

Appeal Decision

Hearing held on 6 December 2016

Site visit made on 6 December 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 19th January 2017

Appeal Ref: APP/M1710/W/16/3154233

Land to the North of Station Approach, Four Marks, Hampshire GU34 5PZ

- 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 Mr Matthew Jeal (Country Estates Hampshire) against the decision of East Hampshire District Council.
 - The application Ref 55460, dated 18 March 2015, was refused by notice dated 4 April 2016.
 - The development proposed is construction of nine dwellings (4x3 bed and 5x2 bed) with associated landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for construction of nine dwellings (4x3 bed and 5x2 bed) with associated landscaping and parking at Land to the North of Station Approach, Four Marks, Hampshire GU34 5PZ in accordance with the terms of the application, Ref 55460, dated 18 March 2015, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Mr Matthew Jeal (Country Estates Hampshire) against East Hampshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council's statement and the Statement of Common Ground ('SOCG') dated 16 November 2016 confirms that the Council no longer seek to defend the first reason for refusal. This related to a failure to demonstrate that the site is longer suitable for employment uses through exploiting the potential for alternative options for economic development or support opportunities that may enable economic development to come forward on the site. Furthermore, that the application was not supported by any measures to mitigate the loss of employment land.
 4. Although this was no longer a matter of dispute between the principal parties, the Council's ward members for Four Marks, representatives of the Medstead and Four Marks Neighbourhood Plan Steering Group and the relevant Parish Councils attended the Hearing to voice their concerns as they maintained a number of objections in this regard. Accordingly, I gave the parties the
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opportunity to highlight any additional matters that they wished to raise, without repeating their written submissions.

5. At the Hearing Mr Fenwick, on behalf of Medstead Parish Council submitted an appeal decision at Land to the North of the Telephone Exchange, Medstead dated 9 February 2016¹. This was in support of arguments already made and the appellant was provided with an opportunity to comment. No party would be prejudiced by me taking this decision into account in my consideration of this appeal.

Main Issues

6. Given the above, the main issues are:

- Whether the loss of employment land would be acceptable.
- Whether the proposed development would provide a suitable site for housing, with regard to compatibility of surrounding land uses, noise and general disturbance.
- The effect on highway safety.
- Whether the proposed development would provide a suitable site for housing, with regard to its location, proximity to services and ability of future occupiers to integrate into the community.

Reasons

Loss of employment land

7. In relation to the substantial amount of viability work undertaken by the principal parties, the interested parties provided little additional evidence at the Hearing to dispute the conclusion that the appellant's evidence with respect to marketing and viability of the site complies with the Council's guidance². Moreover, the conclusion that following a total marketing period of three and a half years, including further marketing following the deferral of the application at an earlier committee meeting in October 2015 and an independent assessment jointly commissioned by the principal parties, the site is unviable for commercial use and would conflict with Policies CP4 of the East Hampshire District Local Plan Joint Core Strategy 2014 ('CS') and IB4 of the East Hampshire Local Plan ('LP').
8. Concerns were raised by Cllr Thomas that the site was not being marketed for freehold sale. However, the appellant appears to have purchased the site 20 years ago and with the associated holding costs it is likely that the appellant would make a substantial loss if the site was sold as freehold, at the current market value. The approach taken to market the site on a long term lease (minimum term of 15 years) as a design and build opportunity and that it is available on a 'virtual' freehold basis (999 year lease) as a design and build opportunity, to my mind, is an entirely appropriate approach in an attempt to incentivise and bring forward development.
9. The thrust of the concerns from interested parties at the Hearing related to the loss of the appeal site as employment land in terms of this not assisting in

¹ APP/M1710/W/15/3134150

² EHDC Guidance on the loss of Industrial and Business Uses' September 2015.

supporting sustainable communities. Furthermore, that the rate of growth for housing within Four Marks means that such land should be retained. In this regard I am mindful that paragraph 22 of the National Planning Policy Framework ('the Framework') requires that consideration be given in such cases to the relative need for different land uses to support sustainable communities and that such applications treated on their own merits.

