



Appeal Decision

Site visit made on 21 February 2024

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/H1705/W/23/3321775

Crossways Childrens Home, 42 Milkingpen Lane, Old Basing, Hampshire RG24 7DL

- 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 Ray McMurray (Blenheim Construction Ltd) against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 22/01514/FUL.
 - The development proposed is erection of a new apartment block to accommodate two two-bed apartments.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a new apartment block to accommodate two two-bed apartments at Crossways Childrens Home, 42 Milkingpen Lane, Old Basing, Hampshire RG24 7DL in accordance with the terms of the application, Ref 22/01514/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in December 2023. The main parties have had the opportunity to respond to the changes to national policy. Since that time, the Government has consulted on further revisions to the Framework and the parties have also had the opportunity to comment on this. During the appeal process the main parties have provided me with recent appeal decisions in relation to housing land and policy matters, which I have accepted as they were determined after the appeal was submitted. I have had regard to these documents and comments when considering this appeal.

Main Issue

3. The effect of the proposed development on the character and appearance of the area, including the Old Basing Conservation Area (CA).

Reasons

Character and appearance

4. The appeal site is adjacent to the CA, which includes parts of the roads and junction outside the site. The CA derives considerable significance from the high concentration of historic buildings, historic street pattern, scheduled monuments, open spaces within the CA and the relationship with the river.

Trees and groups of trees are identified in the Old Basing CA Appraisal and Management Plan Supplementary Planning Document 2020/2021 (CAAMP) as contributing positively to the character and appearance of the CA.

5. The Grade I listed St Mary's Church forms a key landmark in the part of the CA closest to the appeal site. Main thoroughfares in this part of the CA include Milkingpen Lane: they are relatively narrow, gradually revealing progressive groups of buildings, and have a strong sense of enclosure created by walls, fences, trees and hedging. Large trees around the five-way junction adjacent to the appeal site also make a substantial positive contribution to the leafy, semi-rural character of the area.
6. Milkingpen Lane contains a school and has large dwellings of various styles and ages along both sides, set in relatively large, mature gardens. Trees and hedges provide screening and give it a verdant appearance. Around the five-way junction built form is set back from the roads, even on higher-density plots such as the new dwellings on Byfleet Avenue opposite the appeal site. Wide verges on all corners of the junction create a sense of openness, with lines of trees behind enclosing the land beyond.
7. The former children's home site, which includes the appeal site, has been redeveloped with two new houses and the original building has been converted into flats. Although some trees have been removed to create the access, a row of large, mature trees along the boundary with Milkingpen Lane remains, which are within the CA. These make a significant, positive contribution to the enclosed and verdant nature of that road and to the edge of this part of the CA. Other large, mature trees along the boundary of the wider site with 3 Hatch Lane are also prominently visible and contribute positively to the character and appearance of the area.
8. Around the southern boundary of the site a mature hedge creates a strong sense of enclosure and adds to the verdant nature of the junction. It also limits views into the site itself. A group of small plum trees and one modest sized individual apple tree remain just inside this hedge and are outside of the CA. They are not prominent in the important views identified in the CAAMP from the junction towards the CA and along Crown Lane, as they are behind or to the side of a viewer in this position. While they add to the greenery which characterises the junction, they are much smaller than other trees in the area and of poor form. Therefore, both individually and collectively these trees make a limited contribution to the character and appearance of the area and to the setting of the CA.
9. Consent has previously been granted for removal of trees from within the site, and these works appear to have been completed. Interested parties have raised concerns that other trees have been removed during construction. The approved site plan shown in the appellant's Planning Statement appears to show two trees where the appeal building is now proposed. However, these do not appear on the tree survey in the appellant's Arboricultural Report dated January 2023, which was submitted during the application. Nor were they on the site at the time of my visit. I do not have details of the landscaping scheme approved for the wider site, and whether these trees were to be retained or not. In any event, this part of the site is outside of the CA so consent may not have been required for their removal. Consequently, removal of those trees is not part of the scheme before me.

