



## Appeal Decision

Hearing Held on 27 April 2021 and 18 May 2021

Site visit made on 29 April 2021

**by Adrian Hunter BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24<sup>th</sup> June 2021**

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**Appeal Ref: APP/H1705/W/20/3248204**

**Former Basingstoke Police Station, London Road, Basingstoke RG21 4AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Churchill Retirement Living against the decision of Basingstoke & Deane Borough Council.
  - The application Ref 19/01822/FUL, dated 28 June 2019, was refused by notice dated 27 February 2020.
  - The development proposed is demolition of existing buildings and erection of 56 No retirement apartments, guest apartment, communal facilities, vehicular access, car parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 56 No retirement apartments, guest apartment, communal facilities, vehicular access, car parking and landscaping on land at Former Basingstoke Police Station, London Road, Basingstoke RG21 4AD, in accordance with planning application Ref 19/01822/FUL, dated 28 June 2019, subject to the conditions in the attached schedule.

### Application for costs

2. At the Hearing an application for costs was made by Churchill Retirement Living against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice.
4. The appellant has included revised plans and information as part of their appeal. Whilst not before the Council at the time of their decision, they were submitted at the outset of the appeal, therefore parties have had the opportunity to comment. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme have materially altered from that originally submitted and upon which consultation took place. Against this backdrop, I consider that no-one would be prejudiced if I were to consider the revisions as part of the appeal, taking account of the principles established in the Wheatcroft case. Therefore, I have determined the appeal on this basis.

5. The proposal is supported by a planning obligation in the form of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. I have had regard to it in reaching my decision. As agreed between the parties, a completed version was submitted shortly after the hearing closed.
6. The appeal hearing was conducted as a Virtual Hearing.

### **Main issues**

7. The main issues in this appeal are:
  - The effect of the proposal upon the character and appearance of the area, in particular, whether the siting, layout, design, scale, bulk and appearance of the development would appear as an incongruous form of development having regard to the pattern and character of the surroundings;
  - Whether the proposal would preserve or enhance the character or appearance of the Basingstoke Town Conservation Area and whether it would preserve the setting of the White Hart Public House, a Grade II listed building;
  - Whether the proposed development makes adequate provision for safe and secure cycle parking;
  - Whether the proposed development makes adequate provision for the storage of refuse and recycling; and
  - Whether the proposal makes adequate provision for local infrastructure, in particular the provision of affordable housing and open space provision.

### **Reasons**

#### *Character and appearance*

8. The appeal site lies to the east of Basingstoke Town Centre, on the northern side of London Road. The site comprises the vacant former police station and associated surface car parking and ancillary outbuildings, which are located to the rear. Fronting onto London Road, the existing building is predominantly single storey across the frontage, with a taller, 4-storey central section, which extends back into the site. The building is set back from London Road, where there are a number of trees, grassed areas, along with a number of former car parking spaces between it and the footway.
9. The surrounding area comprises a mix of modern and historic developments. Due to the uses of a number of surrounding buildings, the area forms the core of civic activity within the town, with uses including Council Offices, Registry Office and Basingstoke Magistrates' Court. Immediately to the east is Lauriston Court, which is a 3-4 storey residential block, that extends back, away from the road. Further to the east, the area is predominantly residential and is more sub-urban in character, with dwellings comprising a mix of detached and semi-detached properties.
10. A particular characteristic of the area is that all the buildings are distinct and individual, sitting within their own plots with space around them. However, whilst the buildings on the northern side of London Road are set back behind landscaping, those on the southern side are positioned close to the carriageway edge. As a result, the northern side has a verdant character.

