engineering operation as it is substantial and has been designed to accommodate the 79 users of the craven storage use. This land is agricultural and again agricultural permitted development does allow for the formation of tracks, subject to them being ‘reasonably necessary for the purpose of agriculture within that unit’ and a prior approval process to the local authority needs to take place. Any works done without the prior approval process (which evaluates the agricultural need among other things) do not meet the requirements of agricultural permitted development and therefore require planning permission.

Therefore on the balance of probabilities test the LPA consider that the access through the hedgerow and the track to service were not lawful development (either permitted or immune due to the passage of time). In addition the hedgerow is protected by the planning conditions placed on the variation application for the solar farm and permitted development rights had been removed to create any new vehicular or pedestrian access points.

If the previous use was equestrian then there would be no permitted development rights to lay the track (engineering operations).

- Hardstanding

The hardstanding that has been laid within the land enclosed by the bunds also needs to be considered. If the use was agricultural at the time the hard surfacing some hardstanding may have been permitted development providing it was ‘reasonably necessary for the purpose of agriculture within that unit’ and a prior approval process to the local authority needs to have taken place. Any works done without the prior approval process (which evaluates the agricultural need among
other things) do not meet the requirements of agricultural permitted development and therefore require planning permission.

If the previous use was equestrian then there would be no permitted development rights to lay the hardstanding (engineering operations).

Assessment of Expendiency

Paragraph 58 of the NPPF states effective enforcement is important to maintain public confidence in the planning system and that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

The appraisal of the planning application has demonstrated why the development it includes is unacceptable when evaluated against the development plan and material considerations. This part of the report considers the remainder of the development that has taken place and evaluates it against the development plan.

Impact on the character of the area/ design

The importance of the bunds (and fencing) is in screening the proposal from views. The bunding creates a very abrupt frontage with Bramley Road which combined with the fence and newly planted laurel hedge create an urban condition at odds with the surrounding landscape. It is noted that prior to the creation of the bunding, there were open views to fields and the landscape beyond. The result of the bunding and laurel hedging has been the breakdown of the traditional field pattern which degraded the quality of the landscape. In landscape terms, the combination of bunds, fencing and laurel hedge are wholly inappropriate within the open countryside and, rather than integrate any proposals into the wider landscape, serve to draw attention to the site in an incongruous way.

The introduction of high level motion activated lighting in conjunction with the opening hours of the site will introduce lighting in an area where there is no street lighting and limited light from dispersed residential properties. The lighting will highlight the compound design, incongruous and out of keeping in this rural location.

- Trees

The Tree team comments in relation to the application stated; ‘Having viewed the site from the highway, it is clear that ground level changes have raised the soil level profile within the root protection areas of the important roadside oak trees. There is a high likelihood that the ground works will have compacted the original soil levels and it is certain that the trees will suffer in the future through root asphyxiation.

I would object to this application and ask whether enforcement can be involved to ensure the landowner re-aerates the rooting environment of the trees. This will need a carefully considered programme of remedial works, prepared by an arboriculturist and approved by the Tree Officer prior to removing the bund.’
The Tree team have stated that the bunds have caused harm to existing trees which make a positive contribution towards the character and appearance of the locality, contrary to criteria (b) and (e) of policy EM1.

- **Biodiversity**

The development that has taken place in the vicinity of the northern boundary of this site has breached the conditions that were placed on the solar farm development breaking the hedgerow to create the access (removing linkages for mammals and other creatures), compacting the roots by the construction of the track, erecting fences which makes maintenance of what remains difficult, if not impossible. These works have a detrimental impact on the biodiversity of the area.

In addition the bunds to the south and west boundaries of this site have been located on hedgerow / trees on the existing field boundaries and no information has been provided as to what the implications of this development was on the established biodiversity of the area.

The planting is laurel hedging which is not a hedgerow plant and will not support the variety and diversity of wildlife that the existing native hedgerow / tree mix would support. The root compaction of hedgerow / trees from the bunds and the potential future loss of these features would again reduce the biodiversity of the site.

The application has a detrimental impact on the biodiversity gain that was secured through conditions on the solar park applications and the compaction of root systems and potential future loss of trees / hedgerow on the south and west boundaries. No supporting information has been provided to challenge this or to give an overriding public need for the proposal that clearly outweighs the need to safeguard biodiversity. The application is therefore considered contrary to policy EM4, the NPPF (para 170 and 175) and the Natural Environment and Rural Communities Act 2006.

**Conclusion on the Enforcement Issues**

The development that has taken place on the site (both included in the application and not) have resulted in the creation of a use that has not been demonstrated needs to be in this prominent rural location adjacent to a road and PROW. The need for the use to have good security in the form of high boundaries (bund and fence) and 12 x 4m CCTV / lighting poles results in a form of development that is incongruous and out of keeping in this rural location. The creation of the bunds, access, track and the lighting have a detrimental impact on biodiversity in the area and the long term retention of important trees. The surfacing of the site is not in keeping with the character of the area and once the fence and bunds are removed would be highly visible. No material considerations have been provided that

The development is therefore considered contrary to the Development Plan and enforcement action is recommended to rectify the breach of planning control on this site and the bunds that envelope the Dwelling application.
Human Rights of the Applicant

The recommendation to take enforcement action will have an impact on the Human Rights of the owner and/or occupier(s). These private rights have to be weighed against the wider public interest as set out in the policies of the Development Plan and other material considerations set out in this report.

There has been no information provided as to any human rights issues or other material considerations that the applicant may have that results in the conflict with the adopted Development Plan being acceptable in planning terms. Therefore enforcement action is recommended and delegation is sought to secure the following:

1) Cease the use
2) Remove the operational development that has taken place.
3) Compliance with conditions contained within 15/03634/ROC pursuant to the reinstatement of the hedgerow and compliance with the ongoing maintenance.

Time limits:
1) 6 months to cease the use.
2) An additional 3 months to remove all the operational development

Reasons for Enforcement

1) The development does not have a locational need to be in the countryside. There is no justification within Development Plan Policies or any other material considerations that establishes the principle of development, or is considered to be of sufficient weight for allowing the change of use to caravan / motor home storage (B8) on this site. The use by the need to offer a secure storage facility introduce an incongruous compound appearance in this rural location through high boundaries (fence and bund), security lighting, exacerbated by the site location adjacent to the highway and a Public Right of Way and the introduction of surfacing the whole of the site. The application s therefore considered to be contrary to Sections 6 and 15 of the NPPF (2018), Policies EP4, EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029, and the Farm Diversification SPD.

2) The bunds, access and track that have been developed on the site have a negative impact on the biodiversity gains secured by 15/03634/ROC. The bunding over the roots of existing trees and hedgerow is detrimental to the future retention of the natural features. The introduction of motion activated security lighting within close proximity of trees / hedgerows where bats have been recorded is detrimental to the biodiversity of the area. No overriding public interest for the development has been made. The application is therefore considered contrary to Section 15 of the NPPF (2018) and Policy EM4 of the Basingstoke and Deane Local Plan 2011 – 2029 and Natural Environment and Rural Communities Act 2006.
Location plan
Site Plan
Cttee: 8 August 2018  

Item No. 2

Application no: 17/03708/FUL

For Details and Plans Click Here

<table>
<thead>
<tr>
<th>Site Address</th>
<th>Land North Of Bramley Road Bramley Road Little London Hampshire</th>
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<tbody>
<tr>
<td>Proposal</td>
<td>Erection of 3 bedroom dwelling, parking and associated amenity area. Change of use of land from the keeping of horses to residential</td>
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<tr>
<th>Registered:</th>
<th>27 November 2017</th>
<th>Expiry Date:</th>
<th>22 January 2018</th>
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<tbody>
<tr>
<td>Type of Application:</td>
<td>Full Planning Application</td>
<td>Case Officer:</td>
<td>Russell Stock 01256 845244</td>
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<tr>
<td>Applicant:</td>
<td>Mr Philip Snook</td>
<td>Agent:</td>
<td>Ian Lasseter</td>
</tr>
<tr>
<td>Ward:</td>
<td>Pamber And Silchester</td>
<td>Ward Member(s):</td>
<td>Cllr Marilyn Tucker Cllr Roger Gardiner</td>
</tr>
<tr>
<td>Parish:</td>
<td>PAMBER CP</td>
<td>OS Grid Reference:</td>
<td>462037 158823</td>
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Recommendation: the application be REFUSED for the following reasons:

1. The application has failed to demonstrate that it meets the criteria to be considered as an exception to the general policy of restraint of housing in the countryside. There is no justification within Development Plan Policy, or any other material consideration that establishes the principle of development, or is considered to be of sufficient weight for bringing development forward on this site. The proposal is not considered to represent a sustainable development and is contrary to the National Planning Policy Framework 2018 and Policies SS1 and SS6 of the Basingstoke and Deane Local Plan 2011 – 2029.

2. The proposed development would, through the introduction of domestic built form and residential paraphernalia within open and undeveloped countryside, be harmful to the character and appearance of the surrounding area. The proposed development is therefore contrary to the National Planning Policy Framework 2018 and Polices EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

General comments

The application is being presented to the Development Control Committee at the request of Cllr Gardiner who has stated “in view of the similarities with the application (approved) in Ramsdell Road, I would request that the site be viewed and referred to DC. I would consider the land to be previously developed and therefore similar to 17/01511 in Ramsdell Road Pamber End. The field on which the application sits already contains a Business Park and Solar Farm”.

The application is part of a field that has been subdivided and two separate planning applications submitted. The application for the other half of the field is also on the agenda for consideration (application 17/02666/FUL – Item 1), and seeks
retrospective permission for a change of use to the storage of touring caravans and motorhomes, fencing, hardstanding and CCTV/Lighting.

**Planning Policy**

The site lies outside any Settlement Policy Boundary and is therefore in policy terms considered to fall within a countryside location.

**National Planning Policy Framework (NPPF) (2018)**

Section 1 (Introduction)
Section 2 (Achieving sustainable development)
Section 4 (Decision-making)
Section 5 (Delivering a sufficient supply of homes)
Section 9 (Promoting sustainable transport)
Section 11 (Making effective use of land)
Section 12 (Achieving well-designed places)
Section 15 (Conserving and enhancing the natural environment)

**Basingstoke and Deane Local Plan 2011-2029**

Policy SD1 (Presumption in Favour of Sustainable Development)
Policy SS1 (Scale and Distribution of New Housing)
Policy CN3 (Housing Mix for Market Housing)
Policy CN6 (Infrastructure)
Policy CN7 (Essential Facilities and Services)
Policy CN8 (Community, Leisure and Cultural Facilities)
Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
Policy EM5 (Green Infrastructure)
Policy EM6 (Water Quality)
Policy EM7 (Managing Flood Risk)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM12 (Pollution)
Policy EP4 (Rural Economy)

**Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance**

Design and Sustainability SPD
Appendix 5 (Construction Statements)
Appendix 6 (Storage and Collection of Waste and Recycling)
Appendix 7 (Places to Live)
Appendix 14 (Countryside Design Summary)
Appendix 16 (Residential Amenity Design Guidance)
Residential Parking Standards SPD
Landscape Character Assessment SPG
Landscape and Biodiversity SPD
**Other material documents**

The Council’s Guidance Note in relation to Policy SS6(e) New Housing in the Countryside
The Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2015)
Planning Practice Guidance (2015)
Planning Obligations for Infrastructure Supplementary Planning Document (SPD) (2018)

**Description of Site**

The application site is located on the northern side of Bramley Road, and is currently surrounded by approx. 2m high engineered bunds. Mounds of spoil and grass were viewed within the bunds at the time of the visit. The site is relatively flat and is bounded by the bunding, hedgerow, fencing, and sporadic mature trees, to the east is a small copse. The site is accessed via a track leading from the access road to the Berry Court Business Park which in itself joins Bramley Road to the southeast of the site. To the north of the site is a solar farm, to the west, the land is being used unlawfully for the storage of caravans and which is subject to a current retrospective planning application 17/02666/FUL.

**Proposal**

The proposal is for the erection of a detached single storey dwelling. The proposed dwelling is rectangular in shape and would measure 11.3m (excluding porch) in length, 26.5m in width and 7.2m in height. The proposed materials include handmade bricks for the plinth, timber boarded walls with timber casement windows/large patio/bi-fold doors/windows and a fully hipped roof of plain clay tile. The proposals also include the formation of a driveway and parking area which will utilise the recently created access along the northern boundary of the site. A small cycle shed and bin store are also proposed.

**Consultations**

Clr R Gardiner: - Comments as above.

Parish Council: - No objection.

Landscape Officer: - Objection raised.

Biodiversity Officer: - No objection subject to conditions.

Tree Officer: - Objection raised.

Environmental Health Officer: - No objection subject to conditions.

Natural England: - No Comment.
Public Observations

Nineteen letters of representation objecting to the proposals have been received and are as summarised below.

- Insufficient infrastructure within Little London to accommodate additional dwellings.
- The site is in an isolated location with no accessible facilities close by. There are no footpaths serving the site.
- There are other suitable dwellings, which would meet the needs of the applicant available locally.
- By allowing the application, a president may be set in allowing further development within the countryside to the detriment of others enjoyment of it.
- The development would fail to accord with Policy SS6 of the Local Plan as the land is not previously developed land. The development is located outside of any Settlement Policy Boundary and has been used for the grazing of horses. The land is agricultural.
- The proposals are contrary to Policy EM1 of the Local Plan as it would have an adverse impact on the landscape character and visual amenity of the area. The proposals would contribute towards the coalescing of development.
- Previous and other current applications, if approved would urbanise the area, thus harming its rural landscape qualities.
- The applicant has not provided sufficient evidence to demonstrate a locally agreed need.
- The bunds which are existing are not appropriate for the site and are out of character.
- The occupants of the dwelling would be adversely impacted upon by the neighbouring caravan storage area.

Forty eight letter of representation supporting the proposals have been received and are summarised below.

- The proposals will support the applicant and provide a needed purpose built property which addresses their medical needs.
- The appearance of the dwelling is in keeping with the village and would not harm the character of the area. The barn style would look nice in the village.
- The single storey dwelling would well suit the applicant in regards to their deteriorating health problems and would be ideally positioned close to their place of work and family. The site is not an isolated location with a number of other small residential development being approved in the local area within the last two years.
- The site has good accessibility onto the Bramley Road and other local services.
- Similar applications have been approved locally, therefore setting a president in support of this current application.
- The site is well screened and is secure which is beneficial for the applicant.
- The site has been used for a significant period of time for the keeping and stabling of horses. The site has proved over many years to be unable to provide an income from agriculture. The development would therefore not result in any loss in agricultural land. The development would be on a brownfield site.
and therefore would accord with Local Plan Policy SS6a

- There would be no impact on any of the neighbouring properties as a result of this proposal.
- Granting permission for this development would not set a precedent. Every application should be determined on its own merits.

**Relevant Planning History**

None

**Assessment**

**Principle of development**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan for the area is the Basingstoke and Deane Local Plan 2011-2029. At a national level, the National Planning Policy Framework (NPPF) was introduced in 2012 and the NPPF constitutes guidance, which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration in any subsequent determination.

**Local Plan**

The site is located outside of any Settlement Policy Boundary (SPB) and is within part of the borough which is designated as countryside as per Policy SS1 (Scale and distribution of new housing) of the Local Plan. The Local Plan (paragraph 4.70) is explicit in its aims ‘to direct development to within the identified Settlement Policy Boundaries and specific site allocations. Within the countryside it is the intention to maintain the existing open nature of the borough’s countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy’.

Policy SS1 sets out a spatial strategy for the Local Authority to meet its full housing need over the Plan period. The strategy is principally based upon the development of allocated Greenfield sites and the redevelopment of land in the towns and villages. Development in the countryside is generally restricted. The most relevant Local Plan policy for the proposal is Policy SS6 (New Housing in the Countryside) which sets out the exceptional circumstances where it is appropriate to allow new housing development in the countryside. Policy SS6 states that development in the countryside will only be permitted if the site is on previously developed land; is part of a rural exception scheme; is for the re-use of an existing building; involves the replacement of an existing dwelling; is small scale to meet a locally agreed need; is required to support an existing rural business; or is allocated by a Neighbourhood Plan.

In this instance, none of SS6 exceptional criteria for allowing new dwellings in the countryside are met. The first criteria to this policy (SS6a) addresses sites which are deemed to be previously developed land. The applicant has stated that the
development is a ‘brownfield site’, where Policy SS6a is relevant. Development falling within the definition of ‘brownfield’, otherwise known as ‘previously developed land’, should be considered against Policy SS6a.

Policy SS6(a) states that new housing outside Settlement Policy Boundaries will only be permitted where they are on ‘previously developed land’, provided that:

   i) they do not result in an isolated form of development; and
   ii) the site is not of high environmental value; and
   iii) the proposed use and scale of development is appropriate to the site’s context.

The applicants reasoning for their claim that the site should be considered ‘previously developed land’ is that its use is for the keeping of horses. At the time of the site visit the land was not occupied by horses and neither were there any buildings/structures within the site. From Council records the lawful use of the land appears to fall within agriculture. Structures/land in an agricultural use are excluded from the definition of previously developed land as set out below.

The most up to date definition of previously developed land is contained within the National Planning Policy Framework (2018) as:

   “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

A small field shelter appears to have once been located to the northwest outside of the application site, the curtilage of such a small structure would not extend to the whole of the field. The site is now devoid of any permanent structure and the ‘structure’ that is referred to within the applicants supporting statement would have fallen considerably outside of the development site.

Therefore, even if there has been a material change of use of land to equestrian as claimed by the applicant, the whole field (this application and the retrospective caravan storage application site adjoining) would not have met the criteria of PDL. Therefore in light of the above, the site is not considered to constitute PDL and the application consequently does not comply with the provisions of SS6a of the Local Plan.

The only other SS6 Policy criteria to which this application could be considered against is part (e) and concerns ‘local need’.
Policy SS6(e) states that new housing outside Settlement Policy Boundaries will be only be permitted where they are:

e) Small scale residential proposals of a scale and type that meet a locally agreed need provided that:

- ix) it is well related to the existing settlement and would not result in an isolated form of development; and
- x) the development will respect the qualities of the local landscape and be sympathetic to its character and visual quality; and
- xi) the development will respect and relate to the character, form and appearance of surrounding development, and respect the amenities of the residents of neighbouring properties.

The tests in Policy SS6(e) are in two parts. The first part (e) sets out the overall limits of the exception whilst the second part (criteria ix – xi) then sets out detailed criteria for proposals that are within that exception. Therefore, a proposal that can satisfy the first part of criterion e) will fall within the exception as a matter of principle, but the specific details then need to be considered in terms of the criteria of the second part of the policy. A proposal which does not satisfy the exception will not be policy compliant even if it might otherwise comply with the detailed criteria ix – xi.

In terms of the first part (e), the application is for one dwelling and therefore meets the test relating to scale (four dwellings or fewer) however proposals must also be of a scale and type that meets a locally agreed need. The Council has published a guidance note to assist in addressing locally agreed need. This advises that an applicant should demonstrate that their proposal meets a specific and clearly identified unmet need in the local area in terms of number, size, type, and tenure, and refers to the need being with the Parish, village, or settlement.

The applicant has failed to provide sufficient information to support the application in respect of SS6(e) and there is no evidence to conclude that there is a locally agreed need for the accommodation proposed. As such it is the LPA’s view that the applicant has failed to adequately demonstrate that the proposal would meet a locally agreed need in accordance with Policy SS6(e) of the Local Plan.

National Planning Policy Framework (NPPF), ‘Isolated’ and other material considerations

In accepting the conflict with the Local Plan, the NPPF constitutes guidance which the Local Planning Authority (LPA) must have regard to. Under the NPPF there is a need to consider whether the development is sustainable and to consider the social, environmental and economic impacts of the development. In considering new housing in rural areas Paragraph 78 advises that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller
settlements, development in one village may support services in a village nearby.

Paragraph 79 goes on to say that Local Planning Authorities should avoid the development of isolated homes in the countryside unless there are special circumstances. These instances include, essential rural workers dwellings, securing the optimal viable use of a heritage asset, re-use of redundant or disused building which would enhance its immediate setting, subdivision of an existing dwelling or would have a design that is of exceptional quality. In this instance, the proposals would not fall within any of these categories.

The NPPF does not provide a definition of what constitutes ‘isolated’ development. As planning law requires that applications for planning permission be determined in accordance with the development plan, the Local Plan’s definition should be the starting point for what defines ‘isolated’ development.

The Local Plan defines ‘isolated’ “in the context of new residential development in the countryside where there is a significant separation between the proposed dwelling and the nearest settlement. Additionally, a dwelling is considered to be isolated if it is not well served by public transport (e.g. within 500 m of a bus stop or train station) or well served by services and facilities (e.g. within 1km of an SPB, which generally contains facilities such as schools, post offices, doctors surgery, etc).”

The Local Plan also provides a definition of a ‘settlement’, stating that they ‘typically consist of a village, comprised of more than a group of houses, or farmstead, including at least one service or facility, such as a village hall, public house or school’.

In terms of whether the site is ‘physically remote,’ it is separated from other nearby dwellings, occupying a position north of Bramley Road, and would appear visually isolated from surrounding residential properties. Although there are other dwellings within 100m of the site, these are sparse and occupy well screened locations to the south of Bramley Road. Other dwellings line the east of Silchester Road heading north to Little London, these have regular plot forms and are predominantly detached properties. These are visually and physically separated from the site by a woodland copse which contains a good number of mature trees. The site occupies a previously undeveloped gap separating Pamber End to the west and Little London to the northeast.

The site is located 2.4km from the nearest defined Settlement Policy Boundary (SPB) of ‘Bramley West’, the larger SPB of Bramley is 2.7km from the site. Tadley, a larger settlement with a greater provision of facilities and services is 3.7km from the site. These distances all fall within the Local Plan glossary definition of ‘isolated’ which would expect a dwelling to be within 1km of an SPB, given that they generally contain facilities such as school, post offices, doctors surgery, etc. The settlement of Little London is located approximately 720 metres to the north of the site and contains a village hall, public house and place of worship.
A bus stop is located just north of Bramley Road’s junction with Silchester Road and runs a regular service (hourly between 09:47-17:47 travelling south and 09:22-18:27 traveling north) both into Tadley and Basingstoke. This service is well within the 500m as set out within the glossary term for ‘isolated’ being within 250m of the site. Although there are no footpaths directly from the site to this bus stop, the highway grass verge would provide a somewhat safer passage than walking along the road, however would not likely be suitable for wheelchair use and may be difficult to safely negate at night.

The proposed dwelling would be a substantial distance from any range of shops, services and facilities found within the nearest settlement. Given this substantial distance and furthermore given that the roads leading from the site to the settlement of Bramley have no footpaths, no lighting and are subject to the national speed limit, any future occupiers would likely be discouraged by making this journey regularly on foot or by bicycle. The Local Planning Authority therefore considers that the future occupiers of the proposal would be reliant on a private vehicle to gain access to these local shops, facilities and services.

Although the proposed dwelling would be located within close proximity to means of public transport, access to these may not be suitable for the applicant in this case. The dwelling would also be well separated from any SPB, and as such, would result in a dwelling which is not well served by services and facilities. It would occupy a previously undeveloped parcel of land within the open countryside and result in a dwelling that would be ‘isolated’ from any meaningful collection of other buildings/residential properties.

