



Appeal Decision

Inquiry held on 22 to 24 June and 29 June to 2 July 2021

Site visit made on 6 July 2021

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th August 2021

Appeal Ref: APP/H1705/W/21/3269526

Land to East of Station Road, Oakley RG23 7EH

- 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 Wates Developments Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/00004/OUT, dated 19 December 2019, was refused by notice dated 9 October 2020.
 - The development proposed is up to 110 residential units (Class C3) with all matters reserved except for access.
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Decision

1. The appeal is allowed and planning permission is granted for up to 110 residential units (Class C3) with all matters reserved except for access at Land to East of Station Road, Oakley RG23 7EH in accordance with the terms of the application, Ref 20/00004/OUT, dated 19 December 2019, subject to the 27 conditions set out in the attached schedule.

Application for costs

2. At the Inquiry, an application for costs was made by Wates Developments Ltd against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all matters reserved except for access. I have had regard to the site plan submitted with the application (ref P19039-RFT-00-ZZ-DR-A-0106 Rev P02) but consider that all the details shown are illustrative apart from the existing access road between Station Road and Canterbury Gardens. The same applies to the design and access statement.
4. The application was refused for 4 reasons and 7 main issues were identified at the pre-inquiry case management conference. Before the Inquiry opened, the Council confirmed that it would not be contesting the third reason for refusal based on additional clarification provided by the appellant with regards to traffic movements and contributions towards sustainable transport modes. However, interested parties continued to raise concerns regarding such matters and so the relevant main issues have remained.
5. The Council also indicated that the fourth reason for refusal could be resolved through the submission of a S106 and the existing Community Infrastructure Levy (CIL) charging schedule. A completed and executed S106 was submitted

shortly after the close of the Inquiry and is assessed below. Although not a reason for refusal or a main issue, this decision also addresses the effect of the development on designated European sites in terms of nitrates.

6. A new version of the National Planning Policy Framework (NPPF) was published on 20 July 2021. The parties were given the opportunity to comment on any relevant changes and I have taken these comments into account.

Main Issues

7. The main issues are:
 - i) the effect of the development on the character and appearance of the area;
 - ii) the effect of the development on the setting and significance of Church Oakley Conservation Area;
 - iii) the effect of the development on highway safety and access;
 - iv) whether the development would promote sustainable transport modes;
 - v) whether the development would make adequate provision for community and infrastructure needs arising from the development;
 - vi) the extent of the shortfall in the Council's 5 year housing land supply; and
 - vii) the overall planning balance having regard to the development plan and national policy.

Reasons

Policy and planning context

8. The appeal site adjoins the settlement policy boundary (SPB) for Oakley as set out in the Basingstoke and Deane Local Plan 2011-2029 (LP) and revised by the Oakley and Deane Neighbourhood Plan 2011-2029 (NP). It is thus regarded to lie within the countryside for planning purposes. LP Policy SS1 seeks the provision of 15,300 dwellings within the plan period. The provision is focused within SPB, as well as regeneration sites, greenfield site allocations, and neighbourhood plans. Housing outside SPB would need to meet the criteria set out in other policies or be essential for the proposal to be located in the countryside. LP Policy SS6 allows for new housing in the countryside where it meets one of a number of exceptions, none of which are applicable to this proposal. Thus, the development would conflict with LP Policies SS1 and SS6. The intention of the LP is to maintain the existing open nature of the countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas.
9. LP Policy SS5 apportions a minimum number of houses to neighbourhood plan areas, including at least 150 homes in Oakley. NP Policies 1 and 3 allocate land for approximately 150 dwellings across 5 sites in the NP area, including 45 at Park Farm (hereafter referred to as Canterbury Gardens) and 15 at the village hall on Andover Road. There is no allocation covering this site.
10. LP Policy SS4 seeks to ensure a supply of deliverable housing sites and triggers a review of the LP if a future supply cannot be demonstrated. The Council has acknowledged that the housing target of 15,300 dwellings will not be met within the plan period and so a review is underway. There has been an initial public consultation in autumn 2020 but the new local plan is not expected to be

examined and adopted until spring 2024. Therefore, very little weight can be afforded at present to the content of the new plan.

11. The site is located on the western side of Oakley. It lies to the east of Station Road and immediately south of the railway line cutting between Basingstoke and Andover. North of the railway line is the Beach Park play area, Oakley Village Hall, and the B3400 Andover Road. To the east of the site are housing estates associated with the late 20th and early 21st century expansion of Oakley, including the immediately adjacent Canterbury Gardens development. The historic settlement of Church Oakley and its conservation area lies to the south, while to the west and north-west of the site is open countryside leading to the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
12. A large part of the site was the subject of an appeal decision¹ from 1988 for residential development of around 250 dwellings. The appeal was dismissed for a number of reasons including adverse effects on the landscape, the conservation area, and highway safety. The parties referred to this decision at various points during the Inquiry and I have regard to it where necessary. The Canterbury Gardens development was also part of the land from the 1988 appeal decision. Following the NP allocation, it subsequently gained permission for 48 homes. Most of the homes have now been completed and are occupied.