10. The additional trees to be removed under this proposal are therefore the group of plum trees and the apple tree. The loss of these trees would harm the character and appearance of the area and the setting of the CA by reducing the greenery on this corner of the junction. However, due to their form and size, the degree of harm would be slight. The hedge is to be retained, other than for a small gap for a pedestrian path in a slightly different location to what has previously been approved. This prominent feature could be protected during construction.
11. Six replacement trees are proposed to be planted. Their specific location and species could be secured by condition in agreement with the Council and there would be sufficient space for these replacements to grow to a reasonable size. Consequently, it is likely that they would restore the greenery along this boundary within a reasonably short amount of time. The replacements would therefore make a positive contribution to the character and appearance of the site, immediate area and views into and out of the CA and would mitigate the harm from the loss of the existing trees.
12. The proposal would increase the density of development on the site, making efficient use of the land as supported by local and national policy. The proposed new building would be of similar scale to the new houses on the wider site and others in the local area. It would be separated from both the converted former children's home and No 3 and set back from both adjacent roads roughly in line with neighbouring development. Therefore, the proposed layout would keep the corner of the site free of buildings, retaining this characteristic of the junction.
13. The building design would be consistent with the new houses on the wider site and the materials would be sympathetic to the varied architecture and materials present in the local area, having regard to the Old Basing and Lychpit Village Design Statement (2006) (VDS). Although it would be on elevated ground, the building would be partly screened by the retained hedge and therefore would not appear unduly prominent, even when the vegetation is not in leaf. In time, additional screening would be provided by the replacement trees.
14. Consequently, the relationship of the proposed building to the junction and to neighbouring properties would be consistent with existing development. Accordingly, while it would be visible from neighbouring roads, given its scale, design and siting and the presence of vegetation, the proposal would be consistent with the pattern and character of built form in this area.
15. I saw that the car parking area has already been laid out as shown on the appeal plans, not in accordance with the approved site layout I have been provided with. The parking area is on lower ground than the proposed building and set behind the hedge and fencing, so very little of it is visible from the public realm. The photographs provided show that the hedge remains relatively dense throughout the year, providing significant screening. Therefore, while the proposed layout provides a smaller area for soft landscaping than the approved scheme, the existing screening means this would not be readily apparent from outside the site.
16. Furthermore, the proposed layout includes space for soft landscaping between the proposed building and the former children's home in part of the site previously approved for car parking. This space is partially visible from Milkingpen Lane via the access, and with appropriate planting would provide an

opportunity to soften the space between the buildings and the edge of the parking area. The remaining areas for soft landscaping could also be planted with suitable species to provide a soft edge to the built form and parking area and a pleasant outside space for future occupiers. A landscaping scheme condition would ensure that the Council could secure an appropriate density and type of planting to mitigate the impact of the smaller area available.

17. While some neighbouring properties have large garden areas, others are more constrained, and relatively small gardens have been approved for the new dwellings on the wider site. The Council advises that it has no required standards for communal outside space for flat developments. The approved scheme provided a larger area of communal outside space than the appeal scheme but much of it was separated from the building by car parking, so may not have been a convenient space for residents to use. Under the appeal scheme, each block would have its own space separate from the parking area and directly accessible from the buildings, which would provide useable and accessible outside space for future residents.
18. Accordingly, while the proposal would result in the loss of an open area of vegetation and several existing trees, the visual impact of this would be mitigated by opportunities for additional and better-quality planting and replacement trees. The proposed layout allows for space around the existing and proposed buildings and the character of both the junction and the local area would be preserved. Therefore, it would not result in a cramped layout.
19. A suitable building design would be achieved, and outside space can be provided for all dwellings. Car and cycle parking could also be provided in accordance with Council standards. Consequently, even taken together with the other existing development, the proposal would not result in overdevelopment of the wider site. Overall, therefore, with a suitable landscaping scheme the proposal would integrate into the street scene and contribute positively to the overall quality and visual amenity of the area.
20. Accordingly, the proposal would not harm the character and appearance of the area and would preserve the setting, and thereby the significance, of the CA. Consequently, I find no conflict with Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029 (adopted May 2016) (LP) insofar as they require development to be of high quality, respond to local context, be sympathetic to the character and visual quality of the area and conserve or enhance the quality of heritage assets. Nor is there conflict with Policies OB&L6 and OB&L7 of the Old Basing Neighbourhood Plan 2015-2029 (July 2018) (NP) insofar as they seek to conserve or enhance heritage assets and require development to recognise and integrate into the distinctive local character of the parish and CA.
21. The proposal would also accord with the guidance and objectives set out in the CAAMP, Heritage Supplementary Planning Document (SPD) (2019) and the Design and Sustainability SPD (2018). These provide that development should blend in with its surroundings in design and form, scale and materials; manage change to the setting of the CA to ensure the significance of the heritage asset is not harmed; and achieve high quality development which responds positively to the context. There would be no conflict with the policies of the Framework which seek to conserve heritage assets and create high quality, well-designed places.