10. However, Policy CP2 of the CS sets out a spatial strategy for the whole of the joint area and sets out a housing requirement of a minimum of 10,060 dwellings in the period 2011-2028. Development growth will be directed to the most sustainable and accessible locations in the District and Four Marks and South Medstead is defined as a 'Small Local Service Centre' which have a more limited range of services and are capable of accepting some new development.
11. Policy CP10 of the CS provides further detail on the housing provision and identifies allocations for the most sustainable settlements. This includes, amongst others, an allocation of a minimum of 175 dwellings at Four Marks/South Medstead. The policy states that housing should be accommodated within existing settlement policy boundaries in the first instance. Although the number of dwellings envisaged for the settlement may have been exceeded, this is a minimum requirement.
12. The Medstead and Four Marks Neighbourhood Plan 2015-2028 ('MFMNP') seeks to focus on opportunities to rebuild a sense of community spirit through various planned provisions. This includes Policy 6 which supports the development of a community hub at the railway station and includes the appeal site, albeit as part of a larger mixed use area. In this respect, there would be some apparent conflict with the aims of this policy insofar as residential uses are not specifically referred to.
13. However, there is also some tension between this and Policy 3 which allows for the loss of employment land where it can be demonstrated its continued use is no longer viable or that there is no demand following appropriate marketing, as is the case here. Furthermore, the policy is a supportive policy that seeks to promote the rural economy and healthy communities and does not necessarily preclude other uses such as residential, a point that was also highlighted by the MFMNP examiner³.
14. Overall, the settlement hierarchy and spatial strategy seek to identify a framework for the size and location of development. When associated with complementary policies for the protection of the countryside, these establish a sustainable pattern of development within the plan area. The site does not appear to be an allocated employment site⁴ and to my mind it follows that development that does not conflict with the development plan, when read as a whole and is within a defined settlement policy boundary would achieve the sustainable pattern of development advocated in the plan. Moreover, the proposal would represent a very minor increase in growth and it would not alter the character of the settlement in any fundamental way.
15. Although an Inspector in 2016⁵ considered that the rate of growth demonstrates the pressure that the settlement is under, I have no substantive

³ Page 23 Medstead & Four Marks Examiners Report

⁴ East Hampshire District Local Plan: Housing and Employment Allocations April 2016

⁵ Decision submitted by Mr Fenwick

evidence before me that demonstrates any unacceptable planning harm would arise in this respect. Neither am I persuaded that 9 dwellings and the resultant likely population increase, even in addition to developments already permitted could not be absorbed successfully into Four Marks and would not support sustainable local communities.

16. In coming to this view I am also mindful that the planning permission in 1991, for office space in seven blocks, of which four have been constructed, has three blocks that remain unbuilt. The proposal results in the loss of land which currently benefits from extant outline permission for office development, but the proposal would not result in loss of any physical office floorspace. The proposal would remove the space for two of these buildings but the site of a building⁶ in the region of 8-10,000sqft would be unaffected.
17. Taking everything into account, subject to compliance with other relevant development plan policies, the representations made by the interested parties does not demonstrate that the loss of the appeal site as employment land would be unacceptable and would conflict with the aims and objectives of Policies CP4 of the CS, IB4 of LP and Policy 3 of the MFMNP. When read as a whole and amongst other things, these allow for alternative uses on employment land subject to proof of financial unviability and lack of a reasonable offer following appropriate marketing for 12 months in order to demonstrate that a site is no longer suitable for employment use and subject to compliance with other policies in the plan. Furthermore, the proposal would not conflict with the Framework insofar as the aims and objectives of paragraph 22 are concerned.