11. The appeal site lies within Basingstoke Town Conservation Area (BTCA), and there are a number of nearby listed buildings, including The White Hart Public House, Goldings and Eastlands, all of which are Grade II.
12. Policy EM1 of the Basingstoke and Deane Local Plan (BDLP) 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.
13. Policy EM10 of the BDLP states that proposals will be required to respect the local environment, contribute to the streetscene and be visually attractive. Policy EM10 advocates a high quality and robust design-led approach to new development. In particular, the policy requires that development must 'positively contribute to the appearance and use of streets' (criteria 1b), 'respond to the local context' (criteria 1c), contribute 'to a sense of place' (criteria 2a) and have 'due regard to' the density, scale, layout and appearance of the surrounding area (criteria 2c).
14. In contrast to the existing main building, the proposed four storey development would extend across the full width of the plot and, due to its height, would be of considerably greater scale, bulk and mass. The building would be positioned closer to London Road, which, in combination with its additional size, would increase the presence and visual prominence of development on the site. Although in this respect, I note that it would be in line with the adjoining Lauriston Court development. Furthermore, a reasonable amount of open and undeveloped space would be provided to the front and around the sides of the building, albeit less than that around the existing police station.
15. In my view the local character of the area is varied, with no particular style of building, footprint, scale, building line or materials being particularly prevalent. Building heights are also varied, however given the rise in levels towards the towns centre, due to their position in relation to London Road, those on the southern side appear more prominent.
16. As a result, whilst the building would be larger than the existing development on the site, it would still appear as its own building, which due to the detailing of the elevations and the use of contrasting materials, would ensure that it would retain an identity of its own. In this respect, whilst being modern in design and appearance, the proposal would be similar in its overall pattern and characteristics to surrounding developments.
17. Furthermore, when travelling along London Road, towards the appeal site and beyond, the nature and character of surrounding development changes from a more suburban feel, to a more dense, urban environment. This provides a sense of arrival within the town centre. The overall scale and design of the building would be in keeping with this change in character and would help to support and maintain that sense of arrival and a perception of entry into the town centre.
18. At the hearing, there was considerable debate with regard to the existing plane trees which are located to the front of the site. It was put to me by the Council that the existing trees represent important features within the BTCA and the street scene and, as a result, form a key element of the open and verdant

character of the northern side of London Street. Having visited the site, I would concur with this view.

19. From the evidence, it is clear that these trees would be retained, although some works would be required to them to enable the development to take place. However, due to their relationship with the proposed building, they would result in some shading to a number of the dwellings which would front onto London Road. This, in the Council's view, would result in substantial pressure for these trees to be removed in the future. In response, it was put to me by the appellant that, unlike traditional open market housing, residents of retirement living apartments often seek properties with views of trees and therefore it was their intention to retain and manage them.
20. I accept that due to the relationship of the building with the trees, it would result in some shadowing to a number of the dwellings located to the front of the building. However, on the basis of the evidence before me, I am satisfied that sufficient measures would be in place to ensure the long-term retention and management of these trees.
21. Pulling all these elements together, I conclude on this main issue that the proposal would deliver a quality design, which, in combination with the retention of the existing landscaped front of the site, would not materially harm the character and appearance of the area.
22. For the above reasons, I therefore conclude that the proposed development would not harm the character and appearance of the area and, in this respect, accords with Policies EM1 and EM10 of BDLP, the Design and Sustainability Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework).