Other Matters

22. Parking provision for 15 cars is proposed, an increase of 4 from the previous permission, and would accord with the Council's parking standards. Parking on surrounding roads is restricted for some distance by double yellow lines. Consequently, the proposal is unlikely to result in additional demand for on-street parking in the vicinity of the junction and the school.
23. Cycle parking is to be provided in bicycle lockers at the rear of the appeal building. The landscaping scheme will need to ensure that these are easily accessible, however the level of provision is sufficient to serve the two dwellings proposed.
24. The proposal would use the same access as the adjacent new development. That access was approved under the previous permission and has been constructed, with the previous access closed off. The additional dwellings proposed would result in a small increase in traffic compared to the approved scheme. The highway authority advises that the access is suitable for the additional traffic generated by this proposal, subject to provision of visibility splays, which can be secured by condition.
25. I do not have an updated traffic report assessing this scheme in detail, however the highway authority advises that it is likely to generate around 2 trips during peak hours. There is strong local concern about additional traffic in this area, particularly close to the school at peak times. The highway authority advises however that this increase in traffic is unlikely to result in a material impact on the operation of the local highway network and that the access is suitable for the additional traffic. On an already busy route the small number of additional vehicle movements are unlikely to materially increase existing traffic issues, and in the absence of substantive technical evidence to the contrary, I see no reason to disagree with the highway authority's assessment.
26. The proposal incorporates safe routes for pedestrians and provision for cycling. Therefore, the proposal would provide safe and suitable access for all users and encourage sustainable modes of transport. Given that the proposed dwellings would use the existing access, it is unlikely that the small amount of additional traffic from the proposal would be detrimental to the ability of the neighbours at No 60 to use their driveway safely.
27. Consequently, it has not been demonstrated that the additional traffic from the two dwellings proposed would result in significant impacts on the transport network or on highway safety, either alone or in combination with existing and planned development in the area. Refusal on highway grounds is not therefore warranted.
28. Bin storage is proposed within the site but the Council advises that bins and recycling would have to be placed adjacent to the highway for collection, as refuse vehicles will not enter the site. This is the same situation as for the existing 9 dwellings permitted, and now built, on the site. Having a large number of bins on the pavement on collection day is by no means ideal, particularly when the route is well used by people walking to and from the school. The additional bins from two further dwellings are unlikely to make a significant difference however, given the number of bins that would already be present. Consequently, while I understand local concern in this regard, the

proposal would not significantly worsen the existing situation, and therefore this does not warrant refusal of the scheme.

29. The proposal would be to the side of 3 Hatch Lane and would result in some shading of that property in the afternoons. The overshadowing would primarily be of the driveway and garage however, therefore it would not significantly affect sunlight reaching the dwelling or its garden. The proposed building would occupy part of what is a relatively open view in this direction, however with the hipped roof and the separation distance from the dwelling itself, it would not harmfully reduce daylight reaching the dwelling. Therefore, it would not significantly adversely affect the living conditions of the occupiers of No 3 with respect to natural light, and they would continue to have a high quality of amenity as required by LP Policy EM10.
30. No windows are proposed in the rear elevation of the building at first floor level. As the dwellings would be flats, they would not have permitted development rights, so planning permission would be required should they wish to insert windows in that elevation in future. The Council would therefore be able to safeguard No 3 from overlooking and loss of privacy and the suggested condition removing permitted development rights is not necessary.
31. Bats have previously been found to be using the former children's home building, with mitigation and enhancement measures secured by condition in the previous permission. The Bat Survey Report dated 2020 indicates that the majority of trees on site were identified as having negligible bat roost suitability, including those to be removed under this proposal. The appeal scheme is therefore unlikely to impact on protected species subject to ensuring appropriate working practices to prevent disturbance during construction. Controls over external lighting would also be necessary to reduce potential effects on foraging and roosting bats, as recommended in the Bat Survey Report. These can be secured by conditions.
32. The main parties have provided information about the Council's current housing land supply situation, with reference to recent appeal decisions. Comments have also been made regarding the latest version of the Framework, consultation on further revisions to that document and a recent Written Ministerial Statement. As I have found that the proposal would comply with the development plan, there is no need for me to consider these matters further.