The Braintree DC v SSCLG [2018] Civ 610 (‘the Braintree case’) is a material consideration in the assessment of this application given the sites location outside of a defined Settlement Policy Boundary. The Court of Appeal upheld the High Court’s decision which concluded that that the word isolated should be given its ordinary meaning as ‘far away from other places, buildings and people; remote’. Lindblom LJ’s held that in the context of paragraph 55 of the previous NPPF (2012), now paragraph 79 (2018), ‘isolated’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether, in a particular case, a group of dwellings constitutes a settlement, or a ‘village’, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. The Court rejected the argument that the word ‘isolated’ could have a dual meaning, being physically isolated or functionally isolated (isolated from services and facilities).

In applying this guidance to this current case, the proposed dwellings as set out above, are considered to be physically and functionally isolated in accordance with the definitions of the Local Plan, and although the Local Plan is the starting point for the assessment of proposals, consideration must be given to case law. In terms of whether the development would result in physically isolated dwelling, it would be sited well away from any defined settlement or meaningful collection of housing. Although within close proximity to Bramley Road it would not accord with any local pattern of development, and would occupy an area of previously open countryside (prior to the subdivision of the field and erection of bunds). Therefore, in this instance, and in light of the ‘Braintree Case’, the proposed development would result in physically ‘isolated’ dwelling as set out within paragraph 79 of the NPPF.
Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. The three dimensions to achieving sustainable development are defined in the NPPF as: economic, social and environmental.

The economic role of the NPPF requires proposals to contribute to building a strong, responsive and competitive economy. The social role requires planning to support strong, vibrant and healthy communities and states that it should create a high quality built environment. The environmental role states that the natural built and historic environment should be protected and enhanced and should mitigate and adapt to climate change.

Economic

The proposed development would encourage development and associated economic growth through the actual physical building works. The future occupants would also undoubtedly contribute to the local economy and to the continued viability of local services in surrounding villages. However, as this would apply to an increase in a single dwelling only, any benefit to the local economy would be negligible. The application submission also refers to the need for the applicant to be close to their business and place of work, however given that this ‘business’ is not lawful and is recommended for refusal alongside this application, the economic role of the development is therefore considered to be limited.

Social

The social aspect of sustainable development would be met through the contribution made to the housing stock. Notwithstanding the contributions that this dwelling would bring, the Council is currently able (as at April 2017) to demonstrate that it has a 5 year Housing Land Supply (HLS) of 5.6 years. The development would make no significant contribution to the Council's housing land supply position, which is being adequately met through development within Settlement Policy Boundaries and on allocated sites. Therefore, although there would be a limited benefit as a result of the social role that this development would bring in terms of the provision of a single dwelling, this can only be afforded very limited weight in light of the Councils ability to demonstrate a robust 5 year HLS.

Environmental

With regard to the environmental role of this development, the development could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards. However, the whole development itself would not respond to climate change through its failure to integrate well with any existing settlement and the lack of opportunity it allows for occupants to utilise community facilities by any means other than private car. This would outweigh any other perceived environmental benefits. An assessment of harm on the wider character of the area will be
undertaken later in this report, however this development is not considered to support the overarching sustainability aims of either the Local Plan or NPPF.

Summary

As the site is not considered to have good accessibility to local services, facilities or amenities and would result in an over reliance on the private car, the proposal would have poor accessibility and comprise an unsustainable form of development in this regard. In taking into account the development plan as a whole, the application would conflict with the Council's core housing strategy as set out in Policy SS1 and would not represent any of the special circumstances outlined in Policy SS6 to allow new residential development within the countryside. It is considered that the development would be physically isolated, with consideration given to the Braintree Case and paragraph 79 of the NPPF and would therefore not justify a departure from the development plan.

Although the Council are sympathetic to the personal needs of the applicant, there are no provisions set out within the Local Plan, NPPF or any other material planning considerations which would afford significant weight to these needs. As such, there is no justification in disregarding the development plan.

In considering the specific economic, social and environmental considerations of this particular scheme, it is concluded that in taking the scheme as a whole, there would be insufficient benefit of allowing an additional dwelling in this countryside location in order to outweigh the principle conflict with the key housing policies of the Local Plan and the guidance contained within the NPPF. The development therefore remains unacceptable in principle.

Impact on the character of the area/ design

Policy EM1 states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area concerned and must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected.

Policy EM10 states that proposals will be required to respect the local environment, contribute to the streetscene and be visually attractive. EM10 also seeks high quality development across the borough, based upon a robust design-led process and a clear understanding of the local identity and context of development to create successful, inviting places where people want to live, work and enjoy themselves.

The area has a strong rural character, typified by the land uses including fields, woodland, farmsteads and the small areas of settlement. With respect to the existing visual amenity, the site can be seen from the adjacent stretch of road along the southern boundary, where it forms the foreground to views through the site to countryside and solar farm beyond. In addition to this, glimpsed views are also possible from the west along the nearby Public Right of Way (bunds currently would largely screen this view).
This application seeks to locate a dwelling within the existing engineered bunding which surrounds the site. The introduction of a dwelling in the otherwise open landscape (notwithstanding the bunding) would result in an area of farming/paddock character being domesticated – by the change to residential use comprising a large area of built form, hardstanding and a more formal garden area. This would be to the detriment of the rural and open character of the site. This harm has been considered in light of the bunding surrounding the site not being retained.

Should the bunding remain/planning permission be granted for it, the dwelling would be entirely enclosed, inward looking and have no visible frontage or connection with Bramley Road, this would be undesirable and fail to respect the character of the surrounding area, forming a very abrupt frontage with the road and public realm. The bunding would not fully screen the development from Bramley Road and the harm in relation to the domestication of the site would remain. Indeed, their rectilinear industrial layout contrasts with the existing field pattern and draws attention to the site, thus would make the proposed dwelling even more visually prominent and consequently would exacerbate the identified harm.

The submitted site plan indicates that a new and reinforced hedgerow of indigenous species would be planted between the bund and roads. There is limited space for this due to the bunds and it is not considered that this would mitigate against the identified harm that dwelling would have within the landscape. The siting of these hedgerows are also not included within the application site as outlined in red as per the submitted Location Plan. However given that this land would fall within the ownership of the applicant, in accordance with section 72 (1) (a) of the Town and Country Planning Act 1990, conditions securing this planting could have been imposed should all other matters have been considered acceptable.

The submitted design and access statement indicates that the design of the proposed dwelling has been inspired by the sites rural setting. Externally the form of the building has taken prompts from traditional Hampshire barns. Although the barnlike appearance is clearly evident within the proposals and would reflect the past use of the land, the incorporation of large areas of ‘modern’ glazed element, namely within the kitchen and living room would undermine, to a certain extent this design aspiration. ‘Barn conversions’ typically utilise existing openings to achieve brighter internals without the loss of historic fabric or harming its agricultural character. This proposal for an entirely new dwelling which attempts to replicate this technique by adding glazing to the buildings ‘cart entrances’. However, within the northern half hipped cart entrance, the glazing is not sufficiently broken up and appears as one large opening. This detracts from the authenticity of the design and adds to the detrimental use of large areas of uninterrupted glazing within the scheme. The proposed materials ‘in principle’ appear to be appropriate for a design of this nature, should all other matters have been found to be acceptable a condition requiring these materials to be submitted to the LPA prior to commencement of the development would have been added.

No details of the proposed cycle/bin storage shed have been submitted, if all other matters had been considered acceptable, a condition would have been imposed to provide details of this outbuilding, in order to ensure that there was no detrimental visual impact on the surrounding area.
**Trees**

Policy EM1 of the adopted Basingstoke and Deane Borough Local Plan 2011-2029 requires that development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected, paying particular regard to b) the visual amenity and scenic quality and e) trees, ancient woodland and hedgerows.

The site comprises a field with perimeter hedgerows that include a number of large mature oak trees, a number of which line the boundary with the Bramley Road. These trees are considered to be important to local amenity and have a positive contribution to the wider landscape. The bunding surrounding the site will likely have a medium/long term negative impact on trees' root system by causing oxygen asphyxiation over the rooting area. The implications being the reduction in the tree’s longevity and normal vigour leading to the potential premature demise of otherwise healthy specimens. Whilst the damage is not direct or immediately evident it is highly likely that the trees will suffer and gradually lose vigour with signs of crown dieback over the coming few years.

The Council’s Tree Officer has strongly recommended that the bunds are removed in order to preserve these locally important trees.

The proposed development has excluded the bunding from within the application site, and the lawful status of the bunds are considered within application 17/02666/FUL which is being considered alongside this application. Given that the proposed development (dwelling and change of use of land) would not directly harm or impact upon these trees, a reason for refusal on this matter is not considered appropriate in this instance. The concerns raised above by the Tree Officer will need to be addressed separately as part of any enforcement action, should this take place.

**Biodiversity**

Policy EM4 establishes that proposals will only be permitted where significant harm to biodiversity can be avoided or adequately mitigated unless there is a demonstrated overriding public need.

The site contains a number of mature trees and areas of hedgerow and is located within close proximity to other areas of woodland, other designated sites can be found within 1km of the site. Notwithstanding that the bunding is having a detrimental impact on the mature boundary trees, an Ecological report has been submitted which concluded that the site was of an overall low ecological value and no evidence of protected species where recorded. A series of mitigation measures are suggested in order to ensure that the development would have a minimal impact on local wildlife. The existing ditches bordering the site and the existing boundary vegetation are to be retained. If all other matters had been found to be acceptable, details in regards
to the protection of these areas would have been conditioned. Similarly details in regards to any new lighting would have been required in order to ensure that these minimise light spillage and pollution which could have detrimental impacts upon local wildlife.

Impact on neighbouring amenities

Policy EM10 requires developments to provide high levels of amenity for proposed occupants and neighbouring occupiers regarding privacy, amenity space and natural light.

The proposed development would be sited within close proximity to the neighbouring ‘unlawful’ caravan storage. This relationship is undesirable and would inevitably result in some degree of disturbance to future occupiers of the dwelling. The application has not been submitted with any noise assessment. The bunding (should it remain) would inevitably deflect/absorb some of the noise generated on the site. This unlawful use is however subject to a current retrospective application (17/02666/FUL) and which is recommended for refusal alongside this application (17/03708/FUL). Notwithstanding this, the nature of the storage use and the likely infrequent noise generating activities on the site would not warrant a reason for refusal in terms of quality of amenities for future occupiers in this instance.

The development would be located at a sufficient distance from neighbouring properties as to avoid any negative impacts. This includes overlooking, overbearing and overshadowing. Therefore the application would not have an adverse impact on neighbouring amenities.

Highways, Parking and Refuse

Policy CN9 sets out that development integrate into existing movement networks, provide safe, suitable and convenient access for all users; provide appropriate parking and servicing provision; and should not result in inappropriate traffic generation or compromise highway safety. Policy EM10 requires developments to provide appropriate parking provision (including bicycle storage), in terms of amount, design, layout and location, in accordance with the adopted parking standards.

The proposed site would be accessed via the existing road leading to Berry Court Business Park which itself joins Bramley Road to the east of the site. Given that this is an existing entrance serving vehicles that currently use the business park, it is not considered that the addition of one dwelling would materially increase its use and as such no issues are raised in this regard. The proposed site plan shows the provision of 3 parking spaces within the site, this accords with the relevant standard for dwellings of this size in rural locations.

The submitted site plan shows area for refuse storage and collection points, these are considered acceptable in principle, further details of this provision could have been conditioned should all other matters have been found acceptable.
Environmental Health

The submitted Phase 1 Environmental Assessment, dated March 2016, has been reviewed and it is noted that the preliminary risk assessment in this report assesses the risks to future site users as low and recommends that a limited soil sampling exercise is undertaken. However, given the large amounts of materials which has been imported onto the site, including the creation of bunds, and the unknown origin of this material it is possible that it may contain contaminates. In light of this, and the fact that the proposed use is sensitive to the presence of contamination, more extensive site investigation works are required. Should all other matters have been found acceptable, this information would have been conditioned. A condition would also have been imposed requiring a glint and glare assessment to be submitted prior to commencement, given the sites proximity to the existing solar farm to the north and the potential adverse impacts this may have on the new dwelling.

Affordable Housing

Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products. Whilst the requirements of the Local Plan are acknowledged, the Council is additionally mindful of the Planning Practice Guidance (PPG) which was updated in May 2016 to confirm that contributions for affordable housing and other ‘tariff style’ financial contributions should not be sought from small-scale residential developments of 10 units or less (5 units within designated (e.g. AONB) rural areas) and which have a maximum combined gross (internal) floor space of no more than 1,000m2. The use of the term ‘and’ (as opposed to ‘or’) within the PPG threshold implies that both unit number and floorspace tests have to be met in order to justify seeking an affordable housing contribution. In this instance, the 10 unit trigger is not met and as such it is not necessary in accordance with Policy CN1 or the ministerial guidance for affordable housing provision to be sought in relation to this development.

Community Infrastructure Requirements

The Council's Planning Obligations for Infrastructure SPD (2018), and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2015) are relevant with regard to planning obligations in the context of a development. The CIL regulations in particular now make it unlawful if the obligation sought does not meet the following three tests:

(a) necessary to make the development acceptable in planning terms
(b) directly related to the development, and;
(c) fairly and reasonably related in scale and kind to the development.

In respect of this particular application, it has been identified through the Council's 'scoping' process, that contributions are not required. The development would fall below the PPG 10 unit threshold in requiring ‘tariff style’ contributions as set out with the affordable housing section of this report.
Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable, should the application be approved.

Sustainable Water Use

Policy EM9 of the Local Plan sets out that development for new homes will need to meet a water efficiency standard of 110 litres or less per person per day, unless clear demonstration is given that this would not be feasible. It is considered appropriate that should all other matters have been found acceptable, this requirement could have been secured by way of condition.

Other matters

It was noted during the site visit that the land immediately adjacent to the ‘application site’ had recently been landscaped, creating significant lengths of bunding, along with planting. As set out above, this bunding falls outside the redline of the site and are not included within the remit of this application. The lawful and future status of this bunding is set out within the report of application 17/02666/FUL.

Conclusion

The principle of development would conflict with the key housing policies within the Local Plan, including SS1 and SS6. Taking into account the guidance contained within the NPPF and case law, there are no other considerations which would outweigh the conflict found with the development plan when this is read as a whole. Harm has been identified in relation to the proposed dwellings siting and design. The proposed encroachment into open countryside, and subsequent domestication would significantly harm the rural character of the area. The proposals are therefore considered to be unacceptable.

Informative(s):-

1. In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:

   seeking further information following receipt of the application;
   considering the imposition of conditions and or the completion of an s.106 legal agreement (in accordance with paragraphs 54-57).

   In this instance:

   the applicant was updated of any issues after the initial site visit,

   In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.
Location plan
Site Plan
Proposed Elevations

South Elevation

North Elevation

East Elevation

West Elevation
Cttee: 8 August 2018

Item No. 3

Application no: 18/00261/FUL
For Details and Plans Click Here

<table>
<thead>
<tr>
<th>Site Address</th>
<th>Land North Of Binley Farm Lye Farm Road Binley Hampshire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Erection of 4 no. dwellings comprising 3 no. affordable housing units and 1 no. market dwelling, with associated garaging, landscaping and installation of a package treatment plant</td>
</tr>
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</table>

Registered: 1 February 2018  Expiry Date: 15 June 2018

<table>
<thead>
<tr>
<th>Type of Application:</th>
<th>Full Planning Application</th>
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</thead>
<tbody>
<tr>
<td>Case Officer:</td>
<td>Russell Stock 01256 845244</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr &amp; Mrs Mark &amp; Elizabeth Maclay</td>
</tr>
<tr>
<td>Agent:</td>
<td>Alexa Conder</td>
</tr>
<tr>
<td>Ward:</td>
<td>Burghclere, Higholere And St Mary Bourne</td>
</tr>
<tr>
<td>Ward Member(s):</td>
<td>Cllr John Izett Cllr Graham Falconer</td>
</tr>
<tr>
<td>Parish:</td>
<td>ST MARY BOURNE CP</td>
</tr>
<tr>
<td>OS Grid Reference:</td>
<td>441815 153537</td>
</tr>
</tbody>
</table>

**Recommendation:** the application be REFUSED for the following reasons:

**Reasons for Refusal**

1. The proposed development in its entirety has failed to demonstrate that it meets the criteria to be considered as an exception to the general policy of restraint of housing in the countryside. There is no justification within Development Plan Policy including Policy P1 of the St Mary Bourne Neighbourhood Plan that establishes the principle of development within the northern field/part of the site, or any other material consideration of sufficient weight for bringing development forward on this site. The proposal is therefore not considered to represent a sustainable form of development. As a result of the proposed development within the northern field/part of the site, within the open countryside, there would be an erosion of the intrinsic rural character and scenic quality of the local landscape and Area of Outstanding Natural Beauty. Therefore the proposal is contrary to Policies SS1, SS6, EM1 and EM10 of the Basingstoke and Deane Local Plan 2011 - 2029, Policy P1, P5 and P7 of the St Mary Bourne Neighbourhood Plan 2016-2029 and the National Planning Policy Framework 2018.

2. The proposed design of the detached dwelling by virtue of its elevated siting, layout, detailing, scale, bulk and massing would not be sympathetic to the rural character and visual quality of this countryside location and would not respect or enhance the landscape setting. Therefore in this regard, the proposal does not represent a high quality development and is contrary to Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and P1(d) of the St Mary Bourne Neighbourhood Plan 2016-2029.
**General comments**

This application has been brought to Development Control Committee at the request of Councillor G Falconer for the following reasons:

‘My conclusion is that this should go to DC Committee and with a site visit by them.

There are two main reasons for this:

The St Mary Bourne NP which has been adopted I think needs testing by DC because I’m not convinced that your interpretation, in particular P1, is that which was intended by the Parish Council and the group which produced it. This site looks to be just what was envisaged for new affordable housing and whilst one could dissect the NP with a legal scalpel I think some common sense should prevail.

Secondly, I cannot see why the Landscape Report should be so condemning. The site is in a virtually hidden valley and in fact I did not know it existed and yet I have canvassed that area. It is a hamlet which already has a number of Social Rented houses and other dwellings. The agricultural land is no more than unusable scrubland and so I believe the application will be an enhancement.

Therefore, in order to resolve conflicting views and interpretations this should go to DC Committee.’

**Planning Policy**

The site lies outside any Settlement Policy Boundary, within the countryside and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

**National Planning Policy Framework (NPPF) (July 2018)**

Section 2 (Achieving sustainable development)
Section 4 (Decision-making)
Section 5 (Delivering a sufficient supply of homes)
Section 9 (Promoting sustainable transport)
Section 11 (Making effective use of land)
Section 12 (Achieving well-designed places)
Section 15 (Conserving and enhancing the natural environment)
Section 16 (Conserving and enhancing the historic environment)

**Basingstoke and Deane Local Plan 2011-2029**

Policy SD1 (Presumption on Favour of Sustainable Development)
Policy SS1 (Scale and Distribution of New Housing)
Policy SS5 (Neighbourhood Planning)
Policy SS6 (New Housing in the Countryside)
Policy CN1 (Affordable Housing)
Policy CN2 (Rural Exceptions for Affordable Housing)
Policy CN3 (Housing Mix for Market Housing)
Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
Policy EM6 (Water Quality)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM11 (The Historic Environment)
Policy EM12 (Pollution)

St Mary Bourne Parish Neighbourhood Plan 2016-2029

Policy P1 (Redundant Agricultural Buildings)
Policy P3 (Housing Site Mix)
Policy P5 (Environmental Factors)
Policy P7 (Design Requirements)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Design and Sustainability SPD
Appendix 1 (Policy Context)
Appendix 5 (Construction Statements)
Appendix 6 (Storage and Collection of Waste and Recycling)
Appendix 14 (Countryside Design Summary)
Residential Parking Standards SPD
Affordable Housing SPD
Landscape Character Assessment SPG
Landscape and Biodiversity SPD
Farm Diversification and Traditional Farmsteads SPD

Other material documents and guidance

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2015)
Planning Obligations for Infrastructure Supplementary Planning Document (SPD) (2018)
St Mary Bourne Village Design Statement 2005
Policy SS6(e) – New Housing in the Countryside

Description of Site

The site is located within the small hamlet of Binley, 4km to the north of St Mary Bourne and 10km from Andover. The site comprises of a number of agricultural buildings of varying constructions, including brick, metal and timber. Three of these buildings are accessed from an entrance to the south of the site (known as the farmyard in this report). This area forms a farmyard/courtyard area and links with the yard and agricultural buildings on the other side of Lye Farm Road. Access to the arable field to the north is afforded from this yard (known as the north field in this report). There are a number of residential properties within proximity to the site,
including to the east, south and west. Agricultural buildings can also be found to the south of the site and along Lye Farm Road in both directions.

To the west of the ‘yard’ is an enclosed field (known as the south field in this report) which contains a number of mature trees and a square corrugated metal clad agricultural building. A sporadic hedgerow forms this parcel of land’s border with the arable north field. The south-eastern part of this field is bounded by a brick and flint wall and beyond this is a brick outbuilding. Both of these a locally listed structures.

Proposal

The proposals include the demolition of the agricultural buildings on site and their replacement with 4 dwellings. This would include the construction of a three unit terrace comprising of two 3 beds (95sqm each) and a single 2 bed (83sqm). The terrace would measure 7.65m in height, 8.1m in depth and 20m in width. The terrace would have brick and flint elevations and a slate roof. Externally the three terraced properties would have front and rear gardens and parking would be via a shared courtyard to the west (including a garage). A single detached 3 bed (404sqm) property would be sited to the west of the terrace and would sit within a large plot, consisting of both the north and south field. This dwelling would measure 20m in width, 11.5m in depth and 8.7m in height. Materials include flint panelling, slate roofing and timber cladding with a significant glazed central gable. This dwelling would have an attached garage, workshop, woodstore, store and garden shed. This ‘outbuilding’ would measure 16.1m in width, 6.4m in depth and 5.1m in height. This would be attached to the main building via a 2m (width) x4m (depth) x4.9m (height) covered link.

The proposals include the change of use of agricultural land (north, south fields and farmyard) to residential and the formation of a new driveway and a new access to the northwest of the site, north of 3 & 4 Sladen Corner.

Consultations

Cllr G Falconer: - As set out above.

St Mary Bourne Parish Council: - The parish council is also supportive of the application. We believe it is very much within the scope of the NP in the use of a brown field site and also for the small development of three dwelling which the applicants are intending to treat as affordable housing through a section 106 agreement with BDLC. There should be no parking on Lye Farm Road as the road is narrow.

Landscape Officer: - Objections, recommend refusal.

Conservation Officer: - No objection subject to conditions.

Tree Officer: - No objection subject to conditions.

Environmental Health Officer: - No objection subject to conditions.
Biodiversity Officer: - No objection subject to conditions.

HCC Minerals Officer: - No objection, informative suggested.

Highways Officer: - No objection subject to conditions.

Housing Officer: - No objections subject to the applicant entering into a legal agreement to secure the details affordable housing provision proposed.

Policy Officer: - No objection in principle, further information required to accord with SMBNP.