### *Designated Heritage Assets*

#### Basingstoke Town Conservation Area

23. The BTCA covers the historic core of Basingstoke and is divided into five Character Areas, with the appeal site falling into Character Area Three, Goldings and Parkland. The Basingstoke Town Conservation Area Appraisal and Management Plan Supplementary Planning Document 2015 (CAA) defines the area as being dominated by the formality of the 18th century fronted house and the relationship with its former parkland.
24. The predominant character is defined by existing development, principally large civic and administrative buildings, which are located at the western end of London Road. These buildings are prominent within the streetscape and contrast in scale to the two-storey former historic residential buildings of Goldings and Eastlands. On the northern side, the buildings are set back from the road, but are positioned along the pavement edge on the southern side. Buildings are varied in appearance, therefore there is no particular architectural style which dominates the Character Area.
25. Section 72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 identifies the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is reflected in Policy EM11 of the BDLP, which 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.
26. In contrast to the existing building on site, the proposed development would be of a greater height and scale and would therefore be more prominent within the street scene. Furthermore, with the replacement of the single storey aspects of the existing building with a four-storey development, the building would have a greater visual presence. That said, the increase in prominence and visual presence of development on the site does not, in my view, automatically translate into a form of development which would harm the BTCA.
  27. The Council were of the view that the development of the site required a building to exhibit a 'Pavilion' style, so as to respond to surrounding developments. However, on this matter, I agree with the appellant that using the accepted interpretation of the term, none of the surrounding buildings could be described to fully meet this style. To my mind, the reference to Pavilion in this context relates more to the provision of, and a sense of space around the building, allowing it to be fully appreciated, rather than a building which is also ornate and unique in its architectural detailing.
  28. In this respect, whilst the building would be positioned closer to London Road, it would be set within a landscaped context, with retained trees along the site frontage and space provided both either side and within the site. The footprint of the building would also respect the overall shape and pattern of the existing police station, with a frontage and a central core extending into the site. As such, the proposal would respect the existing grain and character of the BTCA.
  29. Whilst being four-storeys in height, due to the surrounding topography, the ridgeline of the proposed building would be lower than Eastlands and would be of a comparable height to the buildings on the opposite side of London Road. Furthermore, whilst being set further forward, the front of the building would mirror that of the adjoining Lauriston Court. This, along with the retention of the existing trees and associated landscaping, would maintain a substantial element of the verdant character of the northern side of London Road. As a result, the proposed building would be in keeping with surrounding development and would not appear overly dominant within the street scene.
  30. With regards to the existing building, there were differing views from the parties in terms of its quality and the overall contribution it makes to the BTCA. In my opinion, the existing building, due to its distinctive design and appearance, is, at best, a noteworthy feature within the BTCA, with its former use being reflective of the 'civic' nature of surrounding land uses. However, overall, I find that the existing building makes no positive contribution to the BTCA. Neither do I consider, nor find evidence to support, the Council's submission that the existing building serves as a 'bookend' to the BTCA.
  31. Drawing these aspects together, the proposal would not harm the architectural interest of the BTCA. It would remove a building that, whilst not harmful to the BTCA, in my view makes no positive contribution to it, and would replace it with a building that would be in keeping with its surroundings, with its design and siting complementing surrounding buildings. Furthermore, whilst it would be more prominent due to its scale, it would not appear as a dominant form of development. Existing trees along the frontage would be retained, along with

an element of landscaped frontage. As such, the proposal would preserve the overall character and appearance of the BTCA.

32. I have had regard to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, I conclude that the appeal scheme would not harm and would preserve the character and appearance of the BTCA and therefore accords with Policy EM11 of the BDLP, Section 4 and 7 of the SPD and Section 16 of the Framework.

#### White Hart Public House

33. The White Hart Public House is a Grade II listed building and is located on the opposite side of London Road. The building dates to the eighteenth century with a nineteenth century addition to the east. From the evidence, the building served as an important public house and inn on one of the main routes into the historic core of Basingstoke. The heritage significance of the building is therefore defined by both its age and its architectural detailing, along with its historical importance as a roadside inn. To some degree however, the overall significance of the building has been reduced over the years by surrounding modern development.
34. I have already concluded that the existing police station makes no positive contribution to the BTCA and, for the same reasons, I conclude that it makes no contribution to the setting of the White Hart Public House. That said, the presence of the existing trees and the verdant frontage of the appeal site, do however make some contribution to the appreciation of the listed building, in particular when viewing the building along London Road in both directions. In this respect, the retention of the majority of the trees, and the potential for additional landscaping in this area, would preserve the overall setting of the listed building in this respect.
35. Views of the building along London Road would still be retained, allowing the former historic role and function of the building to be appreciated, although these would be seen within the context of the new development on the appeal site. The prominence of the White Hart Public House would therefore not be harmed by the proposal.
36. In respect to the overall design of the proposed building, whilst being modern, it would reflect and respond to surrounding local character and architectural detailing, which is characteristic of this part of the streetscape. As a result, it would not harm the setting of the listed building when seen from surrounding viewpoints.
37. Whilst the proposal would result in the provision of a new building that would be of a greater scale than the existing Police Station, given the separation distance between it and the listed building, I do not find that the ability to appreciate the listed building would be altered, to such a degree, as to harm the significance of the building. Furthermore, given the separation provided by London Road, and the fact that the proposal would retain a substantial element of the existing landscaped frontage, this would be sufficient to ensure that the proposal would not be overbearing to the listed building.