Conditions

33. In addition to the conditions mentioned above, conditions for implementation and to require compliance with the approved plans are necessary in the interests of certainty. I have had regard to the conditions suggested by the parties and consultees and have amended the wording where necessary to ensure that the conditions meet the 6 tests set out in the Framework.
34. Conditions to secure appropriate materials, refuse and recycling storage, hard and soft landscaping and landscape maintenance, and measures to retain and protect existing trees and hedges are necessary to safeguard the character and appearance of the area. The application pre-dates the mandatory requirement for 10% biodiversity net gain, but national and local policy seek to enhance biodiversity where possible, which can be achieved through the landscaping scheme.

35. Given the proximity of neighbouring dwellings to the site and the presence of a school which creates significant traffic at peak times, construction management measures are necessary in the interests of highway safety. These need to include traffic management but only during the school times where traffic is of most concern; and ensure appropriate parking provision for construction, visitors and residents of the wider site. This cannot be a pre-commencement condition as the access and parking area have already been built and development has commenced. Therefore, I have amended the suggested trigger for submission of this document. Further conditions are needed to safeguard the living conditions of neighbours from noise from deliveries and construction at appropriate times.
36. Conditions to secure appropriate visibility splays at the access in perpetuity in the interests of highway safety. Full details of the new pedestrian access are necessary to ensure safe access to and from the site for pedestrians separate from the main vehicular access, which has no footways. As the development has already commenced those works should be completed before the appeal dwellings are occupied. The previous accesses to the site have already been closed, the footway has been reinstated and the Keep Clear markings on the road have been moved to the new access. Therefore, it is not necessary to condition those works again.
37. Conditions are necessary to ensure provision of car parking and turning areas and cycle parking to provide for the needs of future occupiers, minimise the demand for off-site parking in the local area and promote sustainable modes of transport. I have however amended the parking conditions suggested by the Council to make them more precise, as the curtilage of the dwellings is not defined in the appeal documents and could change over time.
38. It is necessary to secure provision of surface water management measures and drainage to mitigate against flood risk on site or elsewhere, however I have changed the triggers for provision as development has already commenced. Conditions to secure water efficiency measures are necessary having regard to LP Policy EM9. While the Council's officer report refers to policy requirements to minimise energy consumption through sustainable design, I have not been provided with details of any requirements or standards for new residential development and the Council has not provided wording for a condition to this effect. Therefore, I have not imposed such a condition. There is no need to condition provision of electric vehicle charging, as this would duplicate measures now contained in the Building Regulations.
39. The site is at low risk for contamination, therefore no investigative measures are required, however if contamination were found appropriate actions would need to be taken to safeguard residents. Therefore, an unexpected contamination condition is necessary.

Conclusion

40. The proposal would comply with the relevant policies of the development plan and the Framework. The appeal is therefore allowed, subject to the conditions listed below.

L McKay

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: P01B, P02B, P04A, P05A, P10A, P11A and 2020/5312/003 Rev P1
- 3) No development above slab level shall commence until a schedule and samples of the materials and finishes to be used for the external walls and roofs of the proposed buildings 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 approved details.
- 4) No construction of the dwellings hereby approved shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details, including where appropriate scaled drawings, showing provision for:
 - a) The parking of site operatives, resident and visitor vehicles
 - b) Loading and unloading of plant and materials
 - c) Management of construction traffic during school pick-up and drop-off times
 - d) Storage of plant and materials used in constructing the development
 - e) Wheel washing facilities
- 5) No construction of the dwellings hereby approved, and no site clearance, ground works or storage or movement of materials, machinery or other construction items shall take place until protective measures for retained hedges and trees, including fencing and ground protection have first been installed in accordance with the Arboricultural Development Statement Ref. CBA11404 v1A by CBA Trees dated January 2023. Those protection measures shall be retained for the duration of the construction works. The construction shall be carried out in accordance with the Arboricultural/Construction Method Statements and the supervision, working procedures and special engineering solutions set out in the same Statement.
- 6) No trees shall be removed from the site other than those listed as 'Removed' in Table 1: Arboricultural Implications of the Arboricultural Development Statement Ref. CBA11404 v1A by CBA Trees dated January 2023, and as shown on Tree Protection Plan CBA11404.02A TPP of the same Statement.
- 7) No dwelling hereby approved shall be occupied until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, including a minimum of six replacement trees. The works shall be carried out in accordance with the approved details, in the first planting and seeding seasons following the first occupation of either of the dwellings hereby approved.