Public Observations

Four letters of representation raising objections have been received, these comments are as summarised below:

- the proposals are an overdevelopment of the site
- the design is out of keeping with the area
- increased traffic causing issues with already busy rural roads
- there are no services or facilities within Binley
- poor quality materials proposed
- sets precedent for building within open farmland and AONB
- reduction in privacy for nearby existing residents,
- increase in noise and light pollution
- the affordable housing would be too expensive to meet the needs of low income families
- high reliance on private car
- Binley is not a sustainable location
- would harm the ‘space between dwellings’ characteristic of the hamlet
- the proposed detached dwelling would not fall within the site of the agricultural building – prescient could be set for other encroachment into the countryside

Relevant Planning History

None

Assessment

Principle of development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan for the area is the Basingstoke and Deane Local Plan 2011-2029. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration in any subsequent determination.
Local Plan

The site is located outside of any Settlement Policy Boundary (SPB) and is within part of the borough which is designated as countryside as per Policy SS1 (Scale and distribution of new housing) of the Local Plan. The Local Plan (paragraph 4.70) is explicit in its aims ‘to direct development to within the identified Settlement Policy Boundaries and specific site allocations. Within the countryside it is the intention to maintain the existing open nature of the borough’s countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy’.

Policy SS1 sets out a spatial strategy for the Local Authority to meet its full housing need over the Plan period. The strategy is principally based upon the development of allocated Greenfield sites and the redevelopment of land in the towns and villages. Development in the countryside is generally restricted. The most relevant Local Plan policy for the proposal is Policy SS6 (New Housing in the Countryside) which sets out the exceptional circumstances where it is appropriate to allow new housing development in the countryside. Policy SS6 states that development in the countryside will only be permitted if the site is on previously developed land; is part of a rural exception scheme; is for the re-use of an existing building; involves the replacement of an existing dwelling; is small scale to meet a locally agreed need; is required to support an existing rural business; or is allocated by a Neighbourhood Plan.

In this instance, none of SS6 exceptional criteria for allowing new dwellings in the countryside are met. The first criteria to this policy (SS6a) addresses sites which are deemed to be previously developed land, however the definition of ‘previously developed land’ in both the Local Plan and the NPPF excludes agricultural buildings/land from its consideration. Furthermore, the proposals do not comply with the provisions set out with Policy CN2 and therefore cannot be considered as a rural exception site for affordable housing under SS6(b), further details of why the scheme doesn’t accord with CN2 are set in detail within the Affordable Housing section of this report. The proposals would neither reuse redundant buildings (proposed to be demolished), form replacement dwellings, and are not for agricultural workers. Finally, the proposal has not been accompanied by any demonstration that it would meet a locally agreed need in accordance with SS6e), neither is it considered that the proposed development would accord with SS6(g) as the proposed site is not an ‘allocated’ site within a ‘made’ Neighbourhood Plan. The proposed development therefore represents unjustified development within a countryside location contrary to the exceptions provided for within Policy SS6.

Neighbourhood Plan

Following successful Examination, the St Mary Bourne Neighbourhood Plan (2016 – 2029) was put to a local referendum on 20 February 2018. The outcome of the referendum was a majority support in favour of the neighbourhood plan being ‘made’ (86% of those who voted supported the plan). The St Mary Bourne Neighbourhood Plan 2016-2029 (SMBNP) was ‘made’ at Full Council on 22 March 2018. As a consequence, the SMBNP now forms part of the Development Plan for St Mary Bourne parish, to which this site falls within. Therefore, its status in the decision
making process is the same as the Local Plan. In addition, where there is a conflict between the two Plans, the more recent takes precedence.

The proposal has been submitted on the basis that it conforms with the requirements of Policy P1 (Redundant Agricultural Buildings) in the SMBNP. This is considered to be the most appropriate policy foundation for assessing the submission, as the proposal does not accord with any of the clauses contained within the most relevant Local Plan Policy SS6, as set out above. Policy P1 states:

“Residential development on sites of Redundant Agricultural Buildings will be supported where it is proportionate to the location and within a closely-grouped or contiguous built form of existing housing, provided that:

a) Such proposals will only be supported where it has been freely and continuously offered in the market for at least nine months for residential use, without necessitating substantial rebuilding, extension or alteration, without securing a user on acceptable market terms, to justify that use within Use Class C3a is not economically viable; and
b) the scale – the number and size of units - is proportionate to the settlement’s size, form and character; and
c) the site is within or directly adjoining the built form of the settlement; and
d) it would not harm and should conserve and enhance the settlement’s rural character and setting; and
e) the development meets a locally agreed housing need, as identified in this plan;
f) The number of units should be up to six on any one site (a site comprises a single or a group of agricultural buildings) and must be proportionate to its location and to the existing residential units in the vicinity of the site.
g) Any such development must not result in an additional agricultural building being needed during the lifetime of the SMB Plan in order to replace the building(s) being redeveloped.

Proposals for the conversion of redundant agricultural buildings of historic or architectural interest that would result in a sustainable use will be supported. Development proposals that would result in the loss of or harm to the significance of a building of historic or architectural merit must clearly demonstrate that the benefits to be provided could not be delivered through sensitive conversion of the building, or through use of an alternate location and that the public benefits will clearly outweigh the harm caused through loss of the building’s significance.”

Policy P1 forms an important part of the SMBNP. It is a key mechanism for achieving the SMBNP’s goals of dispersing growth within the parish, supporting the ‘hamlets’ and in helping to increase the supply of smaller units and hence rebalance recent housing market trends in the parish, which has led to an increase in the prevalence of larger units. The SMBNP also considers that redundant agricultural buildings do not enhance the character of the AONB and sees their replacement as an opportunity to improve the character of the area.
Redundancy of Agricultural Buildings

Policy P1 first states support for the residential redevelopment of redundant agricultural buildings, where it is proportionate to the location, and where the site is within a closely-grouped or contiguous built form of existing housing.

In terms of whether the buildings are redundant, the supporting text to the policy clarifies that:

“A Redundant Agricultural Building is defined as a unit which existed at 15 April 2015 (referring to the date of the revised NPPF legislation which governed other changes to use of agricultural buildings) and which has been redundant for more than 12 months and can be shown not to be viable for agricultural use or other economic purposes.”

The submission material does not appear to provide the required clarification concerning the length of time which the buildings have been vacant. Indeed, a letter in response to the Policy Officer comments confirm that “items will be found inside (units) B2 and B3” and that “as with many farms, a building that serves no defined purpose will often find itself being used to house other stuff for no real function other than to keep goods under cover….”. A subsequent viability report has also been received which again confirms that these buildings are indeed not empty, with the building marked as building 1 as part of the viability report, containing ‘plenty of tools’, albeit it is noted that ‘most had not been used recently’. Photographs submitted as part of this report show these tools etc. within the building. The building marked as building 2, contains and is ‘currently used as domestic storage’. The report notes that “the building was a traditional agricultural building that has been altered to provide storage…”. These comments and photographs would suggest that these buildings are currently or have recently been in use for domestic storage purposes and as an agricultural workshop, raising the question as to whether they are indeed ‘redundant’ in light of the supporting text above.

In terms of the justification given as to why the buildings are ‘not viable for agricultural or other economic uses’, this seems to be on the assumption that modern farms only require large up-to-date buildings to house the ‘larger pieces of equipment with high end technology components and computerisation.’ No evidence has been provided in this instance as to the working practises of the farm, however in light of the comments above, it does appear that these buildings have been used for general agricultural and domestic purposes. No justification is given as to why these buildings could not be used by another agricultural/economic user, rather only a sweeping statement that modern farms only need large buildings for their large equipment etc.

In concluding on this matter, the applicants have made it clear that in their opinion, these buildings are redundant and are not required as part of the agricultural enterprise occurring. It is apparent that these buildings have not been recently intensively used as part of the agricultural business. It has not be demonstrated therefore, that all of these buildings would strictly comply with the definition of ‘redundant agricultural buildings’ as set out within the SMBNP. Nevertheless, it has been made clear through the submissions, that these buildings haven’t been
intensively used for agriculture for a significant period of time, and as such, it is not considered that a reason for refusal on this matter would be warranted.

- **Extent of the site and Contiguous Built Form**

It is also necessary to assess whether this proposal accords with the policy’s reference to being ‘on’ sites of redundant agricultural buildings. In this regard, buildings B1 and B2, buildings B1,2 and 3 form an area known as the farmyard, hardstanding to the west affords access to these buildings. The proposed cottages would be wholly contained within this section of the site, including their associated curtilages and parking provision. Land to the east of buildings B1 and B2 is overgrown ‘scrubland’ and is considered to reasonable fall within the curtilages of these buildings. There is therefore no issue with the principle of this part of the development.

The proposed detached dwelling would be partially sited on the footprint of existing building B4. Building B4 is sited within the south field (an enclosed paddock/field) adjacent to the road and which separates the other agricultural buildings (B1, B2 and B3) from the residential properties to the west. However, the proposals would also involve the developing the north field, which does not contain any agricultural buildings or ‘built form’ and is separated from the south field and farmyard and the agricultural buildings within them by a boundary hedge/fence. The north field forms part of a larger arable parcel of land and is distinct, in terms of its use, from the south field and farmyard. It is assumed that this policy is intended to allow for development on the site of the buildings and their curtilages, within reason.

However in this instance the proposed detached dwelling and more notably, the proposed garage, area of parking, drive and access and large surrounding grounds would extend far beyond the existing agricultural buildings and even the fields to which they are sited within and accessed from. It is not considered that the land within the north field would fall within the curtilage of the agricultural buildings and as set out below in more detail, it is considered that this encroachment into the countryside would have an adverse impact upon the character of the area and AONB. Therefore in this regard, although the proposed cottages would be located ‘on’ sites of agricultural buildings, a significant element of the proposals (detached dwelling, large outbuilding, driveway and grounds) would not fully accord with Policy P1, in that, the development would not wholly be located ‘on’ a site(s) of redundant agricultural buildings.

Turning to whether or not the development would be within a closely-grouped or contiguous form of existing housing. The proposed dwellings would be sited within a gap measuring 120m between residential properties to the west and east. It would also be within 10m of Binley Farm House to the South. Therefore in light of the spacious pattern of development within Binley and the sites location within the main cluster of built form within the hamlet, it is considered that the site would be within a closely grouped and contiguous built form of existing housing, albeit that the proposed detached dwelling would encroach into the north field.
Demolition and Redevelopment

In addition, the proposal needs to accord with a range of criteria set out within Policy P1. Clause a) as set out in full above requires a demonstration of the marketing of the unit for residential conversion, before demolition and redevelopment can be considered.

This clause was recommended for incorporation into the policy by the independent Examiner. His rationale for this requirement was as follows:

“Policy SS6 in the Local Plan does not support demolition and redevelopment, but only the re-use of a redundant or disused permanent building for residential use (see sub-paragraph iv in the policy text, shown above), however there may be instances where there is no realistic prospect of redundant or disused agricultural buildings being brought into alternative use on a viable basis. In most cases residential use will offer the most valuable alternative use for such buildings. In order for demolition and redevelopment on the sites of redundant agricultural buildings to take place as envisaged in Policy P1 and to be compatible with Local Plan Policy SS6 (iv), it would be necessary to amend the policy to include a viability criterion to be satisfied, before demolition and redevelopment, as distinct to change of use to residential, is considered.”

It is considered that the Examiner’s goal was to incorporate a marketing requirement in order to ensure that only buildings which were not suitable/viable for conversion to residential use could be redeveloped via this policy, given that Policy SS6(c) of the Local Plan allows for such conversions.

The submission states that no marketing has been carried out, but instead a viability report has been submitted in support of the application. This report indicates that the agricultural buildings on site in this instance would not lend themselves to conversion easily and would likely, as a result of their construction, require significant rebuilding, extension or alteration. Without these substantial works, which would be unlikely to gain planning permission, securing a user on acceptable markets terms is doubtful. The report therefore suggests that it is not a necessity to market the buildings in order to justify that use within Use Class C3a is not economically viable through conversion.

Additional information received on the 18/07/18 provides an estimation of the likely value of the converted units and as their viability depends to a certain extent on the relationship between the likely conversions costs vis-à-vis the value of the converted units. Developer purchase prices along with conversion costs for buildings 1 and 2 are provided along with the developer sale price. The figures provided are noted as a guide only and do not constitute a formal valuation, however predict that conversion of buildings 1 and 2 would result in a loss of £98,800.

The proposals therefore remain in conflict with criterion a) of Policy P1 in that it has not been demonstrated that these buildings have been offered in the market for at least nine months for residential use. Notwithstanding this however, from the submitted viability report and information provided alongside the application it is considered that these buildings would not likely be suitable for conversion (without
substantial rebuilding/extension) and subsequently would be unattractive to purchasers. As such it is unlikely that planning permission would be sought to convert such buildings under Policy SS6(c).

Therefore although the formal marketing has not been undertaken as required by criterion a), it has been demonstrated that the conversion of these buildings would be unlikely, and even if they were to be converted, would not be economically viable. As a result, it is not considered that the scheme put forward would conflict significantly from the intention of this policy requirement to the extent as to warrant a reason for refusal.

Criterions b, c and d of Policy P1 of the SMBNP are considered in greater detail below.

- Local Housing Need (criterion e)

Clause e) states that the development is required to meet a locally agreed housing need, as identified in the SMBNP. The supporting text of this policy emphasises the importance of this requirement, but does not give any guidance in terms of how it should be interpreted. It should be noted that this requirement is underpinned by a housing need survey carried out in connection with the neighbourhood plan, and extensive public consultation, a summary of this survey is contained within appendix 7 of the SMBNP. The housing need survey identified a demand for new housing in the parish and strong support for small developments in the hamlets (including Binley). The wording of this requirement is very similar to policy SS6(e) in the Local Plan. However, it is noted that this policy makes specific reference to meeting locally agreed housing need “as identified in this plan” (i.e. the SMBNP). Therefore, it appears that this policy requirement should be interpreted in light of how it relates to the SMBNP as opposed to the Local Plan. Consequently, it is considered that this criterion is premised on an intention that the proposal is required to meet the need in the parish for smaller, more affordable units, as this need is emphasised in the SMBNP including Policy P3 which predominantly seeks 2 and 3 bed properties, which are considered ‘smaller units’. The proposal would accord with this requirement, as all of the units are 3beds or less, whilst 3 are also being offered as ‘affordable housing’. It is however noted that the detached larger 3bed dwelling would not offer downsizing opportunities, neither would it likely be ‘more affordable’ as required by the Neighbourhood Plan.

- Number of Units (criterion f)

The proposals are for four residential units and criterion f) limits the number of units on any one site to a maximum of six. Therefore in terms of numbers, the proposals would accord with this policy requirement.

- Loss of Agricultural Buildings (criterion g)

In relation to criterion g) which states that’s that “developments must not result in additional agricultural buildings being needed during the lifetime of the SMBNP in order to replace the building(s) being redeveloped”. The submitted supporting statement outlines that “Binley Farm needs a workshop that is large enough to
accommodate farm machinery in all-weather types i.e. undercover….” This statement, as set out above also notes that a number of the buildings are currently used for agricultural purposes, most notably a ‘workshop’. It would appear that the need for larger buildings exists irrespective of this proposed development but that the loss of these buildings would mean existing uses being housed elsewhere. This additional building/facility would likely be required within the Neighbourhood Plan period given the need stated within the supporting letter. The proposal therefore conflicts slightly with criterion g).

Therefore in regards to the principle of development in relation to the SMBNP, it has not been entirely demonstrated that all of the agricultural buildings are indeed ‘redundant’, namely Buildings B1 and B2. It is considered that although the proposed cottages would be on sites of agricultural buildings, the proposed detached dwelling with associated parking, garage, driveway, grounds would not be ‘on’ the site of agricultural buildings. Limited information has been received in relation to future agricultural needs of local businesses, neither has it been fully demonstrated that the loss of these buildings would not require additional agricultural buildings to be built during the lifetime of the SMBNP as stipulated within criterion g). The proposal therefore is not considered to fully accord with Policy P1 of the SMBNP.

National Planning Policy Framework (NPPF)

In accepting the conflict with the Local and Neighbourhood Plans, the NPPF constitutes guidance which the Local Planning Authority (LPA) must have regard to as a material planning consideration. Under the NPPF there is a need to consider whether the development is sustainable and to consider the social, environmental and economic impacts of the development. In considering new housing in rural areas Paragraphs 77 and 78 advises that:

“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.” (Paragraph 77)

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.” (Paragraph 78)

Paragraph 79 goes on to say that Local Planning Authorities should avoid the development of isolated homes in the countryside unless there are special circumstances. These instances include, essential rural workers dwellings, securing the optimal viable use of a heritage asset, re-use of redundant or disused building which would enhance its immediate setting, subdivision of an existing dwelling or would have a design that is of exceptional quality. In this instance, the proposals would not fall within any of these categories.
As planning law requires that applications for planning permission be determined in accordance with the development plan, the Local Plan’s definition should be the starting point for what defines ‘isolated’ development.

In weighing this matter, the Local Plan’s definition of ‘isolated’ states that “in the context of new residential development in the countryside where there is a significant separation between the proposed dwelling and the nearest settlement. Additionally, a dwelling is considered to be isolated if it is not well served by public transport (e.g. within 500 m of a bus stop or train station) or well served by services and facilities (e.g. within 1km of an SPB, which generally contains facilities such as schools, post offices, doctors surgery, etc.).”

This particular site lies outside any defined settlement, but is located within a small collection of other properties located to the south, west and east of the application site. Whilst the application site is remote from any settlement as defined within the Local Plan (these typically consist of a village, comprised of more than a group of houses, or farmstead, including at least one service or facility, such as a village hall, public house or school), the site is not physically remote from other buildings nearby. The site is however located a considerable distance away from any local services and facilities. The nearest settlement which contains a form of basic amenity is the village of St Mary Bourne which is approximately 4km away. Whilst this village does contain basic services, the ability for future occupants to walk/cycle to this destination is very limited, particularly given that they would need to walk over 45mins along either rural footpaths or the unlit highway which is subject to the national speed limit, both of which make the journey impractical and undesirable.

The nearest bus stops are within Stoke approximately 2.5km to the south and these provide infrequent trips into Andover. However, given the distance and the unsuitable means of access to surrounding villages, including Stoke, occupiers of the proposed dwellings would not realistically benefit from these public transport links. As such, the development is likely to have a heavy reliance on the private vehicle to gain access to shops, facilities and services and would fall within an isolated location as defined by the Local Plan.

The NPPF does not provide a definition of what constitutes ‘isolated’ development. In considering whether or not the current application site is isolated in light of the paragraph 79, reference has been given to case law and recent planning appeal decisions.

The Braintree DC v SSCLG [2018] Civ 610 (‘the Braintree case’) is a material consideration in the assessment of this application given the sites location outside of a defined Settlement Policy Boundary. The Court of Appeal upheld the High Court’s decision which concluded that that the word isolated should be given its ordinary meaning as ‘far away from other places, buildings and people; remote’. Lindblom LJ’s held that in the context of paragraph 55 of the previous NPPF (2012), now paragraph 79 (2018), ‘isolated’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether, in a particular case, a group of dwellings constitutes a settlement, or a ‘village’, for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. The Court rejected the
argument that the word ‘isolated’ as set out within the NPPF could have a dual meaning, being physically isolated or functionally isolated (isolated from services and facilities).

In applying this guidance to this current case, the proposed dwellings as set out above, are considered to be functionally isolated in accordance with the definitions of the Local Plan, and although the Local Plan is the starting point for the assessment of proposals, case law is a materials consideration which may justify a departure from the Local Plan. In terms of whether the development would result in physically isolated dwellings, Binley is not a settlement as per the definition within the Local Plan, however in Lindblom LJ’s view a settlement would not necessarily exclude a hamlet or cluster of dwellings, without, for example, a shop, school, pub or post office of its own. Binley contains approximately 22 dwellings spread over 8.7ha or 0.1 square kilometres. This equates to a housing density of roughly 2.5 dwellings per hectare. Although containing no services or facilities, Binley can be said to contain a meaningful number of dwellings and businesses (agricultural/equestrian). The sites positioning adjacent to the hamlets main thoroughfare, albeit a single track lane, would accord with the hamlets prevailing linier pattern of development, this excludes the proposed encroachment into the north field. Part of the site is also currently occupied by existing buildings and would be within close proximity to existing dwellings and other agricultural buildings to the south and east. Therefore, in this instance, taking into consideration the above and in light of the ‘Braintree Case’, the proposed development would not result in physically ‘isolated’ dwellings.

- **Sustainable Development**

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. The three dimensions to achieving sustainable development are defined in the NPPF as: economic, social and environmental.

The economic role of the NPPF requires proposals to contribute to building a strong, responsive and competitive economy. The social role requires planning to support strong, vibrant and healthy communities and states that it should create a high quality built environment. The environmental role states that the natural, built and historic environment should be protected and enhanced and should mitigate and adapt to climate change.

- **Economic**

The proposed development would encourage development and associated economic growth through the actual physical building works. The future occupants would also undoubtedly contribute to the local economy and to the continued viability of local services in surrounding villages. However, as this would apply to an increase in four dwellings only, the economic role of the development is therefore considered to be somewhat limited.

- **Social**

The social aspect of sustainable development would be met through the contribution made to the housing stock, particularly affordable housing and the benefits that this
would make to the diversity and vibrancy of the community. Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products. Whilst the requirements of the Local Plan are acknowledged, the Council is additionally mindful of the Planning Practice Guidance (PPG) which was updated in May 2016 to confirm that contributions for affordable housing and other ‘tariff style’ financial contributions should not be sought from small-scale residential developments of 10 units or less (5 units within designated (e.g. AONB) rural areas) and which have a maximum combined gross (internal) floor space of no more than 1,000m2. The use of the term ‘and’ (as opposed to ‘or’) within the PPG threshold implies that both unit number and floorspace tests have to be met in order to justify seeking an affordable housing contribution. In this instance, the 5 unit trigger, nor 1,000m2 floorspace is not met and as such it is not necessary in accordance with Policy CN1 or the ministerial guidance for affordable housing provision to be sought in relation to this development.

Policy CN2 provides an exception to the general policy restriction to housing within the countryside where the development is for affordable housing. This policy also allows for a proportion of market housing where it is necessary in terms of viability to bring forward the affordable units. Small scale residential development which meet identified needs of local people will be permitted subject to a number of criteria, including ensuring that it does not result in isolated development, its scale and tenure are based on proven local need, it is proportionate and respectful of its siting and surrounding character and that it would integrate into existing communities.

It is clear that the applicants have not submitted the proposals on the basis that they would accord with the criteria of Policy CN2, even though the description of the development could be considered as such (provision of 3 affordable units and 1 market dwelling outside any SPB). The applicants intention is clearly that the proposals would accord with P1 of the SMPNP, however as set out above, conflicts with this policy have been found and therefore it is necessary to establish whether other Local, or Neighbourhood plans would provide a principle for the development in this instance.

In this instance it has not been demonstrated, through the submission of supporting information, that the proposals would meet an identified need of the local people as required by CN2. Neither has it been fully demonstrated that the proposed scale and tenure have been based on a proven local need. Criteria c) also requires development to respect the character, form and appearance of the immediate vicinity and surrounding area. For the reasons set out below within the Impact on the character of the area section, it is not considered that the proposed development would comply with this requirement. The development is therefore not considered to fully accord with Policy CN2.