Compatibility, noise and general disturbance

18. The appeal site is currently vacant open land that is separated from the Watercress Railway Line ('WRL') by the carriageway of Station Approach. The WRL sits much higher than the appeal site and is not part of the national network, providing heritage and leisure services. Further along Station Road there are a range of business units in Woodlea Business Park and other commercial buildings leading to Four Marks Station. There are some mature trees on the eastern and northern boundaries of the site.
19. The junction of Station Approach and Lymington Bottom Road is in proximity to a one way bridge that serves the railway line and is subject to a priority over oncoming vehicles restriction. Directly opposite is the access to Lymington Farm Industrial Estate, a small mixed use development and its associated car park.
20. The Council refer to a general incompatibility between two existing employment areas and that residential development would be out of keeping with adjoining uses based on a number of amenity factors. Toward the top of the approach and closer to the railway station, it was evident that there were buildings of a more general industrial character and appearance. Adjacent to the site is a small industrial estate known as Woodlea Farm that, from its entrance sign, contained a number of low key light industrial and commercial office uses. These are separated from the appeal site by a belt of mature trees along the boundary with Woodlea Park. On the opposite side of the entrance to Woodlea Park and at the bottom of the WRL embankment is a green industrial building

⁶ Shown as 'D' on Site Layout Plan 164.15 approved pursuant to F20253/14

that Mr Maloney indicated at the site visit was used for bus repairs and servicing, although it was not being used as such during the site visit.

21. There are residential properties at both ends of Station Approach, in particular the presence of detached dwellings that are accessed from Station Approach, close to the junction, results in a strong residential character and appearance on the entrance into Station Approach. On the opposite side of the WRL is Winston Rise, a residential street. Overall, in combination with the domestic scale of the existing buildings I did not find the appeal site or area to have a particularly strong commercial or industrial character.
22. I found that in combination with the above, the presence of mature landscaping, topography of the land and location on the periphery of the settlement gave the site and the immediate surroundings a somewhat tranquil and secluded mixed character. This would be further reinforced by housing on land adjoining the rear boundary of the appeal site, given a scheme for 75 dwellings that was allowed on appeal in June 2015 has commenced. To my mind, the proposal would not be incompatible with the character of the area.
23. Turning to noise and general disturbance, a B1 Business use is a use that can be carried on in a residential area without causing detriment to the amenity of an area. I am therefore satisfied that the existing business accommodation and buildings that form the remainder of Mansfield Park would not cause harm to future occupiers of the properties in terms of compatibility, noise or general disturbance.
24. It was common ground between the parties that the most appropriate standards for assessing noise are those contained within BS8233 'Guidance on Sound Insulation and Noise Reduction for Buildings' and the World Health Organisation Guidelines, together with 50dB LAmax for external amenity space. I have no reason to disagree with that position and the Council did not dispute the methodology or findings of the Noise Impact Assessment ('NIA') or the revised version carried out in June 2016. Furthermore, the Council's Environmental Health Officer did not object on these grounds. The appellant's noise consultant explained at the Hearing that the NIA demonstrated that the noise experienced by future residents would be below both criteria.
25. Externally, the calculated noise level in Plot 1 which fronts Station Approach was monitored at 44.3 dB LAeq which is under the criteria. The NIA was taken over a 21 hour period during the month of June and the additional NIA was taken over an eight hour period in May and June 2016, months of the year when it is most likely gardens will be in use. Levels at the plot facades as well as internally, even when windows are opened for ventilation purposes, would be below the criteria when standard thermal double glazing is used. Accordingly, the NIA concludes that no mitigation is required.
26. Interested parties did raise concerns regarding the proximity of the WRL and steam trains that use it. Mrs Foster raised the concern of loud noise from the use of the station for heritage events and workshops. However, no substantive evidence of the noise, in terms of the duration and frequency was provided and therefore I attach it limited weight. Although it would be the dominant noise source, the WRL is used infrequently and even at times when steam trains use the station, I am satisfied that the noise would be for a relatively short period and not so harmful or disruptive that it would cause harm to the living