Main Issue 1: Character and appearance

The existing context

13. The site is situated within the Oakley/Steventon Down Landscape Character Area in the Basingstoke and Deane Landscape Character Assessment 2021 (BDLCA). Its key characteristics include a mosaic of arable farmland, mixed woodland and managed parkland, with an unspoilt, rural and remote character, and medium to large scale arable fields enclosed within a generally intact and well-managed hedgerow and woodland structure. Key issues include pressure for housing development including extensions to Oakley encroaching into the character area. The BDLCA aims to retain the area's rural character and, where possible, limit the effect of Oakley's expansion on the landscape and separate identity of Church Oakley by retaining existing boundary hedges and trees.
14. The Oakley Village Design Statement 2004 (VDS) forms part of the NP evidence base and contains a number of guidelines in terms of the landscape setting of the village. They include the preservation of the visual relationship between Oakley and the surrounding countryside such that its identity and a self-contained community is kept, with further development generally kept with the present village boundaries and previously built upon land.
15. The North Wessex Downs AONB is approximately 600m from the site. It covers a large area from the Chilterns to the edge of Salisbury Plain with chalk downlands and grassland alongside wooded plateaux. The AONB Management Plan 2019-2024 identifies intense pressure for development throughout the AONB and its setting that threatens the character and quality of its landscape. The AONB Position Statement on setting outlines examples of adverse impacts on the setting of the AONB and notes that such impacts might not be visual.
16. The site is predominantly grassland, used by horses for grazing. The access road and pavement to Canterbury Gardens crosses the appeal site from Station

¹ APP/H1705/A/88/083281

Road, while there is a balancing pond for the new homes within the north-east corner of the appeal site. The site is enclosed by mature boundary vegetation on most sides apart from either side of the access road junction with Station Road. The south-eastern part of the site is a separate field enclosed on all sides by planting with another area of paddock immediately to the west next to the Peter Houseman Recreation Ground (the recreation ground).

17. The site is relatively flat and open but falls to the south and west towards Church Oakley and Andover Road respectively. Church Oakley is largely screened from the site by the topography and existing vegetation, while parkland and estate farmland to the south-west are hard to distinguish. Likewise, development to the north of the railway line is largely screened from the site by vegetation. In contrast, the housing at Canterbury Gardens is visible on the other side of the boundary hedge while the access road has a suburbanising effect. Thus, in landscape terms, the site has edge of settlement character in contrast to the more remote and rural countryside to the west of Station Road. There was some doubt at the Inquiry whether the site lies within an area influenced by existing lighting, but there are still suburban influences.
18. While the site is not identified as a valued landscape for the purposes of NPPF paragraph 174(a), it has moderate value in terms of the green and undeveloped nature of the paddocks and fields within it, and high value in terms of the boundary vegetation that is in keeping with the qualities of the character area. Both aspects are susceptible and sensitive to change. The wider landscape character area has moderate to high value due to its aforementioned qualities, but the site makes a limited contribution to the character area due to its location and appearance and the extent of boundary screening.
19. Station Road is used by pedestrians, cyclists and horse riders for recreational purposes. However, the site is only particularly visible from Station Road at the bridge over the railway line and along the first part of the road frontage from the bridge. As the road drops into Church Oakley, the site is hidden by vegetation. Due to the falling topography and intervening hedgerows, the site is not very visible from Footpaths 6 and 7 between the Church of St Leonard (the church) and The Beach Arms Hotel on Andover Road. The church and the rest of the settlement at Church Oakley screens the site in the panoramic views from the south-west that are protected by NP Policy 8.
20. There are glimpses of the south-eastern part of the site from Footpath No 9b with Canterbury Gardens houses behind the trees and hedgerows, but these are seen in the context of existing modern housing and the school buildings to one side. Views north to the site from the very edge of the recreation ground are across an intervening paddock area with mature boundary vegetation largely screening Canterbury Gardens. The site can be seen at the western end of Canterbury Gardens but very much framed by the new housing in the foreground. There are unbroken views from the new housing itself, but these are private views and restricted to a relatively limited number of properties overall. Thus, in visual terms the site is well-contained, only seen in close-up views and is influenced by adjoining built development. This diminishes the value of viewpoints from Station Road, Canterbury Gardens, and along nearby footpaths, and lessens their susceptibility and sensitivity to change.
21. There are no public views of the site from within the AONB. Nevertheless, it is possible to see the AONB in views from within and across the site. The site and

the nearest part of the AONB lies within the same landscape character area. Intervening structures such as the sewage works and railway viaduct do not dominate views. Moreover, travelling between Oakley and the AONB, it is possible to experience the site as part of one's route by a range of transport modes. The use of the land for grazing is compatible with the overall rural land use within the AONB. Therefore, the site can be considered to lie within the AONB's setting and contribute to this setting. However, the site is a relatively small part of the surrounding countryside and is well-contained, and so it only makes a modest contribution to this setting.