Policy P4 of the SMBNP also provides opportunities for the development of rural exception sites subject to varying criteria. In this instance the policy is not relevant as the site is no located in close proximity to St Mary Bourne Settlement Boundary where local facilities and services are located.
The Housing Enabling Officer has confirmed that the development proposal does not accord/fall within Local Plan Policies CN1 (Affordable Housing) or CN2 (Rural Exceptions for Affordable Housing). Nonetheless and notwithstanding the above, the Applicants have chosen to offer 3 of the 4 dwellings as ‘affordable’ units and as such, it has been necessary to address the affordable housing approach as a windfall opportunity, albeit with the Applicant’s sincere commitment to providing the homes and seeing them secured under long-term arrangements as part of a S106 agreement.

Following the voluntary exploration of alternative affordable housing models (for home ownership) and delivery routes (via a local Housing Provider), the Applicant has maintained their original wish to own and let the three affordable homes directly at a materially discounted rate and in accordance with a defined policy approach. If planning were to be approved, the approach will be documented within a legal planning agreement. The approach itself will not be capable of being varied without the prior approval of the Borough Council and St Mary Bourne Parish Council.

A draft Heads of Terms has been produced and should all other matters have been found acceptable, these matters would have been secured via a signed Section 106 legal agreement.

Policy CN3 requires developments for market housing to provide a range of house type and size to address local requirements, with the mix to be appropriate to the size, location, density and character of the site and surrounding area. The policy also requires that the mix is to be supported by evidence to justify the proposed housing mix, with supporting text stating this is to be based on an assessment of “a range of sources of housing evidence”.

In this instance a mix of 2 and 3 bed units are proposed. This mix is to accord with the requirements of the Neighbourhood Plan which seeks to provide units that meet the locally agreed need, in this case, small housing units (1-3 bedrooms). It is therefore considered that the proposed mix would be suitable in addressing local requirements and would accord with Policy CN3 of the Local Plan.

In addition to housing mix, Policies CN1 and CN3 require provision of 15% of the homes to be ‘accessible and adaptable’ to enable people to stay in their homes as their needs change. In the absence of any such units (of either description) being illustrated within the application submission, such provision could be secured via planning condition had all other matters been found acceptable.

Notwithstanding the contributions to the housing stock that these dwellings would bring, the Council is currently able (as at April 2017) to demonstrate that it has a 5 year Housing Land Supply (HLS) of 5.6 years. The development would make no significant contribution to the Council's housing land supply position, which is being adequately met through development within Settlement Policy Boundaries and on allocated sites. There would be a benefit in terms of the social role that this development would bring through the provision of new homes, notably affordable housing. This is afforded weight in favour of the proposal. Nonetheless it has not been sufficiently demonstrated that this need exists within Binley, neither whether or not what is proposed would meet the specific needs of this community, which would
have been required should this scheme have been considered in light of Local Plan Policies CN1 or CN2. Furthermore this social benefit should only be afforded limited weight in light of the Councils ability to demonstrate a robust 5 year HLS.

- Environmental

With regard to the environmental role of this development, the development could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards. However, the whole development itself would not respond to climate change through its failure to integrate well with any existing settlement and the lack of opportunity it allows for occupants to utilise community facilities by any means other than private car. This would outweigh any other perceived environmental benefits. An assessment of harm on the wider character of the area will be undertaken later in this report, however this development is not considered to support the overarching sustainability aims of either the Local Plan or NPPF.

Impact on the character of the area/ design

Policy EM1 states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area concerned and must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected.

Policy EM10 states that proposals will be required to respect the local environment, contribute to the streetscene and be visually attractive. EM10 also seeks high quality development across the borough, based upon a robust design-led process and a clear understanding of the local identity and context of development to create successful, inviting places where people want to live, work and enjoy themselves.

The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), a national designation that seeks to preserve the particular qualities of the area. Paragraph 172 of the NPPF states: “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”.

The St Mary Bourne Village Design Statement 2005 (VDS) states that “any changes to buildings or land should respect and seek to improve the setting of the parish and preserve important public views into, out of and through the villages and hamlets. Applications for planning permission should refer to the current North Wessex Downs Management Plan with its guidance on the need for appropriately designed development.”

The VDS also states that the “hamlet of Binley comprises a loose settlement of dwellings of mixed ages and character in a dominantly agricultural setting. Currently the boundaries of developed areas in the parish blend harmoniously into surrounding farmland, with no hard confrontation between the built environment and open countryside.”
The application site is on sloping land to the north of Lye Farm Road and its current uses include existing agricultural buildings to the eastern end, with paddock and a barn located in the central and western parts. To the north of the site are agricultural fields which continue east beyond North and South Cottages. Binley Farm lies to the south, beyond which are also agricultural fields. The hamlet of Binley itself is spread along the roads, with frequent gaps between the built form and the site is towards its western end. Beyond the site, land rises to the north and generally falls to the south and is part of a wider rolling landscape. The countryside has a number of small woods, copses and roadside hedgerows which line the country lane network. Within the site itself, there are areas of vegetation including short stretches of gappy hedge and mature trees.

The site is within the Lichfield Downs Landscape Character Area as defined within the Borough Landscape Assessment. There are a number of characteristics of this which are relevant to the sites, as follows:

- rolling chalkland, falling towards the River Test and Bourne Rivulet in the south, with a discernible sense of place, strengthened by its unifying pattern of large woodland blocks;
- patchwork of arable fields interspersed with woodland blocks, creating a semi-enclosed landscape. One area of contrast exists to the south-west with more open, arable fields and low, trimmed hedgerows;
- lies within North Wessex Downs AONB and generally possesses an unspoilt, remote, quiet and rural character, with few detracting influences. An exception is within the vicinity of the A34, which cuts through the area north-south, bringing noise intrusion and limiting east-west movement;
- generally large-scale fields, predominantly reflecting 18th and 19th century parliamentary enclosure and, in the west (where there are large wavy-edged fields), 17th and 18th century informal enclosure, enclosed within a relatively strong hedgerow structure;
- fields bounded by tracks and roads, resulting from post-medieval informal enclosure;
- moderate to low intervisibility within the area, confined by the woodland and hedgerow structure. More extensive views within the more open, south-western section of the landscape;
- isolated farmsteads and villages/hamlets scattered throughout the area interconnected by narrow, winding roads;

The area has a strong rural character, typified by the land uses including fields, woodland, farmsteads and the small areas of settlement. The site itself complements this character well, the existing agricultural buildings reflecting the character of other farmsteads in the area, whilst the open paddock (south field) provides a link to the wider countryside beyond and also a gap between built form.

With respect to the existing visual amenity. The site can be seen from the adjacent stretch of road along the southern boundary, where it forms the foreground to views through the site to the countryside beyond. In addition, views are possible from the west along Sladen Corner Road, including views along the proposed access road, which is currently a view across the countryside.
The larger dwelling on the main part of the site will result in a locally significant area of farming character being domesticated – by the change to residential use comprising a large area of built form, hardstanding and a more formal garden area. Furthermore, this domestication will extend further into the countryside beyond the south field and into the north field. The access and driveway, will also introduce a noticeably domestic element into the rural character.

The proposals would involve earthworks and some ground level changes, including land where the detached dwelling, its formal parking court and external amenity spaces are to be sited. The land rises to the north from the Road and as a result, the finished floor level of the detached dwelling would be approximately 3m higher than the south-eastern boundary with the Road. This change in level would amplify the scale, mass and appearance of the dwelling and result in it being prominently viewed from the surroundings. This exacerbates the domestication impacts of the site and limits the ability to mitigate visual impacts through screening, contributing to the proposals harmful appearance within its rural setting.

The site is within the North Wessex Downs AONB, which whilst itself doesn’t prohibit development, but does demonstrate that the landscape is of quality and is likely to be more susceptible to change. The demolition of the agricultural buildings will also start to erode the character of the site and wider area, with the construction of residential properties adding to the domestication. In addition, the development of the site will also erode the more open character that exists in parts of Binley. As a result, the Council’s Landscape Officer concludes that the proposals would result in adverse impacts on the character of the area to a significant degree.

Limited information has been submitted in terms of landscaping details and the submitted plans, most notably, the proposed site plan, provides only the very basic level of detail. Further landscaping details could have been secured by way of condition had all other matters have found acceptable.

Therefore it is not considered that the proposals would accord with Policies EM1 and EM10 of the Local Plan and Policy P1 d) of the SMBNP in that they would fail to respect, conserve or enhance the sites rural character and setting, through the inappropriate introduction of domestic elements and result in the loss of agricultural land and buildings which typifies the area in terms of its use and built form whilst allowing views through it to the wider/open countryside beyond.

In terms of scale and mass, Policy P1 b) states that development should be proportionate to the settlement’s size, form and character. In terms of the proposed terraced cottages, these would, as a result of their scale, orientation, siting and external materials, not be dissimilar to North and South Cottage to the east. The simplistic design would appear as a traditional set of rural/agricultural dwellings and would reflect the local vernacular well. Therefore the design of these dwellings would accord with criterion b) of Policy P1 of the SMBNP as well as EM10 of the Local Plan.

However in terms of the proposed detached dwelling, its mass, orientation, design and use of materials would not assimilate it into its setting to the same degree of success as the proposed cottages. In terms of orientation, the dwelling would face
northwest, away from Lye Farm Road, this is uncharacteristic of the area whereby dwellings either face the road or have publicly visible frontages. The north westerly orientation of the dwelling results in the rear elevation being the most visible from the public realm. This elevation comprises a large central grazed element with four large, elongated casement style windows set out in a symmetrical pattern either side. The scale of these glazed elements would not reflect that of the local vernacular, neither would it more generally reflect rural dwellings. The over-scaled central glazed component appears to be an attempt to give the dwelling a ‘barnlike’ aesthetic, however the rest of the building does not complement this style and as a result the dwelling appears as an incoherent building, contrary to Policy P7a) of the SMBNP.

The amount of glazing proposed would result in increased light spill into the sites rural setting to the detriment of dark skies and its tranquillity. This is contrary to Policy P7e) of the SMBNP which aims to “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and biodiversity”.

The dwelling would have a substantial bulk and mass as a result of its 11.5m depth, 20m width and 8.7m height. The built form on site would also be significantly increased through the 18.1m long 5 bay carport, store, workshop, woodstore and garden shed, albeit that this element would be largely screened from public view by the dwelling. As a result of its design, the dwelling would appear prominent when viewed from Lye Farm Road. This prominence would be exacerbated through its sitting upon raised ground within the centre the site as set out above.

Brick and flint are proposed externally for the dwelling, although it is not clear as to how the northwest elevation would be treated as the plan lacks detail in this regard. The use of brick and flint would reflect the local building materials and would assist in integrating the dwelling into its setting. The carport/outbuilding would be timber clad, a material which in principle is appropriate for the sites rural setting. To ensure that the dwelling would have a satisfactory appearance in relation to its materials, should all other matters have been found acceptable, a condition would have been included to secure these details prior to commencement.

Therefore, the proposals would fail to respond positively to or be sympathetic of the character and appearance of the surrounding area as required by Policies EM1 and EM10 of the Local Plan and Policy P1d) of the SMBNP.

Impact on heritage

The National Planning Policy Framework (NPPF) states that there should be a presumption in favour of sustainable development (paragraph 11) and that when considering the impact of a proposed development on the significance of the heritage asset, great weight should be given to the conservation of the asset (paragraph 193). The NPPF also sets out that the effect of an application on the significance of a non-designated heritage asset (including locally listed buildings) should be taken into account in determining the application and in weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197). Local Plan Policy EM11 states
that development must preserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance.

The proposed development site is located in the settlement of Binley. There are no listed buildings or conservation areas in the vicinity, but there are several Buildings of Local Interest (locally listed buildings) to the south and east of the proposed development site:

- LL-SMB-022 Brick and flint boundary wall and attached brick outbuilding approx. 25m WNW of North Cottage
- LL-SMB-023 North and South Cottage
- LL-SMB-023a North and South Cottage
- LL-SMB-020 Roadside stables at Binley Farm
- LL-SMB-019 Roadside stables at Binley House Farm
- LL-SMB-018 Binley House Farm

Of these buildings, LL-SMB-022, the brick and flint boundary wall and attached brick outbuilding has the potential to be most affected by the works, as it is located on the proposed site entrance (terraced properties).

The Conservation Officer has raised no objections to the proposals as the locally listing building and wall on site are to remain. It is not considered that the proposed development would adversely affect the setting of these heritage assets. Therefore, should all other matters have been found acceptable, conditions would have been included to ensure that the locally listed building and wall were retained in perpetuity by the owners of the site or their successors in title. This accords with Section 16 of the NPPF and Policy EM11 of the Local Plan.

Impact on neighbouring amenities

Policy EM10 requires developments to provide high levels of amenity for proposed occupants and neighbouring occupiers regarding privacy, amenity space and natural light.

The closest properties to the site are North and South Cottages to the east, Binley Farm House to the south and 1-4 Sladen Corner to the west. The most easterly proposed dwelling would sit within a few meters of the boundary with North Cottage to the east. It is not considered however that this neighbouring property would be adversely impacted upon by the proposed development as the height and positioning of the terrace would avoid harmful overbearing impacts. There would also be no loss of light to this neighbours main amenity areas and it is not considered that the increased potential of overlooking would be to the extent as to warrant refusal, albeit that indirect views would be afforded from the first floor rear bedroom windows towards the rear of North Cottages garden area. All of the other surrounding properties are at sufficient distances from the site and as such it is not considered that the development would have any adverse impacts upon these neighbours’ amenities.
Hours of work/delivery conditions would also be included, should all other matters have been found acceptable, in order to protect the amenities of the occupiers of nearby properties during the construction period.

Highways and Parking

Policy CN9 sets out that development integrate into existing movement networks, provide safe, suitable and convenient access for all users; provide appropriate parking and servicing provision; and should not result in inappropriate traffic generation or compromise highway safety. Policy EM10 requires developments to provide appropriate parking provision (including bicycle storage), in terms of amount, design, layout and location, in accordance with the adopted parking standards.

The site has an existing access onto Lye Farm Road (an unclassified road) to which the parking/access for the proposed terraced properties will utilise. As such the Local Highway Authority Standing Advice (April 2017). The Standing Advice requires any gates across a vehicular access to be set-back 6 metres from the edge of the highway to ensure there is sufficient space for vehicles to exit, and be in-ward opening only. If all other matters were acceptable, a condition could have been attached to ensure that this was adhered to.

The Design and Access Statement states that the single market dwelling will use the existing farm gate access, which is also accessed from an unclassified road, therefore similarly standing advice applies for this dwelling. As there is very little detail provided for this access within the submitted documents. Should all other matters have been found acceptable, conditions securing details of the means of access, visibility splays and no gates within 6m of the highway would have been imposed in accordance with Policy CN9 of the Local Plan.

The site has sufficient areas for the parking of 3 vehicles per dwelling in order to satisfy the Residential Parking Standards SPD for dwellings with 2 or 3 no. bedrooms. If all other matters were acceptable, a condition could have been attached to require provision of parking areas and their retention to ensure adequate parking in perpetuity. In addition, conditions could have been included in respect of refuse and cycle storage and a refuse collection point.

Contamination and ground water protection

The submitted preliminary contamination assessment concludes that given the historic and current use of the site, the potential for ground contamination which could pose a risk to either future site users or groundwater within the underlying Chalk aquifer can’t be discounted. The Environmental Health Team are satisfied with the preliminary assessment and as recommended in the report, a ground investigation including chemical testing of soils is required to fully quantify the risks to future site users. Should all other matters have be found acceptable, a series of conditions would have been included to ensure that this necessary information is provided prior to any works commencing on site (excluding demolition).

Following the site visit by the Environmental Health Team it was apparent that the roofs of the buildings on site were comprised of corrugated cement which, from
experience, is likely to be an asbestos containing material. It is however not considered reasonable or necessary to impose a condition in relation to the removal of asbestos as this matter is covered under separate legislation (the Control of Asbestos Regulations 2012).

The site falls within a Source Protection Zone and as set out within Policy EM6 of the Local Plan, potentially contaminating development proposals will need to demonstrate that groundwater and surface water is adequately protected to prevent a deterioration of water quality and pollution of the water source. In this instance, the proposed residential end use of the site would not be considered to be a ‘contaminating form of development’ and as such it is not considered necessary in this instance to require further details in relation to groundwater/surface water. The contamination conditions as noted above, would have ensured, should all other matters have been found acceptable, that any existing contaminates are appropriately and safely removed from site, without harming the water source.

**Minerals**

The proposed development lies at the edge of the mineral and waste consultation area (MWCA) – Minerals section. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present.

The purpose of this policy is to protect potentially economically viable mineral resource deposits from needless and unnecessary sterilisation. However, given the size of the proposed development it is not considered viable for any extraction to take place. Hampshire County Council would encourage the use of any material that may be recovered through the construction phases of the development on site.

**Ecology**

Policy EM4 establishes that proposals will only be permitted where significant harm to biodiversity can be avoided or adequately mitigated unless there is a demonstrated overriding public need.

A Preliminary Ecological Appraisal was submitted in support of the application, along with a Bat Roost Survey Report. These have been examined by the Council’s Biodiversity Officer who has confirmed that they are satisfied that these reports adequately assess and provide mitigation measures for the ecology on site. In order to ensure that the development is carried out in an appropriate manner in relation to the ecology on site, should all other matters have been found acceptable, a series of conditions would have been included. These conditions would require the provision of a habitat enhancement scheme as well as a wildlife protection and mitigation plan in accordance with Policy EM4 of the Local Plan.

**Trees**

The site contains and is bordered by a number of mature trees, an arboricultural survey has been submitted in support of the proposals. This has identified the crown
and root constraints associated with the existing trees on and adjacent to the site. The Tree Officer has assessed the information submitted and raises no objections to the development subject to a condition ensuring that protective measures are put in place for the development as set out within the submitted method statement and arboricultural plans. Should all other matters have been found acceptable, this condition would have been included to safeguard the trees in and around the site in the interests of local amenity and the enhancement of the development in accordance with Policy EM1 of the Local Plan.

Community Infrastructure Requirements

The Council's Planning Obligations for Infrastructure SPD, and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2015) are relevant with regard to planning obligations in the context of a development. The CIL regulations in particular now make it unlawful if the obligation sought does not meet the following three tests:

(a) necessary to make the development acceptable in planning terms
(b) directly related to the development, and;
(c) fairly and reasonably related in scale and kind to the development.

In respect of this particular application, it was identified through the Council's 'scoping' process in relation to tariff style charges, that contributions were not required in order to offset the impact of the development given that less than 5 units are proposed in light of the ministerial guidance as set out within the Affordable Housing section of this report.

Basingstoke and Deane Borough Council has now implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. From these forms, it would appear that the development would be exempt from any CIL payments given that affordable housing is exempt and the applicants are claiming a self-build exemption for the detached dwelling.

Sustainable Water Use

Policy EM9 of the Local Plan sets out that development for new homes will need to meet a water efficiency standard of 110 litres or less per person per day, unless clear demonstration is given that this would not be feasible. It is considered appropriate that should all other matters have been found acceptable, this requirement could have been secured by way of condition.

Other matters

The submitted location plan fails to refer only to the land to which the application relates to, including land necessary to carry out the proposed development. As the application is thought for refusal, so nobody is disadvantaged with the application being determined. Should the application be approved a condition referring only to the site plan and not the location would be required.
Conclusion

The principle of development is not considered to fully accord with the requirements and criteria of Policy P1 of the SMBNP as set out in full above. The development would conflict with the key housing policies within the Local Plan, including SS1 and SS6. Taking into account the guidance contained within the NPPF and the recent Braintree court decision, these other considerations do not outweigh the conflict with the Development Plan or the Framework when this is read as a whole. The detached dwelling and related development is considered to be unacceptable in relation to its siting, scale and appearance. Similarly, the proposed encroachment into open countryside, beyond the boundaries of the existing agricultural buildings into the north field, would significantly harm the rural character of the hamlet and wider AONB.

The provision of 3 affordable units within the proposals is afforded weight in favour of the development and given that these could be secured through a legal agreement in accordance with the requirements set out for such provision, it is considered that this element of the proposals would be of value to the local community. The social, economic and environmental benefits of the scheme are considered above in more detail, and it is recognised that through the construction process and addition of 4 new dwellings to Binley, there would inevitably be some economic and social benefits resulting from the development.

Consequently however, when the scheme is considered under the Development Plan as a whole and taking into account the noted benefits, the harm identified as detailed above in relation to the conflicts with the Local, Neighbourhood and National Plans including the adverse impact on the character and appearance of the area / landscape, would outweigh the combined benefits, and as such, the proposals are considered to be unacceptable.

Informative(s):-

1. In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:--

   proactively offering a pre-application advice (in accordance with paragraphs 39 – 46),
   seeking further information following receipt of the application;
   seeking amendments to the proposed development following receipt of the application;
   considering the imposition of conditions and or the completion of an s.106 legal agreement (in accordance with paragraphs 54-57).

In this instance:

   the applicant was updated of any issues after the initial site visit,

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.
2. Further information on safeguarding and Hampshire County Council’s approach to it is available in the adopted Minerals and Waste Safeguarding in Hampshire Supplementary Planning Document, which can be found on our website: http://www3.hants.gov.uk/mineralsandwaste/planning-policyhome/hmwp-spds.htm
Location plan
Site Plan
House Elevations and Floor Plans
Cottage Elevations

Garage elevations
CTTEE: 08 August 2018

Item No. 4

Application no: 18/00412/FUL

For Details and Plans Click Here

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<thead>
<tr>
<th>Site Address</th>
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<td>Proposal</td>
<td>Hybrid planning application comprising a full planning application for the erection of 4 no. semi-detached houses and 4 no. flats with new access to the development from Court Drove and associated works and Outline application for the erection of 6 no. self build detached houses</td>
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<th>20 February 2018</th>
<th>Expiry Date:</th>
<th>15 June 2018</th>
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<tr>
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<td>Full Planning Application</td>
<td>Case Officer:</td>
<td>Stephanie Baker 01256 845578</td>
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<tr>
<td>Applicant:</td>
<td>Multiskill Communications Ltd</td>
<td>Agent:</td>
<td>Mr Marcus Beale</td>
</tr>
<tr>
<td>Ward:</td>
<td>Overton, Laverstoke and Steventon</td>
<td>Ward Member(s):</td>
<td>Cllr Ian Tilbury Cllr Colin Phillimore</td>
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<td>Parish:</td>
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Recommendation: Subject to the conditions at the end of this report the applicant be invited to enter into a legal agreement (in accordance with the Community Infrastructure Levy Regulations 2010 (amended 2015) and Policies CN1, CN6 and CN8 of the Basingstoke and Deane Local Plan 2011-2029) between the applicant and the Borough and County Councils to secure:

- Affordable Housing
- Landscape and Access Road Management Plan
- On-Street Parking Secured Sum
- Playing Fields (Contribution towards Town Meadow Golf Club for improvements to the golf hut)

Should the requirements set out above not be satisfactorily secured, then the Planning and Development Manager be delegated to REFUSE permission for appropriate reasons.