- conditions of future occupiers or should prevent occupation of the site for residential purposes.
27. In terms of general disturbance from traffic, the Council contend that it is the potential for additional movements from the surrounding commercial uses and that these could be subject to change in the future. Although not a specific reason for refusal, the Council's statement also refers to the proposal impinging on the future viability and sustainability of the surrounding employment uses.
 28. The use of distinct noises associated with surrounding employment uses at Woodlea Park, such as beeping from fork lift trucks and Heavy Goods Vehicles ('HGV's') reversing was not evident at the visit, which was undertaken during typical business hours. I have not been provided with any evidence that demonstrates such uses operate outside normal business hours and the revised NIA indicates that noise from commercial units and deliveries is well below the agreed criteria.
 29. To my mind, the size of the units at Woodlea Park limits the type and scale of business, commercial and industrial uses which could, potentially at some point in the future, operate from the site. They appeared more suited to and likely to be occupied by, B1 light industrial uses as opposed to general industrial uses which have noisier manufacturing processes or B8 storage and distribution uses of such a scale that they would generate unacceptably high numbers of HGV's accessing the site.
 30. Based upon the modelled noise levels across the appeal site even if some of the units were to be occupied by such uses, I am not persuaded that if the proposed development went ahead it is likely that future residents would complain about noise. Therefore, on the evidence before me the proposal is unlikely to place unreasonable restrictions on adjoining business in the future and is unlikely to lead to harm to the future viability and sustainability of the commercial uses.
 31. For these reasons, the proposal would be a suitable site for housing in terms of its compatibility with surrounding land uses, noise and general disturbance. It would not therefore conflict with Policy CP27 of the CS insofar as a requirement for development to not result in pollution which prejudices the health and safety of communities and their environments and noise.
 32. I find this approach consistent with the Framework and accordingly, the proposal would not conflict with the aims and objectives of paragraphs 61 and 64 of that same document which requires that the decisions should address the connections between people and places and the integration of new development and that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Highway safety

33. The site would be accessed via the existing bell-mouth opening from Station Approach and I am satisfied that visibility at this junction is acceptable. Whilst the Council is concerned with pedestrian and cyclist access, there is a footway for a significant section of Station Approach on the same side as the appeal site although there is no such footway for sections of the approach as it gets closer to the station. If walking toward Lymington Bottom Road, pedestrians would

- have to cross the carriageway but overall, the site is not unconnected to the rest of the settlement.
34. However, the number of pedestrian trips during the day would be low, especially when compared against the extant permission for B1 use. Furthermore, vehicles would be travelling at relatively low speeds and there is sufficient space for pedestrians and cyclists and adequate visibility in both directions. Consequently, I do not consider that there would be conflict between users of the highway in either accessing these facilities via the station bridge and when available, the level crossing or if residents walked to the bottom of Station Approach and under the bridge on Lymington Bottom Road.
35. The Council refer to an increase in HGV's but were unable to quantify what this increase may be. On the evidence before me, the road is lightly trafficked and is not used by a significant amount of such vehicles. Even if vacant units were occupied at some point in the future, for reasons already given, I am not persuaded that this would cause such a subsequent increase in HGV or other vehicles movements that there would be conflict between users of the highway that would harm highway safety.
36. Whilst I saw at the site visit that various new housing developments have been approved that were under construction, it has not been demonstrated that they would affect highway conditions to a material degree. Specific concern was raised by interested parties about the suitability of the priority system underneath the railway bridge. However, the straightness of the road when approaching the bridge means that conflicts should be avoidable and I have been provided with no substantive evidence of highway safety issues at this junction.
37. Having regard to the scale of development and the likely traffic that would be generated, the proposal would not cause harm to highway safety and would not conflict with Policy CP29 of the CS insofar as that policy requires good standards of design and the creation of places where people want to live, work and visit and be accessible to all. I find this policy consistent with the Framework and accordingly, the proposal would not conflict with the aims and objectives of paragraphs 61 and 64 of the Framework, the objectives of which are set out above.

Location, proximity of services and facilities and integration

38. There are a wide range of services and facilities in the settlement, including bus routes, the WRL, a school, other employment opportunities and shops. Lymington Farm Industrial Estate lies opposite the junction and provides, amongst small scale local businesses, a café and a greengrocers.
39. The route across the footbridge over the WRL is an entirely legible and accessible route and although there is no public right of way, I have no evidence that this is not likely to continue into the future. Even for those residents unable to use the existing footbridge, access to the settlement via Lymington Bottom Road is not challenging. For example, access through Winston Rise, a residential street off Lymington Bottom Road would be perceived as an entirely safe, attractive and legible route and would provide an entirely convenient route to shops and services.