- 8) No hard landscaping works shall be undertaken on site until details of the materials to be used for hard and paved surfacing, including pedestrian paths and parking areas, have been submitted to and approved in writing by the local planning authority. The hard landscaping shall be completed in accordance with the approved details before any dwelling hereby approved is first occupied, and shall thereafter be retained.
- 9) No dwelling hereby approved shall be occupied until a programme for maintenance of all soft landscaping has first been submitted to and approved in writing by the local planning authority. The programme shall detail all operations to be carried out to allow successful establishment of planting. All soft landscaping shall be maintained in accordance with the approved programme. 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.
- 10) No dwelling hereby approved shall be occupied until surface water disposal measures designed to prevent surface water from the site discharging onto the adjacent highway have been installed in accordance with the approved plans and are fully operational. Those measures shall thereafter be retained and maintained.
- 11) No dwelling hereby approved shall be occupied until a drainage system has been constructed in accordance with details that have been submitted to and approved in writing by the local planning authority. That drainage system shall thereafter be retained and maintained.
- 12) No dwelling hereby approved shall be occupied until visibility splays of 2.4 x 35.4m and 2.4m x 43m from the site access onto Milkingpen Lane have been provided in accordance with the details shown on approved drawing 2020/5312/003 Rev P1 by RGP. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m in height above the adjacent carriageway channel line.
- 13) No dwelling hereby approved shall be occupied until provision has been made for car parking and turning in accordance with the approved plans. The parking and turning facilities shall at all times be available for use by vehicles and kept free from obstruction.
- 14) No dwelling hereby approved shall be occupied until cycle parking comprising 1 x twin bicycle locker has been provided for that dwelling in accordance with the approved plans. That cycle parking provision shall thereafter be retained and made available for use for cycle storage and shall not be used for any other purpose.
- 15) No dwelling hereby approved shall be occupied until provision has been made for the storage of refuse and recycling prior to disposal, in accordance with the approved plan. The surface materials from the carriageway to the storage area and waste container collection point shall provide level access and shall not hinder the movement of waste containers to the collection vehicle. The development shall provide enough refuse and recycling storage to comply with the Design and Sustainability Supplementary Planning Document (2018) for each of the residential flats hereby approved, in addition to the provision for the flats within the adjacent development. The areas of land and buildings so

provided shall thereafter be retained and maintained and made available for storage of refuse and recycling, and shall not be used for any other purpose other than the storage (prior to disposal) or the collection of refuse and recycling.

- 16) No dwelling hereby approved shall be occupied until pedestrian access from the site to Hatch Lane has been completed and made available to use, in accordance with details that have first been submitted to and approved in writing by the local planning authority. That access shall thereafter be retained and made available for pedestrian access to and from the site.
- 17) The development shall be undertaken in accordance with the recommendations set out in the Bat Survey Report by Hampshire Ecological Services Ltd dated December 2020 or the requirements of any European Protected Species licence or Bat Mitigation Class Licence obtained from Natural England in relation to the site, whichever is the more recent.
- 18) No external lighting shall be installed within the site or on the buildings hereby approved unless in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 19) No dwelling hereby approved shall be occupied until provision has been made for measures to ensure each dwelling meets a water efficiency standard of 110 litres or less of water per person per day, in accordance with details that have first been submitted to and approved by the local planning authority; unless it has first been demonstrated to, and agreed in writing by the local planning authority that this requirement for sustainable water use cannot be achieved for technical or viability reasons. The development shall be carried out in accordance with the approved details.
- 20) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays, or at any time on Sundays or recognised public holidays.
- 21) No work relating to the construction of the development hereby approved, including works of preparation prior to operations, or operation of machinery or fitting out, shall take place before the hours of 0730 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays, or at any time on Sundays or recognised public holidays.
- 22) Should any discoloured or odorous soils be encountered during development works, or should any hazardous materials or significant quantities of made ground be found, then all development works shall be stopped, the local planning authority contacted and a scheme to investigate the risks and the adoption of any required remedial measures shall be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. Following the completion of development works and prior to first occupation of any dwelling hereby approved, sufficient information must be submitted to the local planning authority to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.