Reasons for Approval

1. The proposed development would deliver residential development on land which is an allocated site within the Overton Neighbourhood Plan and would be in accordance with the Borough’s Land Supply requirements. The proposal therefore accords with the provisions of the National Planning Policy Framework 2018, Policies SS5 and SS6(g) of the Basingstoke and Deane Local Plan 2011-2029 and Policies LBE1, H1, H2, H3, H4, SS1 and SS2 of the Overton.
Neighbourhood Plan 2016-2029.

2. The proposed development would comprise high quality design and would not result in significant impacts on the local landscape character or scenic quality of the area. The proposal therefore complies with the National Planning Policy Framework 2018 and Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

3. The proposed development would not harm the character, appearance or setting of the Overton Conservation Area or the setting of nearby designated and non-designated heritage assets and as such complies with Section 16 of the National Planning Policy Framework 2018 and Policy EM11 of the Basingstoke and Deane Local Plan 2011-2029.

4. The proposed development would provide 40% affordable housing units to meet an identified need. As such the proposal therefore complies with the National Planning Policy Framework 2018, Policies CN1 and CN6 of the Basingstoke and Deane Local Plan 2011-2029 and the Affordable Housing Supplementary Planning Document 2007.

5. The proposed development would not result in any undue loss of privacy or cause undue overlooking, overshadowing, or overbearing impacts to existing neighbouring properties and as such would comply with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029 and Appendix 16 of the Design and Sustainability Supplementary Planning Document 2012.

6. The development would provide a safe and suitable access and would not cause an adverse impact on highway safety and adequate parking would be secured to serve the proposed development and as such the proposal therefore complies with the National Planning Policy Framework 2018, Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029 and the Residential Parking Standards Supplementary Planning Document v.2012.

7. The proposal would conserve the biodiversity value and nature conservation interests of the site and as such the proposal would comply with the National Planning Policy Framework 2018, Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029, Policy H3 of the Overton Neighbourhood Plan 2016-2029 and the Landscape and Biodiversity Supplementary Planning Document 2008.

8. Adequate drainage (foul and surface water) can be provided for the development and can be adequately controlled through planning conditions and separate legislation, such to ensure that there would be no increased risk of flooding or to property or the environment. The proposal accords with Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029 in this respect.

9. The provision of a Section 106 agreement would ensure that the development provides adequate infrastructure to mitigate the impact of the development in relation to community facility contributions, affordable housing on-site, landscape management on-site and playing fields contributions. The development therefore complies with the National Planning Policy Framework 2018, Policies CN1, CN6
and CN9 of the Basingstoke and Deane Local Plan 2011-2029; the Community Infrastructure Levy Regulations 2010 (as amended); Hampshire County Council's Developers' Contribution towards Children's Services Facilities, the Council's Planning Obligations for Infrastructure Supplementary Planning Guidance (March 2018) and the Council's Green Space Standards (adopted July 2013).

General comments

This application was considered by the Development Control Committee at its meeting on 13\textsuperscript{th} June 2018 due to the number of objections received and the Officer's recommendation for approval in accordance with the council's scheme of delegation.

At that meeting Members resolved to defer the application to seek further information in relation to transport and traffic impact in light of potential planned extension to Overton Primary School and to consider and provide construction method details, including how the development and in particular self-build element might be constructed.

An update report considering the reasons for deferral and additional information submitted to address these is provided below, followed by the original committee report, combined with the Update from the 13/06/2018 meeting for reference.

Update Report for 8\textsuperscript{th} August 2018 Development Control Committee

Overton Primary School expansion

The applicant has spoken to the HCC Education Strategic Development Officer and they have confirmed the following:

“At the moment we currently have the scheme completing for September 2021 but this is under review. We have only completed a high level feasibility study so don’t have significant detail about the scheme that we can share.”

Following further discussions between the parties the following has been confirmed:

1. Feasibility studies have been carried out for an extension to the school. These studies are not in the public domain and HCC are unable to share these documents.
2. The potential expansion of the school will be approximately 15 students more per class, 105 extra spaces in total.
3. The potential extension to the school is likely to be to the south, towards Lordsfield Gardens and a pedestrian entrance close to where the footpath to the school is currently located.
4. HCC Education have consulted HCC Transport Team but no significant work has been carried out and no transport plan has yet been developed.
5. The scheme is currently due to be completed for September 2021 but this timescale is currently under review.
**Officer comment** - In light of the above and that there are no definitive plans for the expansion of the primary school which if agreed would still not be built for a further 3 years. Therefore there are no impacts of that potential development which can be evidenced or assessed in considering the traffic context of this current planning application. It would therefore be unreasonable to refuse an application on the basis of something that has not been agreed, has no detailed plans and has no permissions.

**Traffic information**

With regards to the traffic survey confirmation has been received from the applicant as follows:

- The traffic surveys were carried out on 10-17 May 2017 (08:00-09:00, 15:00-16:00 and 17:00-18:00) and the site visit for the Road Safety Audit Report took place on 20 July 2017(14:30-15:30) during school term.
- Three independent experts have reviewed and approved that the transport arrangements and the road itself are adequate.

The applicant’s Highway consultant has stated that the submitted Transport Statement included:

- Traffic surveys on Court Drove undertaken by Hampshire County Council’s traffic survey team. These identify the level of traffic using Court Drove in the morning period and afternoon period when parents are using Court Drove for school drop off and collection.
- Parking surveys on Court Drove and Lordsfield Gardens in the morning period and afternoon period during school drop off and collection to understand the existing use of the roads surrounding the development for parking associated with Overton Primary School; and
- An Independent Road Safety Audit of the proposed site access arrangements undertaken during the afternoon period when parents collect children from Overton Primary School.

In respect of the traffic impact of the development on the adequacy of Court Drove the Transport Statement concludes:

- The proposed development will generate circa ten vehicle movements in the one hour period surrounding school drop off in the morning and circa six two way vehicle movements in the one hour period surrounding afternoon collection. This equates to a maximum increase of one additional vehicle every 6 minutes. This has been determined based on surveys of similar residential cul de sac. It is also important to note that this is robust and doesn’t take into account the fact that some future residents of the development may time their journey to work, particularly in the morning peak, to avoid the period surrounding school drop off;

- The two way traffic flow on Court Drove in the morning period surrounding school drop off is circa 240 vehicles whilst in the afternoon peak surrounding school collection the two way traffic flow is circa 190 vehicles. The impact of
the development is therefore limited in percentage terms (a 3%-4% increase) and absolute terms, with the maximum increase of ten additional vehicles per hour not anticipated to materially change the existing operation of Court Drove;

- The proposed site access has been designed in a similar manner to the existing Lordsfield Gardens junction, although the new access to the development will provide access to considerably fewer dwellings. There have been no reported Personal Injury Accidents at the Lordsfield Gardens junction in the most recent five year period. Dropped kerbs and tactile paving have been provided to assist pedestrians crossing and bollards will also be provided to highlight the presence of the crossings. Visibility splays will be provided in accordance with observed vehicle speeds. The access to the development has also been subject to an Independent Safety Audit which considered the proposal in the context of activities associated with school drop off and collection and all matters raised by the Safety Audit have been addressed in the design; and

- The access to the development will displace six to seven vehicles from parking on Court Drove. Some of these vehicles could however park on the access road to the development and they would still be conveniently located to Overton Primary School. Whilst the proposed access will result in the loss of some parking on Court Drove, the parking surveys also demonstrate that there will still be a sufficient level of parking available close to the school. A contribution will also be provided by the development to enable the Local Highway Authority to advertise and implement any amendments to the existing parking restrictions in the vicinity of the proposed access onto Court Drove that are considered desirable. This could include extending the existing double yellow lines on Court Drove.

The applicant has provided a Framework Construction Management Plan – this provides the framework for managing the environmental, traffic and amenity impacts that could result from construction traffic.

The submitted Framework Construction Management Plan states the following:

Phasing – there will be 4 phases as follows:
1 – establishment of initial compound using existing access
1A – vegetation and site clearance to enable proposed access to be provided for use by construction traffic
2 – delivery of onsite roads and infrastructure and connections to self build plots
3 – delivery of plots being constructed by developer
4 – delivery of self build plots

The Framework CMP states that whilst the delivery of the self build plots is identified as Phase 4 they could be built alongside the remaining plots. This has been considered when calculating likely number of vehicle movements during construction and in the consideration of the management of construction activities.
The Framework CMP states that construction will be completed within 6-12 months, acknowledging that some self build plots may take longer. If the self build plots are delivered after the 6-12 months period where the majority of construction activity is being undertaken, then there will be fewer movements but over a longer period.

The CMP states that the deliveries of plant and material will be scheduled where possible to arrive outside of the school drop off period in the morning and the school collection period in the afternoon. Vehicles will also be held on site and not permitted to depart when drop off and collection is occurring.

Officer comment – condition 10 would secure a construction method statement and this specifically refers to the school; condition 17 controls delivery times; and condition 18 would control hours of work.

Management of the site – the Framework CMP states that the self build plots are considered to be of sufficient size for the majority of plant and materials to be stored on individual plots. The CMP also states that in the event that some additional storage space is needed, the applicant will make available additional space adjoining the site.

In light of the above, the Officer’s recommendation for approval as put forward in the previous report remains unaltered.

Community Infrastructure Requirements – update

As the Council has now implemented CIL (as of 25th June 2018) the recommendation reflects the section 106 requirements taking account of the Council’s Regulation 123 infrastructure list.

**Previous Officer’s Report and Update to the 13th June 2018 Development Control Committee**

Planning Policy

The site lies outside any Settlement Policy Boundary, partly within the Overton Conservation Area. The site is allocated in the Overton Neighbourhood Plan (ONP) under Policy SS1 of the ONP. This ONP policy states that the site comprising 0.46ha located off Court Drove can accommodate approximately 14 dwellings. The principle of development on the site is also supported by Policy SS6(g) of the Basingstoke and Deane Local Plan, which permits residential development outside Settlement Policy Boundaries where such sites have been allocated within a ‘made’ Neighbourhood Plan.

National Planning Policy Framework (NPPF) (March 2012)

Core Principles - Achieving Sustainable Development
Section 4 (Promoting sustainable transport)
Section 6 (Delivering a wide choice of high quality homes)
Section 7 (Requiring good design)
Section 8 (Promoting healthy communities)
Section 11 (Conserving and enhancing the natural environment)
Section 12 (Conserving and enhancing the historic environment)
Annex A: Decision Taking

Basingstoke and Deane Local Plan 2011-2029

Policy SD1 (Presumption on Favour of Sustainable Development)
Policy SS1 (Scale and Distribution of New Housing)
Policy SS5 (Neighbourhood Planning)
Policy SS6 (New Housing in the Countryside)
Policy CN1 (Affordable Housing)
Policy CN3 (Housing Mix for Market Housing)
Policy CN6 (Infrastructure)
Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
Policy EM7 (Managing Flood Risk)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM11 (The Historic Environment)
Policy EM12 (Pollution)

Overton Neighbourhood Plan 2016-2029

Policy LBE1 (Landscape character): Development proposals should demonstrate, where appropriate, that they conserve or enhance the character of the landscape and built environment. Where possible, proposals should demonstrate how they have taken into account the Overton Village Design Statement, the Overton Conservation Area Appraisal and the CABE Building for Life standards. Applicants are strongly encouraged to engage with the community before and during the planning application process.

Policy H1 (Housing): Residential development within the existing built-up area of Overton and on the sites allocated in this Plan will be supported subject to: 1) The provision of 40% affordable homes in developments of 11 or more (6 or more in the AONB); 2) the provision of a mix of dwelling sizes; 3) demonstrating that, where affordable housing is provided, consideration has been given to local need; 4) demonstrating that consideration has been given to the guidelines set out in ‘Secured by Design’ (ACPO).

Policy H2 (Housing allocation): This Plan allocates land for approximately 150 dwellings. Policies for all allocated sites are included later in the plan.

Policy H3 (Housing detail): Applications for residential development should demonstrate how they have taken account of best practice in energy efficiency and generation; and should demonstrate that landscaping responds positively to the character of the area, is well related to the design of the proposed development and, where possible, conserves or enhances biodiversity.
Policy H4 (Sustainability): Grey water recycling and the utilization of sustainable drainage systems (SuDS) will be supported. Applicants are encouraged to maximise opportunities for grey water recycling and utilise SuDS wherever practical and viable.

Policy SS1 (Allocated sites): The development of approximately 150 homes will be permitted on the following sites:
SITE F: S OF TWO GATE LANE, approximately 70 dwellings
SITE J: W OF SAPLEY PLAYING FIELD, approximately 55 dwellings
SITE A: NW OF OVERTON PRIMARY SCHOOL, approximately 11 dwellings
SITE B: E OF COURT DROVE, approximately 14 dwellings

Policy SS2 (For allocated sites): Where a Design and Access Statement is required, the supporting information should, where relevant, provide sufficient detail to enable the following topics to be considered; design; transport; heritage; landscaping and provision of green space; and public benefits.

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Appendix 14 (Countryside Design Summary) of the Design and Sustainability Supplementary Planning Document
Appendix 16 (Residential Amenity Design Guidance) of the Design and Sustainability Supplementary Planning Document
Residential Parking Standards Supplementary Planning Document
Affordable Housing Supplementary Planning Document
Housing Mix and Lifetime Mobility Standards Supplementary Planning Document
Landscape and Biodiversity Supplementary Planning Document
Section 106 Planning Obligations & Community Infrastructure SPD (revised 2015)

Other material documents

Overton Conservation Area Appraisal 2003
Overton Village Design Statement 2002
The Community Infrastructure Levy (CIL) Regulations (as amended 2015)
Manual for Streets

Other relevant legislation

Neighbourhood Planning Act 2017
Neighbourhood Planning Regulations 2012
The Self-build and Custom Housebuilding Regulations 2016
The Self-build and Custom Housebuilding Act 2015
Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Description of Site

The site is stated as having a paddock use and appears agricultural in character. The western side of the site adjoins Court Drove highway and has existing trees and hedgerow screening. To the west of Court Drove opposite the site is Lordsfield Gardens, a residential development of 58 dwellings. The southern-most area of the site is located within the Overton Conservation Area and there are residential properties to the south and south-east. To the north and north-east of the site are paddocks and fields. Further to the north-west of the site, separated via the highway and fields is the Overton Church of England Primary School. The site rises in ground level from the south to the north.

Proposal

The proposed development is a hybrid application therefore it seeks partly ‘full’ and partly ‘outline’ permission. The elements for which full permission is sought are the erection of 4 no. semi-detached dwellings and 4 no. flats with new access from Court Drove and associated works. The elements for which outline permission are sought are the erection of 6 no. self-build detached dwellings.

The full element of the proposal is made up of the following mix;

- 2 no. 1 bedroom flats (plots 11 and 12)
- 2 no. 2 bedroom flats (plots 9 and 10)
- 4 no. 2 bedroom semi-detached dwellings (plot 6, 7, 13 and 14)

Plots 11 and 12 would measure 9.4m in height, 10m in width and 7.7m in depth. Plots 9 and 10 would measure 9.4m in height, 13.9m in width and 7.6m in depth.

Plots 6 and 7 would measure 9.4m in height, 8.7m in width and 7.6m in depth. Plot 13 would measure 9.4m in height, 6.3m in width and 7.7m in depth. Plot 14 would measure 9.4m in height, 7.8m in width and 7.6m in depth.

The proposed materials for the dwellings to be considered in full are brick and timber-clad elevations and clay tiled roof with timber openings.

The outline element of the proposal is made up of the following mix;

- 5 no. 3 bedroom detached dwellings (plots 1, 2, 3, 4 and 5)
- 1 no. 5 bedroom detached dwelling (plot 8)

The outline self-build dwellings are shown indicatively on the plans however the siting, design and appearance of these dwellings is a reserved matter and not subject to consideration under this current scheme.

Amendments

Amended plans for material changes to the application were received on 11.05.2018, which revised the site layout; omitted the previously proposed 2 no. detached
garages with living accommodation above and included 2 no. additional semi-detached dwellings. Increased number of affordable units to 6 including:

- 2 no. shared ownership semi-detached dwellings
- 4 no. affordable rented flats

Following the revised plans above (which were subject to public consultation given the material changes) further minor amendments to the plans were submitted on 18.05.2018 to reflect small changes including a reduction in size of Plot 8 to enable a 6m wide driveway (in light of Highway Officer comments), 2 no. additional car parking spaces between plots 10 and 11 together with a revised bin store arrangement, location of street lighting indicated and greater set-back of plots 4 and 5 (in light of urban design comments).

The applicant also provided updated technical documents on 22.05.2018 comprising arboricultural report, transport statement (parts 1 and 2), swept path analysis, soakaway calculations, surface water drainage layout, permeable paving calculations, drainage layout plan and drainage report.

On 23.05.2018 the applicant provided an updated Design and Access Statement, revised elevations for plots 6 and 7 in order to provide chimneys and amended section plan and 3D visualisation plans to reflect this change.

Amendments requested on 29.05.2018 to correct the red line plan denoting the extent of the application site, to include the rear garden areas for plots 2-7.

Amended Design Code received 31.05.2018 to remove ‘draft’ from the title and correct the red line.

Consultations

Overton Parish Council: ‘It was agreed to object to this application. The 40% affordable housing should be 5 not 4 properties and all were shared ownership which was not desirable. From the transport statement it was noted that the development would not materially change the level of traffic however there was concern about the amount of cars that used and parked along Court Drove during school hours. There was already traffic chaos at the school, particularly in the evening when parents were parked waiting for children. Nearby Lordsfield Gardens was already used for parking by a number of parents and it was noted that the new development would also be used. Additional cars from the development would obviously have a negative effect on this situation and road safety was of great importance.

As a number of the properties were self-build, there was a concern about the amount of deliveries that would be generated to the site. There would need to be strenuous conditions about deliveries avoiding school hours and contingencies in place to allow access for emergency vehicles. The self-build houses caused additional concern as there was no regulation once the plots were sold. There would be little room for the storage of materials on site and without strict conditions building could go on for several years. Consequently a time limit for building the houses would be required. There was
a concern about how the development would impact on the landscape particularly when viewed from the north.'

**Ward Councillor Tilbury:** ‘From the outset I raised concerns over the inclusion of this site in the ONP on the grounds of road safety as any additional housing development in this area will only add to the already acute parking problems around Overton Primary School. This has been an insoluble problem for many years, one I witnessed first-hand when walking my own children to school. Given the school is soon to undergo expansion to create over a hundred more places the volume of traffic will inevitably increase.

Residents of neighbouring Lordsfield Gardens are already inconvenienced by inconsiderate parking. The proposed site entrance for this new estate will remove 6 or more on road parking spaces, which will only add to the problem.

There are major differences in parking and traffic flows between morning and afternoon. In the morning the majority of parents drop their children off when the gates open at around 8:40am and leave immediately, with the exception of those with reception and playschool age children, who will park and escort them into the school. In the afternoon virtually all parents arrive from 2:45 onwards and park and wait until the children are let out at 3:30pm.

The applicants Transport Statement includes figures which bear little relationship to reality. They are not supported by my experience, or the figure supplied by OPC which show around 50% more cars parked in the area. While it is claimed the photographs in the TA were taken at school pick-up time, again this is not borne out by the lack of traffic, vehicular or pedestrian.

I would therefore request that you visit the site yourself between 3pm and 3:30pm, preferably when it is raining, to gauge the extent of the parking and traffic problems in this area.

The TA suggests the imposition of both parking and loading restrictions either side of the proposed access for at least 10m. Given the highway visibility splays extend for 38m in either direction. This suggests that to avoid these being compromised parking restrictions would need to extend at least that far in either direction.

It is now clear that this site was too small to allow the construction of 14 properties, particularly as with at least 6 being self-build they would inevitably be detached. To allow enough space for 14 properties the site has now been extended well outside the boundary set in the ONP. While this is the only practical way around the problem, it merely serves to illustrate the fundamental flaws in the ONP site selection.’

**Planning Policy Officer:** **Final comments:** The amendments improve the scheme’s compatibility with the Local Plan and ONP and there is no in-principle objection in planning policy terms.

**Initial comments:** No in-principle objection to the proposal which is broadly consistent with the ONP. Concerns in relation to affordable housing and the self-build aspects
of the submission.

**Local Highway Authority Officer:** Initial comments: Refuse Collection Vehicle may not be able to maneouvre, amendments and updated swept paths (electronic AutoCAD information) required.

**Comments on Amended Plans:** 'There are no significant committed development proposals at the Overton Primary School that have not yet been implemented or occupied. The independent Road Safety Audit (RSA) as included within Appendix B of the Transport Statement (TS) considered the suitability of the proposed access arrangements.

The RSA site visit was conducted on a school day at pick-up time (2:30pm on Thursday 20 July 2017) and the Audit Team remained on-site observing both traffic conditions and the existing infrastructure as well as discussing the road safety aspects of the proposals for a 75 minute period. The RSA site visit included a walk and drive around the local highway network to include each approach to the proposed access. The RSA did not raise any fundamental highway safety problems, albeit that the RSA did recommend the provision of additional parking controls adjacent to the proposed new access and suitable road markings (i.e. give-way markings) within the proposed new access.

The Applicant has incorporated the RSA recommendations by confirming funding for the provision (if necessary) of any additional parking controls via a Traffic Regulation Order (i.e. the 'On-Street Parking Secured Amount' as per bullet point 4 on page 231 of the main report) and the provision of give-way road markings within the proposed new access into the development, which would be consistent with the existing junction to the south with Lordsfield Gardens.

Future residents of this development would be buying into the location near to a school therefore occupiers may be inclined to time their journeys on school days to avoid the prevailing conditions at the beginning and end of the school day.'

**No objection subject to conditions.**

**HCC Highways:** No need to comment due to scale.

**Landscape Officer:** No objection subject to conditions.

**Tree Officer:** No objection subject to conditions.

**Housing Enabling Officer:** Final comments: proposed tenure and accommodation mix is deemed appropriate and acceptable and can be secured via s106.

Initial comments: 19 households in Overton on ‘Help to Buy’ register. Additional information should be sought regarding which Registered Providers were approached regarding the AH provision. Policy compliant 40% affordable housing provision appears to be viable however is not provided.
**Parks and Open Spaces Officer:** No impact on any existing public open space and does not include any new open space provision – no comments on greenspace and play.

**Biodiversity Officer:** No objection subject to conditions.

**Conservation Officer:** Final comments: Positive amendments to the scheme, raise no objection to the amended proposal on conservation grounds.

Initial comments: further information required regarding historic ownership and occupation of the site, re-location of unit 5 further from the notable building.

**Environmental Health Officer:** No objection subject to conditions in relation to contamination and noise (hours of works and deliveries).

**Joint Waste Client Team:** No comments received.

**Urban Design Officer:** Initial comments: Cramped appearance, revisions to layout suggested, queries regarding design code and outline nature of self-build properties.

Final Comments 'I raise no objection to the layout, streetscene and levels of residential amenity of the amended plans. The amendments have addressed the concerns raised in my response of 20 April 2018. I have no objection to the proposed elevations for units 6, 7 and 9 to 14 to be determined in detail with this application. I have no objection to the Self Build Design Code for the other units (nos. 1 to 5 and 8) which provides an appropriate balance between securing a comprehensive approach to the scheme and allowing each self-builder to come forward with their own design.'

**HCC Archaeologist:** Final comments: no change to initial response.

Initial comments: The site is located within the historic core of Overton, in an Area of High Archaeological Potential (AHAP) therefore conditions for assessment, recording and reporting of any archaeological deposits are required.