38. As a consequence, whilst the proposed building would be taller and located closer to the listed building than the existing development on site, I find that the overall historic significance of the listed building would not be harmed.
39. I have had regard to my duty under S66(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the listed building. Accordingly, I conclude that the appeal scheme would preserve the setting of the White Hart Public House and would not harm its significance. Therefore, the proposal accords with Policy EM11 of the BDLP, Section 4 and 7 of the SPD and Section 16 of the Framework.
40. In summary, I conclude that the proposal would cause no harm to the designated heritage assets.

#### *Cycle parking provision*

41. The Parking Supplementary Planning Document July 2018 (PSPD), sets out the Council's standards with regards to the level of cycle parking provision necessary within new developments. Where cycle parking is provided the PSPD requires it to be secure and covered, conveniently located adjacent to entrances/exits to buildings, enjoy good natural observation, be easily accessible from roads and/or cycle routes and be well lit. In terms of the level of cycle parking to be provided, the PSPD does not set out specific requirements in relation to cycle parking for retirement housing, but instead, requires provision to be determined on a case by case basis.
42. Through the submission of the updated plan, the appeal proposal would make provision for six cycle stands, which would be located in a covered shelter at the end of the refuse/recycling building. In total this would provide sufficient space for 12 cycles.
43. In support of the level of provision, evidence was presented to me by the appellant, including levels of use from other similar developments, to support the case that due to the nature of the development and the age of the intended occupants, the total level of cycle use would be low, and would be mainly related to staff use, rather than residents. At the hearing, the Council maintained a position that the level of provision was insufficient.
44. Having reviewed the evidence, I find the survey data and the case put forward by the appellant to be compelling and, in this instance, provides strong justification to support the overall proposed level of provision on site. Furthermore, I note that the nature of the provision would meet the requirements set out in the PSPD. Therefore, given the nature and type of the development proposed, I consider that the proposal would make adequate provision for cycle parking to meet the needs of both residents and staff.
45. For the above reasons, I therefore conclude that the proposed development would make adequate provision for safe and secure cycle parking and, in this respect, accords with Policies CN9 and EM10 of the BDLP, the PSPD and Section 9 of The Framework.

#### *Waste and recycling provision*

46. The Design and Sustainability Supplementary Planning Document July 2018 (DSSPD), sets out the Council's requirements with regard to a range of

- development standards, including the provision of adequate waste and recycling facilities.
47. Using the DSSPD, based on the size of the scheme, the Council considers that the proposed development would require the provision of 18 x 1100 litre containers for waste and recycling and 9 x 240 litre glass recycling containers.
  48. Through the provision of the amended plan, the proposal would provide 12 x 1100 litre and 9 x 240 litre glass recycling containers, to be within a bin store located adjacent to the site entrance.
  49. At the Hearing, the view of the Council was that, despite the amended plan, the level of provision was still well below the required level and, as a result further additional bins would be required in the future, which, due to the limited size of the bin store, would have to be provided externally. In the view of the Council, this would represent visual harm to the area. On the other hand, evidence was presented by the appellant in the form of data from other similar developments to show that, whilst the overall provision was less than the Council's DSSPD, the level of bins to be provided on site, accorded with their experience of the waste and recycling that arose from other similar developments.
  50. I agree with the Council that, given the location of the site, the proliferation of external bins would harm the character and appearance of the area. However, given the evidence provided by the appellant, it is clear that, due to the nature of the development proposed, the level of waste from the proposed use would be less than that which would be generated from a general needs housing development of a similar scale.
  51. On this basis, I am therefore satisfied that due to the nature of the development, the amount, level and location of the bin stores provided as part of the scheme are sufficient to meet the overall needs that would arise from the development.
  52. For the above reasons, I therefore conclude that the proposed development would make adequate provision for the storage of refuse and recycling and, in this respect, accords with Policies CN9 and EM10 of the BDLP, the DSSPD and the Framework.