40. Furthermore, nothing before me suggests that residents would not have the same opportunities to integrate themselves with the existing community as residents living further afield and outside the settlement boundary. I do not consider that the ability and likelihood of future residents to integrate would be restricted by the appeal site's location, its design, the surrounding highway network or pedestrian safety concerns.
41. Overall, the proposal would provide a suitable site for housing, with regard to its location, proximity to services and ability of future occupiers to integrate into the community. It would not therefore conflict with Policy CP29 of the CS insofar as that policy requires good standards of design and the creation of places where people want to live work and visit and be accessible to all. The proposal would not conflict with the aims and objectives of paragraphs 61 and 64 of the Framework, the objectives of which are set out above.

Other Matters

42. With regard to the decision at Lymington Bottom Road⁷ which was brought to my attention, in that appeal the Inspector found that the site was beyond the settlement boundary and would conflict with the development plan. Furthermore, that the site would not be sustainably located. I do not consider that the issues are directly comparable to the appeal proposal before me and it therefore does not alter my views in relation to the main issues.
43. The SOCG confirms that since the application was determined, the Council have adopted its Community Infrastructure Levy which both parties agree would resolve the community facilities and public open space contributions that are required and is not a matter for consideration in this appeal. However, in respect of off-site affordable housing contributions, following the recent Court of Appeal judgement⁸ and changes to the Planning Practice Guidance, the parties agree that the affordable housing contributions are no longer required. On the evidence before me, I have no reason to find otherwise.
44. The Council consider because a five year supply of housing land can be demonstrated there is no need to effectively release the land for housing. However, the proposal would accord with the development plan and accordingly, should be approved without delay unless material considerations indicate otherwise. To my mind and for the reasons set out above, such development should not be restricted solely because a five year housing land supply target has been met and it is otherwise found acceptable.
45. Medstead Parish Council refers to the risk of precedent, if the proposal were to be allowed. I see no reason why, if this proposal were to be allowed, that it would undermine the Councils ability to exercise its judgement in relation to similar development proposals on this or other sites, especially because each case is determined on its own merits and because each site will have different constraints and opportunities. Moreover, because I have found that the scheme would accord with the development plan, when read as a whole and the Framework it will not set a harmful precedent.

⁷ APP/M1710/W/15/3134150

⁸ *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* [2016] EWCA Civ 441

Conditions

46. I have considered the conditions agreed by both of the parties in the SOCG and these were discussed at the Hearing. I have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. A condition requiring details of the external materials to be agreed is necessary, in order to protect the character and appearance of the area.
47. To ensure that risks from land contamination to future users of the land and buildings are minimised, given the findings of a preliminary risk assessment undertaken by the appellant, conditions relating to investigation, remediation, verification and monitoring and maintenance of any contamination are necessary. A condition that foul and surface water drainage details are submitted, agreed and provided prior to occupation is also necessary. Although interested parties considered a condition was necessary to secure connection to the foul sewer, I consider that adequate drainage for such a scheme can be satisfactorily covered by the submission of details to be agreed with the local planning authority.
48. All parties agreed that because the existing access was being retained, Condition 8 in the SOCG relating to a new access was not necessary. I agree and have not imposed it. A scheme of ecological mitigation in accordance with the Phase 1 habitat Survey report previously submitted to safeguard wildlife interests is also necessary. A Construction Method Statement is also necessary in the interests of highway safety and the living conditions of surrounding occupiers.
49. Although a condition requiring submission of an Arboricultural Statement has been requested, I note that an Arboricultural Report was originally submitted and this recommends that a condition be imposed relating to retained trees as shown on Tree Protection Plan 8230/02. I have no substantive reason why a further report is necessary. Furthermore, the trees are located along the boundaries of the site and not in close proximity of the dwellings. I am satisfied that their protection can be adequately addressed by a condition relating to the protection of trees in accordance with the submitted plan and their future management and replacement, if required.
50. To ensure the proposed parking and turning facilities are satisfactorily provided and thereafter permanently retained, a condition is required for these to be provided and laid out prior to occupation of the dwellings in accordance with the approved plans. It was also agreed by the parties at the Hearing that a condition requiring details of the soft and hard landscaping of the site is necessary to protect and enhance the character and appearance of the area and that such works are retained and replaced, where necessary. I agree and have imposed such conditions.
51. Conditions 3, 4, 5, 6, 7, 10 and 13 are conditions precedent and I am satisfied that such conditions are fundamental to the development to ensure that development does not occur until such matters are resolved, in the interest of a combination of the effects on the character and appearance of the area, pollution and public health, highway safety and the living and working conditions of surrounding occupiers.