**Local Lead Flood Authority:** The proposals for surface water drainage meet the current standards/best practice in relation to surface water drainage, long-term maintenance and responsibility for SUDS should be agreed prior to permission.

**Scottish and Southern Energy:** No comments received.

**Southern Water:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Condition and informative suggested.

**Public Observations**

Fourteen letters of objection received, raising the following concerns (in summary):

- Adverse impact upon views across the Great North Field.
• Adverse privacy impacts for occupiers on Lordsfield Gardens.
• Concerns for pedestrian safety.
• Conflicts with ONP aims to improve the quality of life in the parish.
• Construction traffic causing issues with local access.
• Design doesn’t take account of sensitivities of Conservation Area.
• Existing issues along Court Drove with parking and visibility.
• High density development uncharacteristic of the area.
• Increased population would mean an increased demand for school places – no planned school expansion.
• Increased traffic on a congested school road.
• Insufficient allocation of affordable housing (based on initial plans).
• ONP agreed 40% of this site would be affordable housing.
• Parking restrictions around the school are ignored and not enforced.
• Self-build plots will cause delivery and construction issues/ inconvenience for a longer phase.
• Self-build properties may take much longer to complete.
• Site should not have been included in the ONP.
• Unclear as to what defines a self-builder.
• Unclear where self-build materials and equipment would be stored.
• Unclear where self-builders would live during construction.
• Well-laid out, architecturally pleasing and sufficient low density however concerns regarding congestion.
• Would introduce modern buildings.
• Would set a precedent for substantial further development in the area.

Four letters of comment received, raising the following (in summary):

• Access road should be considered further to the south.
• Existing parking and access issues for Lordsfield Gardens.
• New housing needed, smaller developments such as this are preferable.
• No in-principle objection as supported by majority of voters in ONP.
• Road improvements should be funded by the development.

Four letters of support received, raising the following (in summary):

• Allocated in neighbourhood plan – democratically selected site.
• Attended the development meeting and observed plans, it would be housing that Overton needs for families.
• Community impact in terms of school places, transport etc. will not be significant.
• Dwellings could be occupied by families and children could walk to school.
• Housing for local people.
• Leaflets being distributed to generate objection are not a true reflection of the village.
• Parish Council should work with the school to alleviate existing parking and access issues as an aside.
• Parking issues for school and Lordsfield Gardens are a separate matter unaffected by the proposal.
• Self-build opportunity.
• Small development.
• Would be in-keeping with the area.

**Relevant Planning History**

None.

**Assessment**

**Principle of development**

Policy SD1 of the Local Plan, states that ‘when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF...to secure development that improves economic, social and environmental conditions in the area.’

Policy SS1 sets out a spatial strategy for the Local Authority to meet its full housing need over the Plan period. The strategy is principally based upon the development of allocated greenfield sites and the redevelopment of land in the towns and villages. Development in the countryside is generally restricted. The most relevant Local Plan Policy for the proposal is Policy SS6 (New Housing in the Countryside). The policy outlines the exceptional circumstances where it is appropriate to allow new housing development in the countryside. Policy SS1, criteria f) permits exception sites located outside defined Settlement Policy Boundaries where it meets specific criteria set out in other policies in the Plan.

Policy SS6 of the Local Plan states that development in the countryside will only be permitted if the site is:

(a) previously developed land;
(b) part of a rural exception scheme;
(c) for the re-use of an existing building;
(d) involves the replacement of an existing dwelling;
(e) is small scale to meet a locally agreed need;
(f) is required to support an existing rural business; or
(g) is allocated by a Neighbourhood Plan.

In this instance, the application site complies with SS6(g) as it is allocated by the Overton Neighbourhood Plan (ONP).

Policy SS5 (Neighbourhood Planning) of the Local Plan states that Overton should deliver at least 150 homes over the period 2011-2029. The application site would deliver 14 of the allocated units set out within the ONP and would contribute 9.3% of the overall housing requirement of 150 units.

The Overton Neighbourhood Plan (ONP) 2016-2029 was made on 23 June 2016 and allocates up to 14 dwellings for this application site (Site B). This establishes the principle of residential development, provided it meets the criteria of the site specific requirements for the development.
Following amendments to the scheme, the Planning Policy Officer confirmed that the proposal is acceptable in policy respects regarding to principle, subject to design and amenity considerations (as outlined below). Whilst the garden areas for plots 2-7 would lie outside of the extent of built area indicated in the site allocation, given that no built form for this application is proposed beyond the area indicated for built form in the ONP, the Planning Policy Team has confirmed the proposal is acceptable in principle and would not be in conflict with the allocation in the ONP.

The ONP also establishes site specific policies for Site B (this allocated site), including that six of the units be available for self-build and a need for proposals to demonstrate landscaping to screen development to protect local character.

Impact on the character of the area/ design

Although the site is a greenfield site at the present time there is an allocation within the ONP for up to 14 dwellings on the site which establishes the principle of development in this location. The site is located to the east of Court Drove and to the north and east of the application site are fields and paddocks, to the south and west are residential properties. The site is located in an edge-of-village location within a semi-rural context. The site is visible from the public highway to the west and glimpsed views may be achievable from a Public Right of Way footpath (PROW) to the north; Overton 5.

The proposal would sit to the north of existing residential development and would be across the highway from a comprehensive development; Lordsfield Gardens. Any wider adverse landscape impacts when viewed from the PROW footpath would be mitigated to an acceptable degree through the imposition of suitable landscaping and boundary treatment conditions.

The Landscape Officer raises no objection to the development in landscape character or visual amenity terms, subject to appropriate conditions for hard and soft landscaping and boundary treatments information.

The Urban Design Officer provided initial comments on the scheme which are considered to have been addressed by the revisions. The deeper front gardens, re-positioning of parking for plots at the entrance of the site, re-positioning of a focal point viewed from the access to the site, greater spacing between the units on the western side of the site and increased garden depths for plots on the eastern side of the site have all addressed concerns raised by the Urban Design Officer and Case Officer.

The ridge heights and roof designs of the proposed dwellings which are to be assessed in full (plots 6, 7, 9, 10, 11, 12, 13 and 14) are acceptable as demonstrated by the streetscene views and the residential bulk would not be harmful when viewed in the landscape context. The overall footprints, positioning and spacing around these dwellings to be assessed in full are also acceptable. The proposed dwellings to be considered in full, by virtue of their overall scale, bulk and height are considered to be appropriate for the site in its context and within the existing streetscene such to comply with Policies EM1 and EM10 of the Local Plan.
It is considered that the scale of the residential development proposed, including the principle of the outline matters of the self-build properties, would not result in significant detrimental impacts on the rural character of the area or the scenic quality of the wider area given that the site together with screening to the east would be largely contained from wider view. The proposal therefore accords with Policies EM1 and EM10 of the Local Plan subject to conditions.

**Impact upon heritage assets**

Local Planning Authorities have a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to preserving or enhancing the character or appearance of a Conservation Area when considering planning applications. The National Planning Policy Framework (NPPF) also states that there should be a presumption in favour of sustainable development (paragraph 14) and that when considering the impact of a proposed development on the significance of the heritage asset, great weight should be given to the conservation of the asset (paragraph 132) in the public interest.

Policy EM11 establishes that proposals must conserve or enhance the quality of the borough's heritage assets, which includes Conservation Areas. EM11 states that proposals will be permitted where they demonstrate an understanding of the character and setting of Conservation Areas and respect historic interest and local character and ensure the use of appropriate materials, design and detailing.

In this instance, the heritage assets for which impact upon significance requires consideration are the Overton Conservation Area (for which the application site lies adjacent and partly within at the southern-most section) as well as the designated heritage assets to the south-east; Court Farmhouse, Court Farm Barn and Stables, the Rectory and St Mary's Church. There are also non-designated heritage assets to the south which are the notable buildings to the south (3 and 4 Court Drove).

Whilst the proposal would result in physical change in the landscape to the north-west of these designated and undesignated heritage assets, the resultant development would not generate harm to the significance, character and appearance of the Overton Conservation Area (and its setting) and less than substantial harm to the setting of the designated and undesignated heritage assets. In this instance, the proposal is also not considered to result in harm to the character, appearance or setting of the Listed Buildings to the south-east or to the setting of the non-designated heritage assets (the notable buildings). As the quality of the development can be ensured by way of conditions (for materials schedule and samples, together with joinery information to be submitted) and via the reserved matters stage for the outline dwellings (self-build plots) it is considered the proposal would preserve the character and appearance of the Conservation Area and Listed Buildings as the designated heritage assets and as such it accords with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF, Policy EM11 of the Local Plan, ONP Policy SS2 for consideration of heritage and the ONP Vision for enjoyment of heritage.
Archaeology

Within Policy EM11, Section 6.90 of the Local Plan it sets out that demonstration will be required as to how heritage assets (including those underground) have been sensitively located and preserved in-situ through desk-based and field evaluations where necessary.

Paragraph 128 of the NPPF sets out that in determining applications, where a site has the potential to include heritage assets with archaeological interest, LPAs should require the submission of an appropriate desk-based assessment and if necessary, a field evaluation.

The Hampshire County Council Archaeologist has confirmed that the site is located within the historic core of Overton, in an Area of High Archaeological Potential (AHAP). Records from nearby sites have identified a prehistoric settlement, Roman and medieval artefacts. The County Archaeologist therefore considers there is a possibility that undiscovered and unrecorded archaeological features (which would be well-preserved given the lack of previous development) could exist within the site’s boundaries.

In light of this view, the County Archaeologist has recommended the inclusion of conditions to secure;

- Submission of a Written Scheme of Investigation (WSI) for archaeological features and deposits including trial trenches in the footprints of the proposed buildings and access road
- Submission of a programme of archaeological mitigation based on the findings of the WSI (as necessary)
- Submission of an archaeological fieldwork report to establish post-exavation assessment, analysis and reports with opportunities for publication and public engagement.

The County Archaeologist has recommended these conditions be included on the basis of assessing the extent, nature and date of any archaeological artefacts or deposits, to mitigate the impacts of the development (if necessary), to ensure records are obtained of any findings in order to enhance the knowledge and understanding of the archaeology of the area.

It is considered that these conditions are reasonable and necessary to ensure that suitable measures are taken to identify and preserve artefacts or deposits in accordance with Policy EM11 of the Local Plan and Paragraph 128 of the NPPF and as such have been included.

Impact on neighbouring amenities

The proposed dwellings, built form and associated structure and planting on the site would result in an increased presence to neighbouring properties compared to the existing situation. The proposed dwellings however would not generate any significant loss of light or overbearing impacts to adjacent occupiers such to warrant refusal of permission or revisions to the scheme. The location of openings within the
proposed dwellings would not give rise to any direct overlooking of private amenity areas and achievable views of neighbouring curtilages or would be obscured due to the oblique nature in addition to intervening boundary treatments (towards the south) and boundary treatments and highway (to the west).

As such, it is considered that the development would not unduly harm the private amenities of the neighbouring properties to the south or west of the site to any extent which would warrant refusal of the current application. The proposal is acceptable in terms of neighbouring amenity in line with Policy EM10 of the Local Plan and Appendix 16 of the Design and Sustainability SPD.

Amenities to the proposed dwellings

Appendix 16 'Residential Amenity Design Guidance' of the Design and Sustainability SPD requires dwellings to have sufficient daylight to allow the comfortable use of habitable rooms (living rooms, dining rooms, bedrooms), kitchens and patio areas in gardens immediately adjoining the building, with an outlook of good quality from these rooms and spaces. The proposed dwellings provide sufficient openings within the habitable rooms such that access to daylight and good quality outlook would be achieved. The self-build units are outline in nature therefore this requirement could be secured at the reserved matters stage.

Within Appendix 16, it also states that dwellings should provide minimum garden sizes as follows; 1 and 2 bedroom 50sqm, 3 bedrooms or more 60sqm. This development provides for private gardens in excess of the requirements of Appendix 16. Whilst the rear gardens of plots 13 and 14 (semi-detached dwellings) are only 7m deep rather than the 10m depth required by the SPD; they exceed the overall size of gardens required by the SPD and would be sufficient to meet the amenity needs of future occupants.

The amended plans have provided rear gardens for plots to the north and east of the site which are deeper such to exceed the depth and overall size requirements of the SPD. The 4 no. affordable flats (rented and shared ownership) would also benefit from access to private amenity space per unit. Although this is not a specific requirement of the SPD it is considered to be a material benefit of the scheme compared to a scheme providing communal garden areas or justification of nearby public open space for use by occupants of flats.

Affordable Housing, Mix, Accessibility and Type

- Affordable housing

Policy CN1 of the adopted Local Plan and the Affordable Housing SPD requires developments to provide 40% affordable housing, of which 70% should be rental and 30% shared ownership. An appropriate level of affordable housing should be provided as part of the development.

Initially, an under-provision of on-site affordable housing was proposed however it was considered that omitting garages for the self-build plots and providing 2 no. additional affordable units on the site would be a positive move to secure the
necessary 40% on-site provision and take the scheme to 14 units which is in line with the ONP allocation.

The amended development seeks to accord with the policy by providing 40% (6 units) as affordable with an overall mix of dwellings as follows:

- Plot 1 - 3 bedroom self-build detached dwelling
- Plot 2 - 3 bedroom self-build detached dwelling
- Plot 3 - 3 bedroom self-build detached dwelling
- Plot 4 - 3 bedroom self-build detached dwelling
- Plot 5 - 3 bedroom self-build detached dwelling
- Plot 8 - 5 bedroom self-build detached dwelling
- Plot 6 - 2 bedroom semi-detached market dwelling
- Plot 7 - 2 bedroom semi-detached market dwelling
- Plot 9 - 2 bedroom affordable rented flat
- Plot 10 - 2 bedroom affordable rented flat
- Plot 11 - 1 bedroom affordable rented flat
- Plot 12 - 1 bedroom affordable rented flat
- Plot 13 - 2 bedroom semi-detached shared ownership dwelling
- Plot 12 - 2 bedroom semi-detached shared ownership dwelling

The Council's Housing Officer has confirmed that this mix would be appropriate for the site and commensurate with the identified need. The Housing Officer has also confirmed that the BDBC Council Housing Register confirms a total of 55 households seeking social rented housing with a local connection to Overton.

A s106 agreement can adequately control the delivery of the affordable housing prior to the occupation of all market dwellings on the site, for control over the provision of the specified number of rented and shared ownership units by tenure split and for the affordable dwellings to be prioritised for occupation by households with a local connection.

- Housing Mix

Policy CN3 of the Local Plan (Housing Mix for Market Housing) requires the following:

- A range of house types to address local requirements.
- Appropriate mix to the size, location and characteristics of the site
- Appropriate to the established character and density of the neighbourhood
- 15% accessible and adaptable homes

In this instance, the LPA accepts the dwelling mix in respect of the characteristics of the site and local area as advised by Section 5.28 of the Local Plan and Policy H1 of the ONP.
- Accessible and Adaptable Homes

Policies CN1 and CN3 requires provision of 15% of both affordable and market homes on site to be ‘accessible and adaptable’ to enable people to stay in their homes as their needs change. Whilst the mix in terms of type, tenure and size of dwellings is acceptable, the development does not outline whether the proposal would provide 15% accessible and adaptable homes for all dwellings to be considered in full at this stage as required by Policy CN3(d). A condition has therefore been included to advise the applicant of the need to provide 15% of the homes to this standard, in line with Building Regulations. Subject to condition, the scheme is considered to be compliant with Policies CN1 and CN3 of the Local Plan and the Housing Mix and Lifetime Mobility Standards SPD.

- Self-build

The submission makes reference to the provision of the 6 self-build units set out in the site specific policy of the ONP, and this is welcomed, especially as there are 38 people on the council’s self-build register who are seeking to build in Overton. Local Plan Policy CN3 (Housing Mix for Market Housing) requires development to include a ‘range of house type’ and the footnote specifies that this could include provision ‘for those wishing to build their own home’.

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. In considering whether a home is a self-build or custom build home, authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Chapter 2, Section 9 of the Housing and Planning Act 2016 defines a self-build as follows;

“self-build and custom housebuilding” means the building or completion by—
(a) individuals,
(b) associations of individuals, or
(c) persons working with or for individuals or associations of individuals,

of houses to be occupied as homes by those individuals.

But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

“association of individuals” includes a body corporate that exercises functions on behalf of an association of individuals;
“completion” does not include anything that falls outside the definition of “building operations” in section 55(1A) of the Town and Country Planning Act 1990;
“home”, in relation to an individual, means the individual’s sole or main residence.”

The self-build units are only for consideration in outline at this stage and the principle of self-build units on the site is acceptable. At the reserved matters stage further
consideration would be given to whether compliance with the self-build definition is met.

**Highway safety and parking**

- **Traffic generation**

The generation of additional traffic has been the subject of objection to this application notwithstanding the allocation of the site within the Neighbourhood Plan, whereby additional traffic from the site has been envisaged and accepted at the plan-making stage. The planning application has nevertheless been accompanied by a Transport Assessment to set out the likely effects in terms of access and transportation from the quantum of development proposed. This has also considered the impacts to the local and wider highway network, road and junction capacities and the ability to serve the site through alternative modes of transport to the car.

It is acknowledged that the development would create increases in volumes of traffic from the construction phase onwards. Once operational, the nature of the traffic volumes and types would change and it has been determined that the proposals would generate an effect upon the magnitude of traffic, but with no material impact upon the roads and junctions local to the site as to exacerbate any existing road safety problems.

The Transport Statement (part 1) confirms that the trip rate and traffic generation would be 10 no. two-way movements in the AM and 7 no. two-way movements in the PM. This is not a significant or material increase in volume of traffic as confirmed by the existing traffic flows on Court Drove as highlighted within the Transport Statement which were; 238 no two-way movements in the AM, 188 no. two-way movements in the school collection period (15:00-16:00) and 56 no. two-way movements in the PM.

- **Access, visibility and manoeuvrability**

Following initial Highways Officer comments the applicant revised the internal layout of the access road to provide a revised turning head and parking arrangement. Through the submission of an updated transport statement (parts 1 and 2) and revised swept path analysis the applicant has demonstrated that sufficient manoeuvrability on the site can be achieved for cars and Refuse Collection Vehicles (RCVs). The proposed access would measure 5.0m in width which would allow for two vehicles to pass at the junction and along the access route to the site.

The updated Transport Statement (part 1) confirms that a Road Safety Audit was undertaken at the proposed access and that a speed survey was conducted for this part of Court Drive. The Safety Audit confirmed that measures can be implemented to control parking in the vicinity of the proposed access. The applicant has indicated within the Transport Statement (part 1) that a held financial sum will be paid to the Council so that in the event the Council considers it necessary to implement traffic restrictions and/or promote traffic regulation orders restricting on-street parking either within the cul-de-sac road falling within the site and/or upon relevant sections of adjacent streets of Court Drove or Lordsfield Gardens the funds will pay for such
works. Any traffic restrictions or orders would need to be required as a direct or indirect result of the proposed development for the held sum to be used; this is proposed to be secured via the s106 agreement.

The speed survey referred to in the Transport Statement (part 1) confirms that the speeds recorded on the road to the north of the proposed access ranged from 26.1 to 29.7mph (in wet and dry conditions) and the speeds recorded on the road to the south of the proposed access ranged from 23.8 to 28.2mph (in wet and dry conditions). This has informed visibility requirements of between 36 and 38 metres in the direction north of the proposed access and between 32 and 35m south of the proposed access. The Transport Statement (part 1) confirms that the access can provide for visibility splays in each direction of 38m in accordance with these speed findings and guidance contained within Manual for Streets.

- Parking Provision

The allocation of parking spaces for the self-build plots will be determined at the reserved matters stage. Indicative parking layouts for the self-build units have been provided to demonstrate that such spaces can be accommodated for these 6 units. The allocation of parking spaces for the affordable units and 2 no. market dwellings (not self-build) are demonstrated on the site plan and are acceptable in line with the Residential Parking Standards SPD. Each site has allocated parking and 4 no. visitor spaces are also proposed.

On this basis the proposals would be able to provide appropriate parking provision on the site in accordance with Policies EM10 and CN9 of the Local Plan.

- Refuse, recycling and cycles

The plots to be considered in full (plots 6, 7, 9, 10, 11, 12, 13 and 14) all demonstrate areas for refuse, recycling and cycle storage to meet the requirements of Policies CN9 and EM10 of the Local Plan, the Residential Parking Standards (in relation to cycle provision) and Appendix 6 (Waste and Recycling) of the SPD. The proposal is considered to be acceptable in these respects subject to securing the on-site provision and retention via condition.

- Conclusion on highways

Whilst no revised comments have been received from the Highway Officer, the amended proposal is considered to be acceptable in terms of highway safety, access and parking and conditions have been included to secure compliance with the technical information and drawings and provision of the necessary refuse and recycling storage and collection points and cycle storage. Subject to conditions, the proposal is acceptable in highway safety and parking respects in line with Policies CN9 and EM10 of the Local Plan, the Residential Parking Standards SPD and Appendix 6 (Waste and Recycling) of the Design and Sustainability SPD.
Pollution

Policy EM12 of the Local Plan sets out that development will be permitted where it would not result in pollution which is detrimental to quality of life, or poses unacceptable risks to health or the natural environment.

The Environmental Health Officer raises no objection to the proposal subject to pre-commencement conditions in the following respects:

- contaminated land assessment (and verification)
- hours of works and deliveries for neighbouring amenity

These conditions are considered to be reasonable and necessary to ensure the development is acceptable in terms of impacts to workers, off-site receptors, neighbours and future occupiers in the interests of amenity and therefore have been included in line with Policy EM12 of the Local Plan and Appendix 16 of the Design and Sustainability SPD.

Biodiversity

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest. These requirements are also reflected within the NPPF (para 118) and Policy EM4 of the Local Plan.

The Biodiversity Officer raises no objection to the proposal subject to the inclusion of conditions to ensure the development is undertaken in accordance with the mitigation and enhancement measures from chapter 5.5 of the dormouse survey, submission of an external lighting plan to meet bat conservation trust guidelines and the inclusion of bat bricks and bird boxes as per the recommendations in the ecological appraisal. The Biodiversity Officer has also recommended an informative be included in respect of the bird nesting season.

Within the Biodiversity Officer’s response it was confirmed that the comments were on the basis that no further survey work for Great Crested Newts (of nearby ponds) was identified as being required. The applicant’s Ecological Consultant confirmed that no such further survey work is required, as set out in the executive summary of the Ecological Appraisal.

It is considered that the site has the potential to secure biodiversity improvement subject to the inclusion of a proportionate condition requiring a Habitat Enhancement Scheme in order to ensure there is no net loss of biodiversity and provide a net gain where possible. Subject to the inclusion of conditions and an informative, the proposal is acceptable in line with Policy EM4 of the Local Plan.

Trees

Policy EM1 of the Local Plan seeks to provide protection to the landscape character of the borough having regard to visual amenity and scenic quality but also giving
consideration to natural features such as trees and hedgerows which also have ecological functions. The existing hedgerow to the west of the site adjacent is to be retained and supplemented with further planting to the east of the site. The Tree Officer has confirmed that the details of this retained planting is acceptable subject to conditions for the enforcement and verification of tree protection measures, removal of householder permitted development rights (for extensions, roof alterations and outbuildings) and a condition requiring amendments to the locations of soakaways and garden stores for plots 1, 8, 9, 10, 11, 12, 13 and 14 due to encroachment over Root Protection Areas.

