



Appeal Decision

Hearing held on 22 June 2021

Site visit made on 23 June 2021

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/08/2021

Appeal Ref: APP/H1705/W/20/3253087

Land at the south side, Ashford Hill Road, Ashford Hill, Hampshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by SN Developments against the decision of Basingstoke and Deane Borough Council
 - The application Ref 19/02726/OUT, dated 1 October 2019, was refused by notice dated 16 March 2020.
 - The development proposed is the erection of up to 27 dwellings and all associated development works.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 27 dwellings and all associated development works at Land at the south side, Ashford Hill Road, Ashford Hill, Hampshire, in accordance with the terms of the application Ref 19/02726/OUT, dated 1 October 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal is for outline planning permission with access applied for in full and all other matters reserved. The agreed drawing list is Refs 19176 S101 and 3200 05. Indicative drawings were also submitted with the application. I have taken these into account as appropriate throughout my decision.
3. The third reason for refusal is in relation to securing adequate provision for on and off-site infrastructure. A s106 Planning Obligation, dated 1 July 2021 (the s106) was submitted, following discussions both in the lead up to the hearing and in the hearing itself. Subject to this, the Council confirmed that it would not be pursuing this reason for refusal.
4. The appeal site is located within the Ashford Hill with Headley Neighbourhood Plan Area. The Neighbourhood Plan is at a very early stage and has limited weight.
5. After the hearing closed, a revised National Planning Policy Framework (the Framework) was adopted. I offered both the Council and the appellant the opportunity to comment on the revised Framework and both parties confirmed that they had no additional representations to make. I have reflected the revised Framework as appropriate throughout my decision letter.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to built form and landscape character.

Reasons

7. The appeal site is in the countryside as defined by the Basingstoke and Deane Local Plan 2011-2029 (the Local Plan). Although the village is small with relatively few services and no public transport options, the Council have not raised an in-principle concern with this location. I have been provided with no convincing evidence that would justify coming to an alternative conclusion.
8. The site is an agricultural field. It is bound on all sides by hedgerows and trees. Vehicular access is provided from Ashford Hill Road. This currently provides access to a group of agricultural buildings located to the rear of the appeal site. The site is relatively flat although it does gently slope downwards from the west and the western boundary of the site is near the top of a small hill.
9. Ashford Hill is a village with a variety of dwelling types, ages and styles. It is primarily laid out along the B3051, but there are estates and properties set back from the road, including a new housing development directly to the east of the appeal site. A primary school and some houses lie on the opposite side of Ashford Hill Road from the site. There is a car park for the village located in-between part of the appeal site and Ashford Hill Road. A group of agricultural buildings lie to the south with fields beyond. To the north and west there are open fields used as paddocks, and sporadic development along and set back from Ashford Hill Road. Ashford Hill Road has a pavement along its southern side. Just to the west of the appeal site is the brow of a hill along the road and prominent 30 mph warning and village entrance signs.
10. It is proposed to erect a housing estate for up to 27 dwellings, with a drainage pond to the north east corner and extensive landscaping to the western and southern boundaries. Access would be from Ashford Hill Road. This would clearly change the character of the appeal site from an agricultural field to urban development. Even the proposed open space areas would be of a domestic character, different from the agricultural and rural character of the existing site. Although bordered by fairly mature hedgerows, the proposal would be clearly visible through gaps in the hedgerows, from neighbouring properties, and even more so in winter.
11. However, the combination of the existing properties on the opposite side of the road, the brow of the hill, and the 30 mph village entrance signs create the impression that the village begins slightly to the west of the proposed development. In addition, further west along Ashford Hill Road lies sporadic development and equestrian fields, which already create a transition zone from the purely rural areas further away from the appeal site. The village car park has already introduced urban form on the south side of Ashford Hill Road in the location of the appeal site.
12. Layout is a reserved matter but the illustrative masterplan indicates an estate pattern, with the properties all set away from Ashford Hill Road. Although the village is largely centred along the B3051 and some of the existing development along Ashford Hill Road fronts onto the road, existing

development is not uniformly linear and there are several existing properties and estates set back from both roads. The proposed density would be similar to the new estate to the east. It would make the best use of land. There is sufficient space on the site that any concerns regarding the design detail of the layout and or car parking provision could be satisfactorily resolved at reserved matters stages. In this context, the proposed layout would be acceptable and in character with the wider area.