Conclusion

52. For the reasons set out above, the proposal would not conflict with the development plan, when read as a whole or the Framework. Having considered all other matters raised, there are no material considerations to indicate that a decision should be made other than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 2624/100/C, 2624/101/C, 2624/102, 2624/103, 2624/104/A, 2624/105/A, 2624/106, 2624/107/B, 18157/2 and 8230/02.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 5) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in

writing by the local planning authority before the development [or relevant phase of development] is occupied.

- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development is resumed or continued.
- 7) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing within 21 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 14 days and approved in writing within 14 days of receipt, thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.
- 8) Prior to occupation details of the drainage works for foul and surface water shall have been submitted to and approved in writing by the local planning authority. None of the dwellings hereby permitted shall be occupied until the foul and surface water drainage works shall have been completed in accordance with the submitted and approved details.
- 9) The development hereby permitted shall not be carried out other than in accordance with the ecological mitigation compensation and enhancement measures detailed within the Windrush Ecology Phase 1 Habitat Survey Report dated January 2015.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) A programme and phasing of construction work
 - ii) the parking of vehicles of site operatives and visitors and traffic management;
 - iii) loading and unloading of plant and materials including access and egress for machinery and plant;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- viii) delivery, demolition and construction working hours.
- ix) Location of temporary site buildings and compounds
- x) Protection of pedestrian routes.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 11) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans, without the prior written approval of the local planning authority.

If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority.

All the trees and hedges shown as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with approved drawing 8230/02.

- 12) The dwellings hereby permitted shall not be occupied until the areas shown for the parking and turning of vehicles shown on the approved plans have been provided, surfaced and drained in accordance with details that have been previously submitted and approved in writing by the local planning authority. Subsequently, the parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles.
- 13) No development shall take place until details of the soft and hard landscaping of the site, including the provision of boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 14) All planting, seeding, turfing and other details comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

APPEARANCES

FOR THE APPELLANT:

Mr John Litton QC	Landmark Chambers
Mr Matthew Jeal	Appellant
Mr Tim Foxall	Glanville Group
Mr Nicholas Haigh	REC Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ms M Kurihara	Urbanvision on behalf of East Hampshire District Council
Mr Jon Holmes	Principal Planning Officer East Hampshire District Council
Ms Katherine Pang	East Hampshire District Council
Ms Natasha Finn	East Hampshire District Council
Ms Nicky Clements	East Hampshire District Council

INTERESTED PARTIES:

Cllr Ingrid Thomas	East Hampshire District Council ward member for Four Marks and Medstead
Cllr Deborah Brooks Jackson	East Hampshire District Council ward member for Four Marks and Medstead
Cllr Peter Fenwick	Parish Cllr for Medstead
Mr Roy Pullen	Medsted Parish Council and Four Marks Neighbourhood Plan Steering Group
Cllr Janet Foster	Four Marks Parish Council
Mr Frank Maloney	Local resident (present at site visit)

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

1. Appellant's Costs Submissions.
2. East Hampshire District Local Plan 2006 Title Page.
3. Appeal decision APP/M1710/W/15/3134150 at Land to North of the Telephone Exchange, Lymington Bottom Road, Medstead, Hampshire GU34 5EP.
4. Tree Protection Plan 8230/02 dated March 2015.
5. Decision notice dated 14 January 1991 and Site Layout Plan 164.15 pursuant to outline planning permission ref: F.20253/014.