With the exception of removing householder permitted development rights for roof alterations it is considered that the suggested conditions from the Tree Officer are reasonable and necessary and as such have been included. Subject to conditions, the proposal accords with Policy EM1 of the Local Plan.

Flood Risk

The site lies in Flood Zone 1 which is classified by the Environment Agency as ‘Low Probability Land’ having a less than 1 in 1,000 annual probability of river or sea flooding. Southern Water responded to the consultation on the application to confirm that a formal application for a connection to the public foul sewer would be required by the applicant. Southern Water also requested that an informative be included to bring this to the applicant’s attention.

Drainage information has been submitted to accompany the planning application and Southern Water have responded to confirm that under current legislation and guidance, Sustainable drainage systems (SUDS) require facilities which are not adoptable by sewerage undertakers and that the long-term maintenance of the SUDS would be the responsibility of the applicant/developer entirely. Southern Water has suggested a condition in respect of foul sewerage and SUDS being agreed in writing by the LPA and Southern Water prior to commencement. A condition to this effect is considered to be reasonable and necessary to ensure a sustainable drainage system and connection to foul sewer on the site in line with Policy EM7.

Policy EM9 sets out that development for new homes will need to meet a water efficiency standard of 110 litres or less per person per day, unless clear demonstration is given that this would not be feasible. It is considered appropriate that this requirement be dealt with by way of condition and as such has been included.

Community Infrastructure Requirements

Policies CN1 and CN6 of the Local Plan and the accompanying s106 Planning Obligations and Community Infrastructure Interim Planning Guidance seek to ensure that development does not result in an adverse effect on existing infrastructure, and makes appropriate provision to mitigate documented impacts.

The application was scoped and the Council’s Officers have confirmed that contributions are required in relation to community facilities (for pooled contributions towards an extension at St Luke’s Hall) in relation to playing fields (for pooled
contributions towards improvements to the golf hut at Town Meadow Golf Club) and to secure on-site affordable housing and on-site landscape management.

In addition, the Local Highway Authority had identified through pre-application discussions and the course of the current application that in order to mitigate any direct or indirect displaced parking impacts of the development (and to control visibility at the proposed access with the highway for example) a sum would be payable by the developer and held by the Council in the event that traffic restrictions or regulations orders are required to restrict on-street parking in either the cul-de-sac road itself or adjacent streets. This held sum is to be secured via the s106 legal agreement however if said funds were not required for this purpose then they would be repaid at a later date.

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms and this can be via on-site delivery or off-site financial contributions. In all cases, including where pooled (tariff-style) charges are sought, the LPA must ensure that the obligations meet the relevant tests for planning obligations as set out in paragraph 204 of the NPPF, Section 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 001 of the PPG:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

In this instance, the on-site affordable housing, on-site landscape management and off-site financial contributions being sought by the LPA are considered to meet the three tests for a planning obligation as set out above, in line with Policies CN1 and CN6 of the Local Plan and the accompanying s106 Planning Obligations and Community Infrastructure Interim Planning Guidance, Section 122 of the Community Infrastructure Levy Regulations 2010 (as amended), paragraph 204 of the NPPF and paragraph 001 of the PPG.

At the time of writing the report it is anticipated that the legal agreement will be completed prior to the implementation of CIL on 25 June 2018. The recommendation does however seek to cover the position should the legal agreement not be completed until after this date.

Other Matters

Concerns have been raised that this proposal would set a precedent for significant further development in the area. However it is considered that development coming forward as allocated in the ONP would mean the identified requirement in this area is met and would prevent the need for speculative windfall developments in lieu of the 14 units allocated on this site in the ONP. Each planning application is assessed on its own merits against local and national planning policy and guidance in light of material planning considerations, as per normal planning process.

Various public comments raised in objection to the proposal stated that the site should not have been included as an allocated site within the ONP. The Overton Neighbourhood Plan Area was submitted by Overton Parish Council in March 2013.
A consultation on the pre-submission ONP was conducted between 16 February 2015 and 31 March 2015, followed by a Regulation 16 publication starting 18 September 2015 for 6 weeks. The ONP Referendum was then held on 23 June 2016 and the ONP was ‘made’ at Full Council on 21 July 2016. The plan forms part of the Basingstoke and Deane Development Plan and is a material planning consideration. The principle of development has already been established through the democratic process.

Public comments raised in objection to the proposal queried what the definition of a self-build plot or self-builder is. The above section on 'self-build' provides the planning definition for this. Regarding concerns raised for the storage of materials during works for the self-build works, this would be a matter for consideration at the reserved matters stage. In respect of concerns that self-build properties would take longer to construct and that temporary accommodation may be required on each self-build site, in the same way that the planning system cannot impose timescales for completion of permissions granted or restrict the siting of temporary structure on any other site. The self-build dwellings could not be restricted via condition to be completed by a set date and it would not be reasonable or necessary to condition the prevention of siting temporary structures which would not amount to development defined within s55 of the Town and Country Planning Act 1990. This current application is considering the principle of self-build development on the site.

Objections were also raised that the proposal would result in a greater demand for school places however no expansion is currently planned for local schools. Due to the scale of the proposal, no off-site education contributions were identified. Hampshire County Council is the relevant authority for strategically planning education provision.

One public objection raises concern that the development should fund improvements to the Court Drove highway. As confirmed earlier in the report, within the Transport Statement (part 1) a held financial sum will be paid to the Council so that in the event the Council considers it necessary to implement traffic restrictions and/or promote traffic regulation orders restricting on-street parking either within the cul-de-sac road falling within the site and/or upon relevant sections of adjacent streets of Court Drove or Lordsfield Gardens the funds will pay for such works.

Any traffic restrictions or orders would need to be required as a direct or indirect result of the proposed development for the held sum to be used. In the event that the sum is not required for any such amendments to the adjacent streets (such as extending the double yellow lines) then the Council shall repay the sum to the payee.

Due to the scale of the proposal, no contributions towards off-site transport infrastructure projects (such as junction improvements or new roads) were identified through the scoping process of the application.

**Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
REASON: For the avoidance of doubt and in the interests of proper planning.

2 The matters of the development hereby permitted which are approved in ‘full’ shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3 Applications for approval of the reserved matters for the self-build plots (plots 1, 2, 3, 4, 5 and 8) shall be made to the Local Planning Authority not later than three years from the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

4 No development above ground floor slab level shall commence on site until full details of the types, textures and colours of all external materials to be used for the dwellings and outbuildings hereby approved in full (plots 6, 7, 9, 10, 11, 12, 13 and 14), together with physical samples, have been submitted to and approved in writing by the Local Planning Authority. The development
shall be carried out and thereafter maintained in accordance with the details so approved.

**REASON:** Details are required in the absence of sufficient details having been provided with the application and in the interests of the visual amenities, character and appearance of the area and in accordance with Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2011 - 2029.

5 No development shall take place until full details of both hard and soft landscape proposals for the areas of the site to be considered in full have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, location and design of play areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, refuse or other storage units, signs, lighting, external services, etc). Soft landscape details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats where appropriate. In addition, implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

**REASON:** Details are required prior to commencement because insufficient information has been submitted with the application in this regard, to ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the appearance of the site and amenities of the area in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the use of the dwellings (plots 6, 7, 9, 10, 11, 12, 13 and 14) hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting
season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs. 
**REASON:** Details are required prior to commencement because insufficient information has been submitted with the application in this regard, in the interests of the amenities of the area and in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

7 The development hereby approved shall be undertaken in adherence with chapter 5.5 Outline Mitigation and Enhancement Measures of the Dormouse Survey Report by Hampshire Ecological Services Ltd dated 6/11/2017.
**REASON:** In order to retain protect hedges and trees during construction and in order to retain the connectivity of hedgerow habitat for dormice protected under The Conservation of Habitats and Species Regulations 2017 and to secure the long-term enhancement of nature conservation interests, provide biodiversity gains and to maintain the biodiversity of the area in the long-term in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029 and advice contained within the National Planning Policy Framework (2012).

8 Notwithstanding the details submitted, no development above ground floor slab level shall commence on site until a Habitat Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. Bat bricks and Bird boxes should be integrated into the enhancement of the development as laid out in 5.6 Outline Mitigation and Enhancement Measures of the Ecological Appraisal report by Hampshire Ecological Services dated July 2017. The development shall be carried out and thereafter maintained in accordance with the details so approved.
**REASON:** Details are required in order to secure the long-term enhancement of nature conservation interests, provide biodiversity gains and to maintain the biodiversity of the area in the long-term in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029 and advice contained within the National Planning Policy Framework (2012).

9 No development above ground floor slab level shall commence on site until a fully detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include full lighting specifications and address the cumulative effects of external lighting sources upon nocturnal animals sensitive to external lighting (principally bats) in accordance with the bat conservation trust guidelines. The lighting shall be installed before the development is first occupied and shall thereafter be operated and maintained in accordance with the approved scheme.
**REASON:** Further details are required as lighting specifications were absent from the application and are required in order to avoid adverse impacts on foraging bat populations that may be utilising the area in line with derogation test 3 of the Conservation of Species and Habitats Regulations 2017, in accordance with Policies EM1 and EM4 of the Basingstoke and Deane Local Plan 2011-2029.

10 No development shall take place until a comprehensive and detailed Construction Method Statement, which fully takes into account the presence
of 'Overton Church of England Primary School' and the presence of vulnerable highway users (young children, etc.) especially at the beginning and end of the school day and demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and or non-motorised highway users, 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 include for:

i. means of direct access (temporary or permanent) to the site from the adjoining maintainable public highway;

ii. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);

iii. loading and unloading of plant and materials away from the maintainable public highway;

iv. storage of plant and materials used in constructing the development away from the maintainable public highway;

v. wheel washing facilities or an explanation why they are not necessary;

vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

vii. measures to control the emission of dust and dirt during construction;

viii. a scheme for recycling and disposing of waste resulting from construction work; and the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (07.30 to 09.30) and PM peak (14.30 to 18:00) periods, and in particular at the beginning and end of the school day.

ix. the routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary.

**REASON:** In the absence of details being provided to accompany the planning application, details are required to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally and in the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

11 No works in the construction of the dwellings hereby permitted shall take place until the cul-de-sac road has been laid out and surfaced including the turning head and visitor parking areas. The access road and turning area shall be constructed to the equivalent of adoptable standards that thereafter maintained to a suitable condition to withstand repeated use by delivery vehicles or a refuse collection vehicle of a minimum gross weight of 26 tonnes. The areas for access, turning and parking shall thereafter be retained.
REASON: In order to ensure adequate access within the site is provided and retained in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

12 No dwelling hereby approved in full (plots 6, 7, 9, 10, 11, 12, 13 and 14) shall be occupied until provision for the turning, loading and unloading, and the parking of vehicles and cycles has been made within the areas of the development approved in full and the areas of land so provided shall not be used for any purpose other than for the turning, loading and unloading and parking of vehicles and cycles.
REASON: In the interests of highway safety and to ensure convenience of arrangements for refuse collection in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029 and the Design and Sustainability Supplementary Planning Document (Appendix 6).

13 No dwelling hereby approved in full (plots 6, 7, 9, 10, 11, 12, 13 and 14) shall be occupied until provision is made on-site of the refuse and recycling storage and collection facilities within each plot. All dwellings shall provide for 1 number 140ltr refuse 2-wheeled bin, 1 number 240ltr recycling 2-wheeled bin and 1 number glass recycling box within their respective curtilages with a transit route between the storage and collection point not more than 15 metres carrying distance from the carriageway. The areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter maintained in accordance with the approved details.
REASON: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and Appendix 6 (Waste and Recycling) of the Design and Sustainability SPD.

14 No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist. The assessment should take the form of trial trenches that are located within the footprints of the proposed dwellings and flats as well as along the route of the proposed access road.
REASON: Details are required prior to commencement as insufficient information was provided with the application which is required in order to assess the extent, nature and date of any archaeological deposits which might be present and the impact of the development upon these heritage assets in accordance with Policy EM11 of the Basingstoke and Deane Local Plan 2011-2029 and Paragraph 128 of the National Planning Policy Framework (2012).

15 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based
on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

**REASON:** In order to mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations in accordance with Policy EM11 of the Basingstoke and Deane Local Plan 2011-2029 and Paragraph 128 of the National Planning Policy Framework (2012).

16 Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the Local Planning Authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

**REASON:** In order to utilise opportunities to capture evidence from the historic environment and to make this publicly available in accordance with Policy EM11 of the Basingstoke and Deane Local Plan 2011-2029 and Paragraph 128 of the National Planning Policy Framework (2012).

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 0730; nor after 1800; Monday to Friday, before the hours of 08:00; nor after 1300; Saturdays nor on Sundays or recognised bank or public holidays.

**REASON:** To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

18 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised bank or public holidays, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

19 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the 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 council’s Environmental Health team, in accordance with BS10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice;

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. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

REASON: Details are required prior to commencement as insufficient information was provided with the application and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

20 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 19(b) that any remediation scheme required and approved under the provisions of condition 19(b) 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). Such verification shall comprise; as built drawings of the implemented scheme; photographs of the remediation works in progress; Certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 19(b).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

21 Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the EcoUrban arboricultural implications assessment and method statement, ref: 17895 - AIA 2. 20 May 2018. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029 and the National Planning Policy Framework (2012).
The development hereby approved shall not be occupied until there has been submitted to the Local Planning Authority verification that the tree and hedgerow protection measures have been implemented fully in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

(a) Photographs demonstrating effective tree and hedgerow protection during development works in progress.

(b) Written confirmation, provided by a source of professional arboricultural provenance, that the tree and hedgerow protection measures were undertaken in accordance with the recommendations made in the arboricultural report.

(c) Presentation of a log book demonstrating that adequate arboricultural supervision was undertaken during critical construction operations including, but not limited to; the installation of temporary protective measures, the movement of any temporary protective measures, any work within the root protection areas of retained trees and hedgerows and the dismantling of temporary tree/hedgerow protective measures.

**REASON:** To ensure that reasonable measures are taken to safeguard trees and hedgerows in the interests of local amenity and the enhancement of the development itself, in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029 and the National Planning Policy Framework (2012).

Notwithstanding the approved plans, further information shall be submitted to the Local Planning Authority to demonstrate suitable locations within the rear gardens of plots 1 and 8-14 inclusive for soakaways/garden stores in order to avoid unnecessary encroachment into the Root Protection Areas of the existing trees and hedgerow along the western boundary.

**REASON:** As the current positions of structures and soakaways as shown could result in a detrimental impact upon the Root Protection Areas, health and longevity of the existing trees to the west of the site and in the interests of the amenities of the area and the enhancement of the development itself in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension, building, structure, container or hard surfacing permitted by Classes A, E or F of Part 1 of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

**REASON:** To prevent the overdevelopment of the site in the interests of the amenity of the area and to safeguard the important trees, in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

No development shall commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
REASON: Information is required prior to commencement as insufficient information was provided with the application and to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, in accordance with Policies EM10 and EM7 of the Basingstoke and Deane Local Plan 2011-2029.

26 The development hereby permitted shall not be occupied/brought into use until a technical report and a certification of compliance demonstrating that the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) or confirmation that this standard cannot be met on technical or viability grounds has been submitted (by an independent and suitably accredited body) to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: Details are required prior to occupation because insufficient information was provided within the application and to improve the overall sustainability of the development, in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.

27 The dwellings to be assessed under the reserved matters application (plots 1, 2, 3, 4, 5 and 8) shall be designed to be in general conformity and accordance with the design principles of the Design Code submitted on 31 May 2018.

REASON: In the interests of the quality and appearance of the site and the impacts of the development on the Conservation Area in accordance with Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029 and Sections 7 and 12 of the National Planning Policy Framework (2012).

28 A minimum of 15% of the dwellings hereby approved shall be built to accessible and adaptable standards to enable people to stay in their homes as their needs change. No development above ground level (excluding demolition) shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: Details are required in the absence of accompanying the planning submission and to ensure an appropriate co-ordinated high quality form of development and to accord with Policy CN3 of the Basingstoke and Deane Local Plan 2011-2029 and Housing Mix and Lifetime Mobility Standards Supplementary Planning Document.

29 No works shall take place 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 datum point which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed and thereafter maintained in accordance with the approved details.

REASON: Detail is required prior to commencement as insufficient information was provided with the application and to protect the landscape character and visual amenity of the area as there is a slope on the site in
accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

30. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure, container or hard surfacing permitted by Classes E or F of Schedule 2 of the Order shall be installed or erected on the rear curtilages (north) of plots 2, 3, 4, 5, 6 or 7 without the prior written permission of the Local Planning Authority on an application made for that purpose.

**REASON:** To prevent the overdevelopment of the site in the interests of the amenity of the area; in the interests of safeguarding the proposed screening to the north in the interests of the amenities of the area; the enhancement of the development itself; and as the rear gardens are outside of the built area boundary identified within the Overton Neighbourhood Plan allocation, in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

31. No development shall commence until junction visibility splays of 2.4m (X-distance) by 38m (Y-distance) to the left and right on exit from the development at the intersection with Court Drove as indicated in-principle by the 'Site Access Proposal' drawing (Dwg. No. ITB12546-GA-005 Rev. C) by i-Transport have been provided. Thereafter these junction visibility splays shall be permanently kept free of obstructions between 0.6m and 2.0m above the level of the adjacent carriageway (Court Drove) for the life of the development.

**REASON:** In the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan.

32. Notwithstanding the submitted details, no development shall take place on site until full details of the method of construction of the means of access (including the uncontrolled pedestrian crossings on Court Drove) as indicated in-principle by the 'Site Access Proposal' drawing (Dwg. No. ITB12546-GA-005 Rev. C) by i-Transport have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority (Hampshire County Council). The submitted details shall include the width, alignment, gradient and type of construction and surfacing of the means of access (including the uncontrolled pedestrian crossings on Court Drove) including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, road markings (including give-way markings), tactile paving, together with the method of disposing of surface water so as to prevent the discharge of surface water and loose material into the publicly maintained highway (Court Drove). Thereafter the agreed details shall be fully implemented before the use hereby approved is commenced or the first dwelling occupied whichever is the sooner.

**REASON:** In the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan.

33. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-
enacting that Order with or without modification), no access control measures, including gates, barriers or any other obstructions which could impede the passage of motor vehicles between the publicly maintained highway (Court Drove) and the onsite parking, manoeuvring and turning facilities shall be installed along the access to the site.

**REASON:** In the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

**Informatives:-**

1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner:-

- offering a pre-application advice
- seeking further information following receipt of the application
- seeking amendments to the proposed development following receipt of the application
- considering the imposition of conditions and the completion of a s106 legal agreement

In this instance:

- the applicant was updated of any issues after the initial site visit
• was provided with pre-application advice

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The applicant's attention is drawn to the fact that in order to prevent impacts on nesting birds site clearance should be undertaken outside of bird nesting season (March to August inclusive). Should this not be possible the site should first be checked for nesting birds by a suitably qualified ecologist. Should nesting birds be located then works should ease within 5m of the nest site until nesting has finished and fledglings have left the nest.

4. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development with sufficient capacity within sewerage network, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructure-charges.

5. If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.

6. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation. Please note that any information in relation to the discharge of planning obligations contained within the completed Section 106 Agreement in relation to this planning permission should be submitted to the Proactive Compliance Technical Officer, Planning Development Team, in accordance with, or ahead of, the timeframes contained therein.

7. Consent under the Town and Country Planning Acts must not be taken as approval for any works carried out on any footway, including a Public Right of Way, carriageway, verge or other land forming part of the publicly maintained highway. The development involves works within the publicly maintained highway. It is an offence to commence those works without the permission of the Local Highway Authority, Hampshire County Council. In the interests of highway safety, the development must not commence on-site until permission (e.g. Highway Licence/Agreement) has been obtained from the Local Highway Authority authorising the undertaking of the works within the publicly maintained highway. Website: https://www.hants.gov.uk/transport

8. The Applicant is advised to give early consideration to the detailed design and the undertaking of the construction activities in consultation with 'Overton
Church of England Primary School' (https://www.overtonprimary.co.uk/) so as to avoid any undue interruptions to the safe, unhindered and free flow of highway users, including the vulnerable users associated with Overton Primary School (especially at the beginning and end of the school day) for the full duration of the construction activities. The Local Highway Authority (Hampshire County Council) will not agree to any proposal to interfere with the publicly maintained highway in a manner which would prejudice highway safety.

9. The planning permission hereby granted shall not be construed as authority to obstruct the publicly maintained highway by the erection of scaffolding, hoarding or other device or apparatus for which a licence must be sought from the Local Highway Authority (Hampshire County Council).

10. In accordance with established Road Safety Audit procedures (HD 19/15), the Applicant is reminded of the necessity to ensure that the future independent Stage 2, 3 and 4 Road Safety Audits are undertaken, any identified problems and recommendations formally considered by the Design Organisation, with any necessary mitigation measures being appropriately implemented and progressed at the detailed design, implementation and operational phases of this development.

11. If it is the Applicant's intention to offer any part of the internal movement network (i.e. the estate road, pedestrian routes, etc.) included in this application for adoption as publicly maintainable highways, permission under the Town and Country Planning Act must not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.
Location plan
Site Plan
Cttee: 8 August 2018  

Item No. 5

Application no: 18/00732/HSE

For Details and Plans Click Here

Site Address  
28 Priory Gardens Old Basing RG24 7DS

Proposal  
Conversion of roof space to additional living accommodation involving extensions to the roof, dormer windows to the rear elevation and raising of chimney

 Registered: 31 May 2018  
Expiry Date: 10 August 2018

Type of Application: Householder Permission

Case Officer: Jemma Cox

01256 845304

Applicant: Mr Wilson

Agent: Mr Alistair Ewen

Ward: Basing

Ward Member(s): Cllr Onnalee Cubitt  
Cllr Sven Godesen

Cllr Paul Gaskell

Parish: OLD BASING AND LYCHPIT CP

OS Grid Reference: 466610 153358

Recommendation:  
the application be APPROVED subject to the conditions listed at the end of this report.

Reasons for Approval

1. The proposed development would be of an appropriate design and would relate in a sympathetic manner that preserves to the street scene and character to this part of the Old Basing Conservation Area and as such complies with the National Planning Policy Framework (March 2012), Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029, Appendix 13 of the Design and Sustainability Supplementary Planning Document and the Old Basing and Lychpit Neighbourhood Plan 2011-2029.

2. The proposed development would not result in an undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts to the occupiers of neighbouring properties and as such complies with Policies EM10 of the Basingstoke and Deane Local Plan 2011-2029.

General Comments

The application is brought to the Development Control Committee due to the number of objections received and the Officers recommendation for Approval.
Planning Policy

The site is located within the Old Basing Settlement Boundary Policy and the Old Basing Conservation Area.

Part of the site is situated within Flood Zone 2, as designated by the Environment Agency.