13. The appeal site is on a slope and the westernmost proposed houses, in particular, would be sporadically visible from surrounding properties, footpaths and roads. However, due to the undulating topography surrounding the site, and intervening hedgerows and trees, it would not be particularly prominent from longer or medium range views. Where visible, it would read as a natural extension to, and become part of, the village, lying directly adjacent to and surrounded by the existing built form of the village.
14. The proposal would, therefore, be in-keeping with the character and appearance of the site, the village and the wider landscape. Consequently, it would comply with the relevant parts of Policies EM1 and EM10 of the Local Plan, which both require high quality design and the protection of the character of the landscape. It would comply with Chapter 12 of the Framework, which requires high quality design. It would also comply with the relevant parts of the Landscape, Biodiversity and Trees SPD 2018 and the Design and Sustainability SPD 2018.

Other Matters

15. Several letters of objection have been submitted from neighbours and also from Councillors Kinnear and Rhatigan, Headley Parish Council, and the Campaign to Protect Rural England. The letters of objection raised various concerns in addition to those addressed above. I have taken all of these factors into consideration although I note that the right to a private view is not a material planning consideration.
16. Most of the concerns raised are not in dispute between the main parties. The location of development, proposed affordable housing levels and housing mix, effect on neighbouring residents living conditions, effect on trees and biodiversity including a nearby Site of Special Scientific Interest, noise to future residents, flooding, highway safety, effect on local infrastructure including the primary school, flooding, surfaced water drainage, and foul water were addressed in the officer's report. The Council concluded that there would be no material harm in these regards and I have seen no substantiated evidence that would lead me to come to a different conclusion.
17. I also note that the Highways Authority, Thames Water, Natural England, the Environment Agency, and the Local Lead Flood Authority have not objected to the proposal. Conditions could control the proposal with regard to noise levels within the proposal, surface water drainage, tree protection and biodiversity enhancements, and foul water. The s106 secures a biodiversity management plan, tree works plans, the provision of suitable levels of open space and facilities, and affordable housing.

Conditions

18. The Council suggested a number of conditions which I have considered and amended in the light of government guidance on the use of conditions in planning permissions, and further to discussions at the hearing. I have also amalgamated some of the suggested conditions.
19. In addition to the standard time limit and reserved matters conditions, a condition specifying the relevant drawings provides certainty.
20. The noise condition is necessary so that suitable mitigation measures, if required, are provided to secure acceptable living conditions for future occupiers.
21. The Construction Environmental Management Plan condition is necessary in the interest of highway safety and protecting the living conditions of neighbouring occupiers.
22. The land contamination assessment and verification conditions are necessary to ensure appropriate investigation of ground contamination and that any necessary remedial works are undertaken.
23. The surface water drainage condition is necessary to ensure that surface water run-off is controlled and managed appropriately to minimise the risk of flooding.
24. The materials, landscaping and Arboricultural Method Statement conditions are necessary to protect the character and appearance of the area.
25. The tree protection, landscaping and Wildlife Enhancement and Mitigation Plan conditions are necessary to protect biodiversity.
26. The water use and foul water conditions are necessary to secure the sustainable use of water and to mitigate the effect on both drinking and foul water infrastructure in the area, in accordance with the requirements of Policies EM7 and EM9 of the LP.
27. The access provision condition is necessary to ensure that the proposed site access is provided prior to occupation of the development.
28. The electric vehicle charging point condition is necessary to help mitigate and adapt to climate change and to encourage the use of low emissions vehicles, in accordance with Policy CN9 of the LP.
29. The noise, Construction Environment Management Plan, contamination, surface water drainage, Arboricultural Method Statement and Wildlife Enhancement and Mitigation Plan conditions are necessarily worded as pre-commencement conditions, because a later trigger for their submission and/or implementation would not allow for the appropriate controls to be agreed prior to the relevant works being undertaken.
30. The Council suggested a condition regarding affordable housing mix but this is not necessary because it can be adequately controlled by reserved matters submissions. The Council suggested a condition to require additional ecological improvements beyond those identified in the Biodiversity Management Plan. However, this is not necessary because biodiversity enhancements are controlled by relevant clauses in the s106. The Council suggested a condition

requiring a Quality Audit in relation to the proposed access works but this is not necessary because this level of detail can be controlled by relevant s38 or s278 highways agreements. The Council suggested a condition to remove permitted development rights to provide vehicular or pedestrian accesses to the site. However, these types of works would be controlled by the landscaping condition. Lastly, the Council recommended a series of conditions in relation to noise. These are not necessary because suitable control over noise pollution is provided in the remaining noise condition that I have included. Consequently, I have not added any of these conditions.