#### *Provision of Infrastructure*

53. The appeal is supported by a Planning Obligation in the form of a Unilateral Undertaking, which sets out contributions to be provided for both open space and affordable housing.
54. At the Hearing, the parties were in agreement with regards to the total level of contributions that the development could make to ensure it remained viable. However, there was disagreement with regards to the split of these contributions, with the Council seeking a considerable proportion of the monies to be spent on improvements to nearby open space.
55. To address this, the appellant, through the Unilateral Undertaking provided two options for the contributions as set out in Schedules A and B of the Undertaking. Schedule A included their preferred level of contribution, with the focus being on affordable housing. Whereas schedule B, reflected the Council's position.



56. Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations make it clear that Planning Obligations should only be sought where they meet all of the identified tests, namely (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.
57. It was agreed between the parties that an open space contribution would meet tests (a) and (b). However, in the view of the appellant, the level sought for open space was not fairly and reasonably related in scale and kind.
58. In justifying their figure, the Council referred to their adopted standards and clarified that the sum was based on identified need across the Borough for open space provision. Furthermore, in calculating the requirement, they did not consider that the on-site provision was suitable and therefore required the total of provision to be provided off-site.
59. On the other hand, it was put to me by the appellant that, due to the type of housing proposed, the open space requirements of the proposal would be different to that which would be expected from general open market housing. In their experience, residents would make more use of internal spaces in the form of the residents' lounge and use the communal gardens in a different way.
60. Turning to the proportion of contributions, I am not convinced by the case put forward by the Council with regard to the need for a substantial element of the contribution to be used towards open space provision within the area. Whilst I do not doubt that future residents of the proposed development would indeed wish to access nearby open spaces, in particular War Memorial Park, given the nature of the proposed use, I would envisage this to be limited to more general visits for walking or sitting, rather than any more specific purpose. I also consider that some acknowledgment has to be made of the on-site provision. Whilst this may not be extensive, it would, no doubt, meet the needs of particular residents, who may not wish, or even be able to access local parks.
61. On this basis, I do not find that the level of contribution for open space sought by the Council to be fairly and reasonably related in scale and kind. Furthermore, in terms of affordable housing, my attention was drawn to the significant needs across all types of housing across the Borough, with the appellant describing the shortfall as acute. From the evidence, I would concur with this position. In light of this position, it would therefore appear fair and reasonable to require the substantial element of the contributions to be made towards the provision of affordable housing.
62. For the above reasons, I therefore conclude that the proposal, through Schedule A of the Unilateral Undertaking, would make adequate provision for local infrastructure, in particular the provision of affordable housing and open space provision and, in this respect, accords with Policies CN1, CN4, CN6 and EM5 of the BDLP, the Planning Obligations for Infrastructure Supplementary Planning Document and the Framework.

### **Planning Balance**

63. It is acknowledged by the Council that, at this moment in time, they are unable to demonstrate a 5 year supply of housing land. On the basis of the information before me, I see no reason to disagree with this position and I have therefore determined the appeal on this basis.