National Planning Policy Framework (NPPF) (July 2018)

Section 12 (Achieving well-designed places)
Section 14 (Meeting the challenge of climate change, flooding and coastal change)
Section 16 (Conserving and enhancing the historic environment)

Basingstoke and Deane Local Plan 2011-2029

Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM7 (Managing Flood Risk)
Policy EM10 (Delivering High Quality Development)
Policy EM11 (The Historic Environment)

Old Basing and Lychpit Neighbourhood Plan

Policy OB&L 6 (Protection of Historic Environment)
Policy OB&L 7 (Appearance and Design)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Extending Your Home and Replacement Dwellings (Appendix 13) of the Design and Sustainability Supplementary Planning Document 2008
Old Basing Conservation Area Appraisal
Old Basing and Lychpit Village Design Statement 2005
Residential Parking Standards (v.2012)

Description of Site

The application site comprises of a two storey detached property sited on a modest corner plot within a modern residential estate.

Proposal

The application seeks planning permission for a loft conversion involving extensions to the roof and dormer windows.

The proposals consists of the insertion of 3no. pitched dormer windows to the rear roof slope and the insertion of 3no. roof lights to the front elevation. The existing roof is to be extended to accommodate additional floor space within the loft. Whilst the proposed dormer windows would extend up to the existing ridge, the proposal does
not include an increase in the overall ridge height. The existing chimney is to be raised. New brickwork and roof tiles would match those of the host property however it is proposed to face the dormers with code 5 lead cladding.

Other Matters

On site visit it was evident that works have commenced on a single storey side and rear extension, granted permission under 18/00239/HSE. Given the extent of works underway at the time of site visit, it was not considered necessary for them to be included on the plans subject to this planning application.

Amendments

Amendments were received throughout the determination process removing dormer windows to the front roof slope and the insertion of front roof lights.

Consultations

Old Basing and Lychpit Parish Council - Objection:
- There is not enough parking with the addition of a bedroom. The plans are inaccurate as they do not show an approved ground floor extension.
- It is out of keeping with the Street Scene
- They will cause overshadowing and loss of amenity to the neighbouring property.
- It is overdevelopment of the plot due to the sheer bulk of the proposed extension.

Conservation (Verbal) - 'The existing building is of modern appearance and not of architectural merit. Based on the information supplied, no further specialist Conservation support is required'

Biodiversity - No objections, subject to informative

Highways - Standing Advice

Public Observations

A total of nineteen letters of objection from eleven contributors were received raising the following concerns:

- Out of keeping with the area and conservation area
- Impact on neighbouring amenity; loss of privacy
- Setting a precedent
- Overdevelopment of the plot
- Single storey side/rear extension not on plans

Relevant Planning History

18/00239/HSE  Erection of single storey side and rear extensions  Granted  25/04/18
Assessment

Principle of Development

Policy CN9 sets out that development should provide appropriate on-site parking and should not result in inappropriate traffic generation or compromise highway safety.

Policy EM1 states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area concerned and must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected.

Policy EM10 states that proposals will be required to respect the local environment, contribute to the streetscene, be visually attractive and provide adequate vehicular parking and cycle storage. Policy EM10 also requires developments to provide high levels of amenity for proposed occupants and neighbouring occupiers regarding privacy, amenity space and natural light.

Policy EM11 establishes that proposals must conserve or enhance the quality of the borough's heritage assets, which includes Conservation Areas. EM11 states that proposals will be permitted where they demonstrate an understanding of the character and setting of Conservation Areas and respect historic interest and local character and ensure the use of appropriate materials, design and detailing.

Old Basing and Lychpit Neighbourhood Plan states that new development should integrate with the character of the local area and use guidance within the Old Basing and Lychpit Village Design Statement to assess appropriate design. The Neighbourhood Plan also emphasises that development should preserve or enhance and the local distinctiveness, character and sense of place of historic heritage assets.

It is considered that the principle of the proposed development meets the criteria set out within Policies CN9, EM1, EM10 and EM11 of the Local Plan and the Old Basing and Lychpit Neighbourhood Plan and is therefore acceptable subject to other material planning considerations being considered. These will be set out within the below assessment.

Impact on the character of the area/design

The immediate area is characterised by dwellings of a similar character and appearance whereby the street scene is fairly uniform, consisting of properties of neo-Georgian appearance set back from the highways by unassuming front gardens.

The application site forms a corner plot and therefore fairly prominent within the street scene.

The proposals would add bulk of built form however it is considered that it would not unbalance the host property or give rise to an incongruous feature within the street scene. Whilst of relatively uniform appearance, several dwellings within the general vicinity of the application site have undergone previous enlargements and additions
which has resulted in some degree of variation in roof forms. In isolation, the proposed extensions to the roof would not give rise to a resultant building of too dissimilar appearance to other neighbouring dwellings. The proposed extensions would result in an increase in roof span, however the proposed roof lights would act to break up this expanse when viewed from the front.

The proposed rear dormer windows would respect the neo-Georgian character of the host and surrounding properties. Whilst set high within the roof slope and up to the ridge, the proposed dormers would not unbalance the host dwelling. Although the proposed middle dormer is of larger dimensions, it would not detrimentally harm the overall appearance of the dwelling to warrant refusal of the application. The proposed dormers would be visible from the street scene by virtue of the sites orientation and siting within a corner plot. However, the proposals would be a sympathetic addition and it is considered that the overall character of the area would not be adversely affected.

Whilst not specifically identified within the details of the submission, in combination with the single storey side/rear extension currently under construction, it is considered that the proposals would not result in overdevelopment of the site or a cramped appearance.

Overall, the proposals would be a sympathetic addition which would not alter the appearance of the property to its detriment within the street scene. It is therefore considered acceptable in terms of design and as such is in accordance with Policy EM10 of the Local Plan.

**Impact on designated heritage asset**

Local Authorities are required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals that affect the setting or views into it. This is reflected locally within Policy EM11 which has regard to the importance of natural features and spaces that contribute to the character and appearance of the Conservation Area.

The Old Basing Conservation Area Appraisal document highlights the importance of protecting the particular character or appearance of the Conservation Area and further identifies those buildings, views and key features that are considered essential to the special character or appearance of the Conservation Area. The Application site has not been identified as a notable building and the proposals would not infringe on any important views identified within the Conservation Area Appraisal Map. Therefore, the overall special character of the Conservation Area would be preserved.

Furthermore, the Old Basing Village Design Statement emphasises that development within Old Basing Conservation Area should harmonise with the original features and details of the existing property and adjacent buildings. Whilst there is some degree of uniformity within the existing street scene, Priory Gardens comprises of dwellings of relatively modern appearance. The property itself does not
represent any historical or architectural merit and it is considered that the proposals would not alter the appearance of the dwelling to its detriment and would therefore be a sympathetic addition.

The proposed development would preserve the character and appearance of both this part of the conservation area and the wider conservation area in accordance with the requirements of Sections 72 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990, Policy EM11 of the Local Plan and the NPPF.

Impact on neighbouring amenities

The proposals would result in the insertion of 3no. dormer windows within the rear roof slope. Concerns have been raised in relation to overlooking and loss of privacy.

- **No. 30 Priory Gardens**
  Although the proposal would result in the insertion of additional windows, it is considered that views would be at an oblique angle, orientated towards the rear garden of the adjacent property and would not give rise to intrusive, direct and uninterrupted views into the most private area of the garden (3-4m of the rear garden closest to the property). As such, it is considered that any impacts in regards to overlooking would not be unacceptable to warrant refusal of the application.

  Whilst the proposals would add additional bulk of built form, given the separation distance between the proposed development and the adjacent property, as well as the absence of facing fenestration, it would not result in any overbearing impacts.

- **No. 26 Priory Gardens**
  The location of the proposed dormers would result in views across the frontage of the adjacent property to the rear of the site. However, this area forms an existing driveway and given that these views would not overlook private amenity areas, it is considered that it would not detract from the amenities of the occupiers.

  Whilst some views may be obtained of the rear garden, these would be at an obscure angle. Furthermore, the closest dormer would be sited some 15m from the rear garden of the neighbouring property. Overall, it is considered that the proposal would not result in a loss of privacy to the detriment of the occupiers of the neighbouring dwelling.

- **Other**
  The proposed development would result in the insertion of 3no. roof lights to the front roof slope sited some 1.1m above floor level. It is considered that given the roof slope in which they are to be inserted, views would generally be angled up. Furthermore, due to the orientation of the neighbouring properties, any views would be orientated towards the frontages of neighbouring dwellings.

  Overall, the proposals would not detract from the amenities of adjoining neighbours and is considered acceptable in this respect.
Highway Impacts

The proposal would result in an increase in the number of bedrooms at the site, going from a 5 to a 6 bedroom property. The dwelling is defined as 'Outer Urban' within the Basingstoke and Deane Residential Parking Standards, where a 4 or more bedroom dwelling should provide 3 vehicular parking spaces.

Planning permission has been previously granted for single storey side and rear extensions (18/00239/HSE) and in this instance, although there would be a shortfall in the required parking provisions it was considered that the proposal would not cause an adverse impact on highway safety.

Upon completion of the construction works for the previous planning permission for a single storey side/rear extension (18/00239/HSE), the site would have 2 off street parking spaces; 1 contained within the new garage and 1 in front of the garage. Notwithstanding the fact that the internal dimensions of the garage fall short of the requirements as per the Residential Parking Standards SPD, the garage was considered adequate in size to provide one parking space. Whilst, this shortfall in parking provision was previously considered acceptable, this application is materially different to that previously approved in that it would increase the number of bedrooms at the site. Whilst not specifically identified on the submitted plans, on site visit it was noted that there would be adequate space to the front of the property to provide an additional off-street parking space. In the interests of highway safety and to prevent the increased likelihood of on street parking, it is considered reasonable to secure the provision of 3 spaces within the curtilage of the property by way of condition.

Therefore, subject to suitable condition, the proposal would comply with the Residential Parking Standards SPD and would not cause an adverse impact on highway safety. As such the proposal complies with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

Other Matters

Policy EM7 'Managing flood risk' of the BD Local Plan sets out the Council's approach to considering flood risk.

Part of the application site falls within Flood Zone 2, as designated by the Environment Agency. Standing Advice for householder development is that floor levels should match the existing. The proposal concerns a loft conversion and no additional floor space at ground floor is to be created. It is not considered that the scale of the extension or the overall demand placed upon the drainage system would trigger the need for a Flood Risk Assessment and given its small scale is unlikely to overload the capacity of the existing drainage system.

Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
01 Rev B - Existing and Proposed Elevations
02 Rev B - Existing and Proposed Elevations
04 Rev B - Proposed Floor Plans
05 Rev B - Proposed Section
06 Rev B - Proposed Second Floor Plan
07 Rev B - Proposed Second Floor Plan (Roof Structure)
08 Rev B - Proposed Second Floor Plan
09 Rev B - Site Location and Block Plan

**REASON:** For the avoidance of doubt and in the interests of proper planning.

2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the approved plans and application forms.

**REASON:** In the interests of visual amenity and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

4 The development hereby permitted shall provide for the parking of 3 vehicles within the curtilage of the property and the areas of land so provided shall be thereafter maintained and shall not be used for any purposes other than the parking of vehicles, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Borough Local Plan 2011-2029.

**Informative(s):**

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in
respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner:

- seeking amendments to the proposed development following receipt of the application and;
- considering the imposition of conditions

In this instance:

the applicant was updated of any issues after the initial site visit

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact the Planning and Development Manager with regard to the necessary consents applicable under the Building Regulations.

4. If at any time during the proposed works bats, or signs of bats, are found then all works must stop and advice should be sought from Natural England before any further work on the buildings proceeds. All bats and their roost sites are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 from disturbance and harm.
Existing and Proposed Elevations
Existing and Proposed Elevations
Application no: 18/01479/FUL
For Details and Plans Click Here

Site Address
18-19 Chelsea House Festival Place Basingstoke RG21 7JR

Proposal
Change of use from A2 (Financial) to D1 (Non residential) class for an orthodontic practice

Registered: 22 May 2018
Expiry Date: 17 July 2018

Type of Application: Full Planning Application
Case Officer: Phillip Richards 01256 845314

Applicant: C/O PORTMAN HEALTHCARE LIMITED
Agent: Miss Harrison Ince

Ward: Eastrop
Ward Member(s): Cllr Gavin James Cllr Stuart Parker

Parish: OS Grid Reference: 463832 152037

Recommendation: Delegate to officers to APPROVE the application subject to the expiry of the Press Notice and subject to no addition adverse comments not previously considered being received and subject to the conditions listed at the end of this report.

Reasons for Approval

1. The proposed change of use would enhance the vitality of this Town Centre Location by reinstating the commercial activity of the currently vacant unit. The proposal would therefore comply with the general aims of Policy EP3 of the Basingstoke and Deane Local Plan 2011-2029.

2. The proposal would not result in any harm to the amenities of adjoining land users in the vicinity more than could reasonably be expected from the site's current use. The proposal would therefore accord with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

3. The proposed development would not cause an adverse impact on highway safety and adequate parking would be provided within the wider Town Centre car parks to serve the proposed development. As such the proposal would comply with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011 - 2029.

General comments

The application is brought to Development Control Committee in line with the scheme of delegation within the Basingstoke and Deane Constitution. The proposal is contrary to Policy EP3 of the Basingstoke and Deane Local Plan 2011-2029 and
given the officer’s recommendation to approve the proposal contrary to Policy which represents a departure for the Local Plan, the application must be determined by the Development Control Committee.

A site notice was posted on the site.

A Press Notice (advertising the application as a departure) has been published and will expire after the committee date, hence the recommendation.

**Planning Policy**

The site is located within the Basingstoke Town Settlement Policy Boundary and the Basingstoke District Centre and is within the Festival Place shopping centre.

**National Planning Policy Framework (NPPF) (July 2018)**

Section 7 (Ensuring the vitality of town centres)
Section 12 (Achieving well-designed places)

**Basingstoke and Deane Local Plan 2011-2029**

Policy CN9 (Transport)
Policy EP3 (Town, District and Local Centres)
Policy EM10 (Delivering High Quality Development)
Policy EM12 (Pollution)

**Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance**

Parking Supplementary Planning Document 2018
Basingstoke Town Conservation Area Appraisal
Basingstoke Town Conservation Area Management Plan

**Other material documents**

Top of Town, Basingstoke: Concept Masterplan - a Vision for the future (March 2014)

**Description of Site**

The application site comprises the basement, ground floor and first floor of units 18 to 19 Chelsea House within the Festival Place Shopping centre. The units are currently vacant.

**Proposal**

This application seek approval for the change of use from A2 (financial) to D1 (non-residential) use class for an orthodontic practice. The dental practice will be situated upon the ground floor with the basement levels providing staff facilities, a reception overflow and storage area.
Consultations
None received.

Public Observations
None received.

Relevant Planning History
BDB/28637 Change of use from class a1 to a2 (financial and professional services) as an extension to existing branch

Granted 17/04/90

Assessment

Principle of development

The site is within the town centre of Basingstoke and within a Primary Shopping Frontage. Chelsea House is adjacent to the town centre Conservation Area, but this unit faces towards the cinema and onto the Festival Place entrance, not onto the Conservation Area. As the site is within Festival Place it would not affect the setting or character of the Conservation Area.

- Loss of Retail in the Primary Shopping Frontage

It is recognised that the primary shopping frontage has been designated to protect the retail uses within the main Town Centre area of Basingstoke. The proposal seeks a change of use from A2 (financial services) to D1 (non-residential) use within the Primary Shopping Frontage which is protected under Policy EP3 (Town, District and Local Centres) of the Basingstoke and Deane Local Plan. The proposed D1 (non-residential) uses for an orthodontic practice cannot be considered as a 'Main Town Centre Uses' (as defined by the National Planning Policy Framework (NPPF), nor is the proposal supported by adopted Local Plan Policy. The proposal would result in the loss of a retail unit which is contrary to Policy EP3 of the Basingstoke and Deane Local Plan 2011-2029.

Policy EP3 specifically states that the loss of retail uses (A1-A5) from the Primary Shopping Frontage will not be permitted. The current application seeks a change of use from A2 (financial services) to a D1 (non-residential) use which would be contrary to Policy EP3 of the Basingstoke and Deane Local Plan 2011-2029.

The Policy also states that; 'Proposals for shops (A1 Use Class) are encouraged within defined Primary and Secondary Shopping Frontages. Other retail uses (A2-A5) will be permitted where:

a) Individually or cumulatively they do not undermine the vitality, viability or character of the frontage; and
b) They do not give rise to unacceptable environmental or public safety impacts'
Therefore it is considered appropriate to evaluate this proposal for a D1 use against the aims of the policy listed above.

In relation to part (a) of the policy above, it will be necessary to review the mix of uses in the surrounding premises and consider the impact of the change of use of the premises to D1 use. It is recognised that D1 uses are capable of being complementary to the A1 uses and can provide increased activity and footfall in the right setting. The applications site is a transitional location between the Primary and Secondary Shopping Frontages with a mixture of uses situated around its locality. The proposed use would offer a similar active frontage to other neighbouring unit such as the hairdressers, in that customers will be waiting for an appointment and visibility through the unit. Conditions could secure the layout to retain this active waiting area at the front of the unit.

The unit was vacated by its last permanent occupant (Barclays) in June 2015 and has been vacant since. Additional information has been submitted by the applicant that has demonstrated the marketing efforts carried out by the lettings agents over the past three years. The unit has been marketed on several different letting platforms, however, no prospective clients have had interest in the unit. As stated, the unit is currently vacant and it is considered that significant weight can be placed upon the occupation and reestablishment of commercial activity at the site. 18-19 Chelsea House is situated upon a principle entrance to Festival Place Shopping Centre.

Whilst it is acknowledged that the proposal is contrary to Policy EP3, in this instance, it is considered that the reintroduction of commercial activity within a vacant unit is of significant benefit and will contribute to ensuring the vitality of the town centre which accords with one of the main aims of Policy EP3, especially given the amount of time the unit has been vacant. The proposal is therefore considered to be acceptable. In addition, the proposed use although not specifically a retail use would be in keeping with the character of the primary shopping frontage and would have no detrimental impact upon its vitality but enhance it.

As such, whilst the proposal is contrary to Policy EP3 of the Basingstoke and Deane Local Plan 2011-2029, the benefits of the scheme outweigh the Local Plan Policy considerations and the change of use is considered to be acceptable.

Impact on the character of the area/ design

The site is part of the Festival Place shopping centre and the proposed change of use of the unit would not result in any external changes to the size or appearance of the building. As such the proposal would have no impact upon the character of the wider area or the setting of the Basingstoke Town Conservation Area and no objections are raised in this respect. As such the proposal is considered to accord with Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029.

Impact on designated heritage asset

Local Authorities are required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of
preserving or enhancing the character or appearance of conservation areas when considering development proposals that affect the setting or views into it. This is reflected locally within Policy EM11 which has regard to the importance of natural features and spaces that contribute to the character and appearance of the Conservation Area.

The application site lies adjacent to the Top of Town Conservation Area boundary. The Top of Town Conservation Area Appraisal highlights the importance of protecting of particular character or appearance of the Conservation Area and further identifies those buildings, views and key features that are considered essential to the special character or appearance of the Conservation Area. There are no external alterations proposed as part of this application and as such the proposed change of use would not harm the setting and appearance of the Conservation Area. Therefore, the overall special character of the Conservation Area would be preserved.

Impact on neighbouring amenities

The change of use of the unit itself would not comprise any external changes and any that would take place would be within the Festival Place shopping centre. There are neighbouring properties located to the east of the site which benefit from external balconies. The proposed use as an orthodontic practice would result in the potential of noise generation activities due to the machinery used within the practice and customer entering and leaving the site. Chelsea House is located within a Town centre location with other commercial units already in operation. It is considered the noise that would likely be generated from the proposed change of use would not be significantly dissimilar to the current noise levels in place.

The proposed opening hours are stated as: Monday – Friday 8am – 8pm, Saturday 8:30am – 5:30pm and closed on Sunday.

These time are representative of other commercial units within the area and there are considered to be acceptable. To ensure the unit is open at times that could lead to impact upon residential units, a condition restricting the opening hours will be imposed to reflect the opening times stated. Based on the above assessment, it is considered that there would be no adverse impacts upon any neighbouring properties in terms of any overbearing effects or any loss of light or privacy.

As such, with regards to neighbouring amenity, the proposal is considered to be acceptable and the proposal accords with Policies EM10 and EM12 of the Local Plan which protects amenity.

Highways and Parking

The application site is located within a town centre location. The application site itself doesn’t comprise any vehicle parking facilities but this area would be considered to be sustainable, given its location close to public transport, including the train and bus stations, as well as a number of car parks within the town centre location. The proposed change of use of the unit is not considered to result in any significant additional trip generation that would increase the parking requirements within the
area. It is considered that the use of the new units, in terms of parking provision, could be accommodated within existing facilities, as well as good access to public transport in this location. As such, no objections are raised from a parking or highway safety perspective and the proposals are considered to be acceptable.

Conditions

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

   - Location Plan (Drawing No. AS00_A)
   - Proposed Plans (Drawing No. AK01_A)
   - Proposed Elevations (Drawing No. AV01)

   **REASON:** For the avoidance of doubt and in the interests of proper planning and amenity of the area as a Primary Shopping Frontage.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
   **REASON:** To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent an accumulation of unimplemented planning permissions.

3. The premises (18-19 Chelsea House) shall be used only as a orthodontic practice (D1 non-residential) and for no other purpose whatsoever (including any other purpose in as prescribed within the Town and Country Planning (Use Classes) Order 2015 or in any statutory instrument revoking and re-enacting that Order with or without modification) unless otherwise agreed.
   **REASON:** This use is only permitted and other uses within that Use Class may not be acceptable to the Local Planning Authority in this location, in the interest of neighbouring amenities and in accordance with Policies EM10 and EP3 of the Basingstoke and Deane Local Plan 2011-2029.

4. The premises shall not open before 08:00 hours or remain open after 20:30 hours on Mondays to Fridays and 08:30 hours to 17:30 hours on Saturdays nor open at any time on Sundays.
   **REASON:** To protect the amenities of the occupiers of nearby properties and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

Informative(s):-

1. The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that
a lawful commencement of the approved development CANNOT be made until
the particular requirements of the pre-commencement conditions have been
met.

1.3 The applicant's attention is drawn to the fact that the Local Planning
Authority has a period of up to eight weeks to determine details submitted in
respect of a condition or limitation attached to a grant of planning permission. It
is likely that in most cases the determination period will be shorter than eight
weeks, however, the applicant is advised to schedule this time period into any
programme of works. A fee will be required for requests for discharge of any
consent, agreement, or approval required by a planning condition. The fee
chargeable is £116 or £34 where the related permission was for extending or
altering a dwelling house or other development in the curtilage of a dwelling
house. A fee is payable for each submission made regardless of the number of
conditions for which approval is sought. Requests must be made using the
standard application form (available online) or set out in writing clearly
identifying the relevant planning application and condition(s) which they are
seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework
(NPPF) in dealing with this application, the Council has worked with the
applicant in the following positive and creative manner:-

Seeking further information following receipt of the application;
Considering the imposition of conditions (in accordance with paragraphs 54-57)

In this instance:

The applicant was updated of any issues after the initial site visit,

In such ways the Council has demonstrated a positive and proactive manner in
seeking solutions to problems arising in relation to the planning application.

3. The applicant is reminded that this approval does not give any indication of any
consent necessary under the Town and Country Planning (Control of
Advertisements) Regulations which may or may not be required nor any
indication that such consent will be forthcoming.
Location plan