Planning Obligation

31. I have considered the various obligations set out in the s106 with regard to the statutory requirements in Regulation 122 of the Community Infrastructure Levy Regulations and the policy tests in Paragraph 57 of the Framework, as set out below.
32. The s106 secures 11 (40%) of the proposed dwellings to be affordable housing. These are to be a mixture of social rent, affordable rent (at a rent of no more than 80% of market rent) and shared ownership (with an initial purchase of between 25% and 75% of the open market value). No more than 75% of the open market dwellings can be occupied until all the affordable dwellings have been constructed and made available for occupation. These obligations are necessary to deliver a mix of housing to meet the needs of the community.
33. The s106 secures a Biodiversity Management Plan to identify the habitat to be retained, restored, created and/or enhanced, and the maintenance and management of the habitat. This is necessary to ensure that there is no net loss of biodiversity and to secure measurable net gains through appropriate long-term management and monitoring of biodiversity features.
34. Various open space elements are secured, including a multi-functional green space incorporating within it a kickabout area, a play area, noise attenuation measures, and sustainable drainage systems. Specifications for the play areas and the proposed landscaping, as well as a landscape management plan, are to be required. The green space is to be made available prior to occupation of 50% of the proposed dwellings, and all of the measures are to be provided prior to occupation of the final dwelling. Some of the land is to be transferred to Council ownership and some to remain in private ownership. A management company is also required to provide for maintenance of the private areas.
35. These obligations are necessary for achieving good design, providing recreational opportunities for the future residents of the dwellings, and to ensure the long-term strategic protection of structural landscape and communal open spaces on the appeal site. The obligations are reasonable and related to the development because the quantum of open space has been calculated against the total proposed increase in population.
36. A Tree Works Plan is secured to survey existing trees and to control development in and around the trees. This is necessary to ensure that the tree works are known, and the relevant trees and hedgerows protected from development.
37. A contribution, index-linked, towards off-site equipped play areas is secured. The off-site play area has been identified, at Ashford Hill Recreation Ground

nearby to the site, and the final contribution will be linked to the final occupancy rates. The development would increase demand for these facilities, even allowing for the proposed on-site facilities. The obligation is therefore necessary, relevant and reasonable.

38. A monitoring contribution is secured. The planning obligations secured deal with several matters that involve ongoing commitments beyond the initial build period. As such, I consider the general monitoring contribution provided for to be necessary to make the development acceptable in planning terms, and is fairly and reasonably related to it in scale and kind.

Planning Balance and Conclusion

39. It was agreed that the Council cannot demonstrate a 5-year housing land supply. However, the degree of the shortfall was contested at the hearing. In this instance I have found no conflict with the development plan as a whole, or with the Framework. There is therefore no need for me to come to a conclusion on the housing land supply position. I have also not found there to be any other material considerations that would require my decision to be taken otherwise than in accordance with the development plan
40. For the reasons above, I therefore conclude that the appeal be allowed.

O S Woodward

INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Anjoli Foster	Counsel, Landmark Chambers
Stuart Crickett MRTPI	Director, Strutt and Parker
John-Paul Friend LA HNDLGD CMLI	Director, LVIA Ltd
Patrick Graham RIBA	Managing Director, OSP Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Andy Blaxland MRTPI	Director, Adams Hendry Consulting
John Dawson MRTPI	Principal Urban Designer, Basingstoke and Deane Borough Council (BDBC)
SooH Boocock	Landscape/Horticultural Officer, BDBC
Tom Roworth	Housing Strategy Manager, BDBC
Terry Martin	Landscape Architect, BDBC
Nicola Williams	Principal Planning Officer, BDBC

ANNEX B: SCHEDULE OF PLANNING CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 19176 S101 and 3200 05.