64. Paragraph 11 of The Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole or where specific policies in the NPPF, indicate that development should be restricted. Furthermore, I have found no conflict with the Framework in respect of heritage issues. As a result, I find that the tilted balance as identified in Paragraph 11d of the Framework is engaged in this case.
65. I have found that the proposed development would not harm the character and appearance of the area and accords with the relevant policies in the development plan and the Framework. There would be no harm arising from the proposal to nearby designated heritage assets, with the proposal preserving the character of the BTCA and the setting of the nearby listed White Hart Public House. Furthermore, I have concluded that the proposal provides adequate cycle parking, refuse storage and policy compliant levels of contributions to both affordable housing and public open space. These weigh heavily in favour of the proposal.
66. A number of benefits were also put to me by the appellant. The Council did not take issue with these benefits, but, in their view, considered that they did not attract sufficient weight to overcome the harm they considered would be caused by the conflict with the development plan and the Framework.
67. The proposal would provide much needed housing for older people. In this respect, I note from the evidence that there is a shortfall within the Borough for the provision of this type of accommodation and that there are no specific allocations for such development. Therefore, the Council is reliant on windfalls for their delivery. Such provision of specialist housing also allows for the release of under-occupied housing stock. Furthermore, the proposal would make a substantial contribution to the provision of affordable housing within the Borough. In light of the advice contained within Paragraph 59 of the Framework to significantly boost the supply of homes, and to meet the needs of groups with specific housing requirements, it is appropriate to give significant weight to these benefits.
68. The proposal would involve the re-development of previously developed land, which is located within close proximity to the town centre and all the associated services and facilities that this has, thereby making the site sustainable in this respect. It is therefore appropriate to attach substantial weight to these benefits.
69. The proposal would provide economic benefits through the generation of jobs, during both the construction, but also once the development has been completed. Further benefits would also be delivered through increased spending by residents locally. Given the scale of the development proposed, it is appropriate to attached substantial weight to these benefits.
70. Further benefits would also be delivered through the optimum use of the site for new development, along with some environmental improvements through the reduction in hardstanding within the site. It is appropriate to afford these benefits moderate weight.
71. In summary, I have found no conflict with any of the relevant development plan policies and therefore conclude that the appeal proposal accords with the

development plan. As the Council are unable to demonstrate a 5-year land supply, Paragraph 11d of the Framework provides that applications should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

72. In this instance, there is clear and convincing evidence with regards to the suitability of the proposal. The delivery of specialist housing weighs substantially in favour of the appeal scheme, especially given the critical need identified at national level in both the Framework and the National Planning Practice Guidance (NPPG), along with the identified shortfall in terms of the delivery at local level. As a result, even if I had reached a different conclusion in relation to the heritage issues and found there to be harm to the identified designated heritage assets, any harm would have been clearly outweighed by the significant public benefits of the scheme. Therefore, in this case, I find no reasons to withhold planning permission.

### **Planning Conditions**

73. At the hearing, a number of minor changes to the conditions were suggested, to ensure that the correct plan references were included within the conditions. As such, and in light of my conclusion in the Preliminary Matters section of this decision, I have made the requisite amendments in the interests of clarity and precision.
74. The suggested conditions have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary.
75. To ensure the external appearance of the building it is necessary to require the submission of details of proposed materials and finishes. For the same reason, it is appropriate to attach a condition requiring the details of all hard and paved surfaces to be approved.
76. To protect the character and appearance of the area, it is appropriate to attach a condition requiring the submission of a landscaping scheme, along with a management plan for its continued maintenance.
77. To ensure bio-diversity enhancement is delivered, it is necessary to attach a condition requiring the submission of a habitat enhancement scheme. For the same reasons, it is necessary to require the submission of details of any proposed external lighting.
78. To protect the living conditions of surrounding residents it is necessary to require the submission of a noise assessment, along with restrictions on noise levels to be generated from construction activities. For the same reason, it is necessary to attach a condition to ensure no piling methods are used in the construction and to require the submission a measured site survey.
79. To ensure that risks from contaminated land to the future users of the site and adjoining land are minimised, it is necessary to require the submission of a desk top study and that a verification report to show that any risks have be mitigated.

80. In the interests of highway safety, it is necessary to require the provision of adequate visibility splays. For the same reason, it is appropriate to require the access to be constructed from suitable material and to ensure that the car parking is laid out and available prior to the use of the site
81. In the interests of local residents, businesses and also in the interest of highway safety, it is necessary to attach a condition requiring the submission of a Construction and Environmental Method Statement.
82. Considering the presence of existing trees on the site, it is necessary to attach a condition requiring the submission of tree protection measures. For the same reason, it is necessary to require the submission of details of all existing and proposed utilities.
83. To prevent the risk of flooding, it is necessary to attach a condition requiring the submission of a surface water drainage strategy.
84. Given the nature of the development, it is necessary to attach a condition to restrict the occupancy of the dwellings.

**Conclusion**

85. For the above reasons, the appeal is allowed, subject to the conditions as set out in the attached schedule.

*Adrian Hunter*

INSPECTOR

## **APPEARANCES**

### *FOR THE APPELLANT*

Neil Cameron QC	Landmark Chambers
Robert Jackson	Planning Issues Ltd
Matthew Shellum	Planning Issues Ltd
James MacKay	Alder King
Paul White	Ecus Ltd

### *FOR THE LOCAL PLANNING AUTHORITY*

Nicola Williams	Basingstoke and Deane Borough Council
John Dawson	Basingstoke and Deane Borough Council
Daniel Ayre	Basingstoke and Deane Borough Council
Terry Martin	Basingstoke and Deane Borough Council
Tom Roworth	Basingstoke and Deane Borough Council
Sooh Boocock	Basingstoke and Deane Borough Council
Parminder Dosanjh	Aspinall Verdi
Matthew Olive	Aspinall Verdi

### **Schedule of Conditions**

1. The development hereby permitted shall be commenced within three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (drawing 10101BS PA100 Rev A); Proposed site plan (drawing 10101BS PA101 Rev D); Ground floor plan (drawing 10101BS PA102 Rev B); First floor plan (drawing 10101BS PA103 Rev A); Second floor plan (drawing 10101BS PA104 Rev A); Third floor plan (drawing 10101BS PA105 Rev A); Proposed elevation 1 (drawing 10101BS PA107 Rev A); Proposed elevation 2 (drawing 10101BS PA108 Rev A); Proposed elevation 3 (drawing 10101BS PA109 Rev A); Proposed elevation 4-6 (drawing 10101BS PA110 Rev B); Proposed roof plan (drawing 10101BS PA106 Rev A); Proposed elevations of outbuilding (drawing 10101BS PA111 Rev A).
3. Notwithstanding the approved plans, no development above ground floor slab level shall commence until details of materials and finishes have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include samples, including on-site sample panels as applicable. These requirements include the provision of information relating to:
  - the size, texture, colour and source of bricks including specials;
  - the bonding and coursing of brickwork;
  - the material, texture and colour of any tiles/slates;
  - mortar mixes;
  - the material, texture and colour of any other materials such as cladding, string courses, coping and balustrades; and
  - Windows and doors.

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

4. Notwithstanding the details submitted, no development above ground slab level shall occur until the following drawings have been submitted to and approved in writing by the Local Planning Authority:
  - Scaled drawings at a scale of 1:10 including string courses, window cills and headers, the depth of window reveals, windows and doors and parapet.