Pre-commencement conditions

- 5) No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority to establish noise levels across the site. No development above ground floor slab level shall take place until a mitigation strategy for protecting the proposed residential development from noise as identified in the noise impact assessment has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the internally generated noise levels to be achieved with windows shut and other means of ventilation provided. All works which form part of the scheme shall be completed before first occupation of any of the residential development and retained thereafter.
- 6) No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:
 - i. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - ii. Arrangements for liaison with the Council's Environmental Protection Team;
 - iii. 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;
 - iv. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
 - v. 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;

- vi. Procedures for emergency deviation of the agreed working hours;
 - vii. Control measures for dust and other air-borne pollutants; and,
 - viii. Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority:
- i. A desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;
 - ii. A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and,
 - iii. A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the local planning authority. The additional contamination shall be fully assessed and an appropriate remediation scheme agreed in writing with the local planning authority.

- 8) No development shall take place until a detailed surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to:
- i. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;
 - ii. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the surface water sewer. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events;
 - iii. Management of exceedance flows including areas of the site that will be allowed to flood and conveyance of flood waters;
 - iv. The method of surface water drainage including local sustainable disposal with regard to the proposed main access to the site;

- v. Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this; and,
 - vi. Maintenance regimes of the entire surface water drainage system including individual features and a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer.
- 9) No development including ground preparation shall take place until an Arboricultural Method Statement, prepared in accordance with the BS5837 "Trees in Relation to Design, Demolition and Construction", has been submitted to and approved in writing by the local planning authority. The statement shall outline how the tree(s) will be protected during the development and shall include a tree protection plan along with specifications for all operations within the root protection area of retained trees. The statement shall account for the location of all existing and proposed utility services. No development or other operations shall take place other than in complete accordance with the approved method statement.
- 10) No development shall take place until a Wildlife Enhancement and Mitigation Plan, in line with recommendations within Chapter 6 Discussions and Recommendations of the Ecological Impact Assessment, shall have been submitted to and approved in writing by the local planning authority. The plan shall include a bat sensitive lighting scheme which meets with Bat Conservation Trust recommendations.

Pre-above ground works conditions

- 11) No development above ground floor slab level shall take place until details of the types, textures and colours of all external materials to be used together with samples have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 12) No development above ground floor slab level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:
- i. a statement setting out the design objectives and how these will be delivered;
 - ii. earthworks showing existing and proposed finished levels or contours in relation to a nearby datum point, to be based on a measured survey;
 - iii. planting plans with specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities;
 - iv. a schedule of tree planting including the position, species and size of all new trees proposed and to include an assessment of the overall gain or loss of canopy cover across the site, taking into account tree removals and the ultimate size of new tree planting;

- v. the specification of tree planting pits where appropriate with details of any irrigation or drainage infrastructure;
- vi. tree root barriers (if necessary) to prevent damage or disruption to any proposed hard surfacing or underground services, drains or other infrastructure;
- vii. details of protection of young trees to reduce the likelihood of breakage/vandalism to acceptable levels;
- viii. details of the location of external lighting sufficient to demonstrate how lighting is to be achieved without conflict to proposed tree planting, with allowance for reasonable growth;
- ix. means of enclosure and retaining structures;
- x. boundary treatment[s];
- xi. vehicle parking layouts;
- xii. other internal vehicle and pedestrian access and circulation areas;
- xiii. hard surfacing materials; and,
- xiv. an implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied or in accordance with the timetable agreed with the local planning authority which shall include appropriate planting to be undertaken at the earliest opportunity. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the local planning authority.

Pre-occupation conditions

- 13) The development shall not be occupied until a technical report and a certification of compliance demonstrating that the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) or confirmation that this standard cannot be met on technical or viability grounds has been submitted (by an independent and suitably accredited body) to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) The development shall not be occupied until there has been submitted to the local planning authority verification that any remediation scheme required and approved as part of condition 7 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). Thereafter the scheme shall be monitored and maintained in accordance with the scheme as approved, unless otherwise agreed in writing by the local planning authority.

- 15) The development shall not be occupied until a detailed foul water drainage strategy has been submitted to and approved in writing by the local planning authority. The strategy should include:
 - i. Assessment of whether capacity exists off site to serve the development; or,
 - ii. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.
- 16) Prior to occupation, the access shall be constructed in accordance with the layout provided on drawing Ref 3200 05.

For observation

- 17) Applications for the approval of reserved matters shall be accompanied by a scheme for the provision of Electric Vehicle Charging Infrastructure for both unallocated and allocated parking spaces. The development shall then proceed in full accordance with the approved scheme.

=====END OF SCHEDULE=====