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

5. No development above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme

- detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development takes place above ground floor slab level. 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, to be agreed in writing by the Local Planning Authority.
6. No development shall take place above ground floor slab level of the building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscape management and maintenance detailing, as a minimum, an implementation timetable for all landscaping works and a landscape management programme, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The development shall be carried out in accordance with the approved details.
  7. No development above ground floor slab level shall take place on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.
  8. No development above ground floor slab level 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/hedges shall be erected before the building hereby approved is commenced and shall subsequently be maintained. Any hedging, 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.
  9. No development shall take place until details of the habitat enhancement scheme have been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
  10. Details of any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out and thereafter maintained in accordance with the details so approved.
  11. No development above ground floor slab level should take place until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment should, if found necessary, provide a noise mitigation scheme for protecting the proposed dwellings from neighbouring commercial land uses. Should a scheme of noise mitigation be required no dwelling should be occupied until a post completion noise survey has been carried out by a suitably qualified acoustic consultant and a report has been submitted to, and approved in writing by the Local Planning Authority.

12. The rating level of sound emitted from any fixed plant associated with the development shall not exceed background sound levels between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall be no greater than 5dB below the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

13. No works pursuant to this permission, including demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

A desk top study carried out by a competent person documenting all potential sources of contamination on the site in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011

And

With the exception of the demolition of existing buildings and removal of existing hardstanding 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 and 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 include 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'.

14. 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 13(b) that any remediation scheme required and approved under the provisions of condition 13(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). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

- as built drawings of the implemented scheme;
- photographs of the remediation works in progress; and
- 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 16(b), unless otherwise agreed in writing by the Local Planning Authority.

15. Prior to construction of development commencing visibility splays of 2.4m. x 43m. shall be provided at the entrance. These splays shall have all obstructions removed between 1m and 2m. above the level of the adjacent carriageway and shall be maintained thereafter.

16. Prior to occupation the works to the access including the first 6m measured from the nearside edge of carriageway shall be surfaced in a non-migratory material. This area shall be maintained in this condition thereafter.

17. No development or other operations (including demolition, site preparation or groundworks) shall commence on site until a Construction and Environmental Method Statement that 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 must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting and shall be adhered to throughout the construction period. The Statement shall include for:

- Means of direct access (temporary or permanent) to the site from the adjoining maintainable public highway;
- The parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of construction works (including ground works) pursuant to the development hereby approved);
- Loading and unloading of plant and materials away from the maintainable public highway;
- Storage of plant and materials used in constructing the development away from the maintainable public highway;

- Wheel washing facilities or an explanation why they are not necessary;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Measures to control the emission of dust and dirt during construction;
  - 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 (06.30 to 09.30) and PM peak (16.00 to 18.30) periods;
  - 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;
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  - Arrangements for liaison with the Council's Environmental Protection Team;
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
  - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works; and
  - Procedures for emergency deviation of the agreed working hours;
18. The building shall not be occupied until the proposed car parking facilities have been laid out in accordance with the approved site plan. The car parking provided shall thereafter be kept available at all times for the intended use.
19. Notwithstanding the arboricultural information already provided within the Barrell Tree Consultancy arboricultural assessment & method statement, ref: 17356-AA4-PB, 04/07/19., no development or other operations (including demolition, site preparation or groundworks) shall commence on site, until a revised scheme of tree protection has been submitted to and approved in writing by Local Planning Authority. In addition to other trees on the site, the revised scheme shall include the retention and maintenance of the 4 London plane trees to the front of the site. The scheme of protection shall include temporary fencing, ground protection, supervision and special engineering solutions designed to ensure the successful retention of trees. The development shall proceed in accordance with the approved tree protection scheme.
20. No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction

works shall commence on site until a plan showing the location of all existing and proposed utility services has been submitted to and approved in writing by the Local Planning Authority. This shall include gas, electricity, communications, water and drainage. No development or other operations shall take place other than in complete accordance with the utility services plan.

21. No development shall take place until a detailed surface water drainage strategy has been provided to the Lead Local Flood Authority, containing the following elements:
  - Any proposals for such systems must be supported by an assessment of the risks to controlled waters.
  - Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015. The development shall be carried out in accordance with the approved details.
22. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
23. No works shall take place on site until a measured survey of the site 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.
24. Each dwelling hereby permitted shall be occupied only by;
  - (i) A person aged 60 years or over;
  - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
  - (iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.