The effect of the development on character and appearance

22. The design and access statement indicates that most properties could be two storeys, with those nearest to Station Road and the recreation ground being single storey. The illustrative site plan shows that development could be excluded from the south-west part of the site next to Station Road and the paddock next to the recreation ground. There might be some loss of boundary planting to form the access through to the south-eastern part of the site, but otherwise planting could remain and be reinforced.
23. An illustrative landscape masterplan (ref O-1) submitted with the appellant's landscape proof suggests pulling housing away from Station Road with a belt of trees along the road frontage. This plan has not been subject to public consultation but is an indication of an alternative approach. Therefore, while none of the illustrative documentation can be secured at the outline stage, they nevertheless provide helpful assistance. Indeed, the evidence of the parties' witnesses was informed greatly by the illustrative material.
24. The development of up to 110 dwellings would inevitably erode a large part of the grassland paddocks and fields, and result in harm to this landscape feature. However, the development could retain and reinforce much of the boundary vegetation with little overall harm. The vegetation would also ensure that the development would be well-screened in views from footpaths to the south, west and east. The development would be very noticeable initially from the railway bridge and first part of Station Road past the site given the present limited extent of screening. However, as planting matures, it would soften the overall effect, while single storey properties would reduce the height of built development along this edge. A tree belt could be no wider than existing boundary planting and would not look out of keeping in the wider landscape.
25. There would be a further encroachment of modern Oakley westwards into the countryside beyond the limit of development formed by housing at Canterbury Gardens and north of the railway line on Andover Road. However, it would be contained and seen within the context of Canterbury Gardens and the existing access road. There would be the opportunity to provide large open space buffers within the site nearest to Church Oakley to avoid coalescence or any other adverse visual or landscape effects. Given the site's limited contribution to the wider landscape character area, the development would only have a minor adverse effect on its qualities.
26. There would be a change in landscape character and the rural use of the land within the AONB's setting and some reduction in the rural approach to and from the AONB. However, the development would occupy a relatively small and well-contained parcel of land not visible in any public viewpoints from the AONB. Thus, the development would have an acceptable effect on the AONB's

setting and so would accord with the AONB Management Plan as well as the AONB Position Statement on setting. It would be sensitively located and designed to avoid or minimise adverse impacts on the AONB in line with NPPF paragraph 176.

27. While the proposed development would also intrude into open land, this land is not as unspoilt or remote from the built-up area of Oakley as was the case in 1988. This is chiefly because of the effect of Canterbury Gardens, which now sits to the west of Footpath 9b and the boundary hedgerow adjoining the footpath, and the access road that is a significant feature within the site. As a consequence, the site does not have such a strong role in defining the setting of the village. Moreover, the policy context has altered and the landscape protection policies mentioned by the Inspector do not exist today. Therefore, I am content that the 1988 decision does not preclude the development in terms of the character and appearance of the area.
28. Drawing everything together, the development would result in some harm to landscape and visual receptors, especially at construction stage and within the first few years. However, given the moderate value of the site, other than its boundary vegetation, and its limited contribution to the wider landscape area including the AONB, and its overall visual containment, the harm would not be significant. By year 15 and beyond, the establishment of additional planting would mean the effects would be no greater than moderate in terms of any visual or landscape receptor. At reserved matters stage, it would be possible to achieve a suitable layout and scale of development combined with sympathetic landscaping and appearance. This would ensure successful integration with surrounding development without unacceptable effects on local landscape character and scenic quality of the area.
29. It is possible within the realms of planning policy and guidance for a decision-maker to consider the short-term effects arising from the construction and operation of a development on the character and appearance of an area. The Council referred me to an appeal decision² and a court judgment³ in this regard. My decision has taken into account such effects. However, it is also necessary to consider the long-term effects of development which the above appeal decision also did. In some cases, the combination of short and long term effects may result in an overall finding of harm but in other cases, such as here, it may not. I note that the Council's landscape team objected to the development at the application stage but I have assessed the proposal on the evidence before me at the Inquiry.
30. In conclusion, the development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with LP Policy EM1 which permits development that is sympathetic to the character and visual quality of the area, and respects, enhances and is not detrimental to the landscape having regard to, amongst other things, the qualities within the Council's landscape character assessment and the setting of a settlement including important views. The development would respect the sense of place, tranquillity and remoteness and the quiet enjoyment of the landscape from public footpaths in line with the policy and would maintain the integrity of existing settlements and prevent their coalescence. The development would

² APP/H1705/W/19/3226286 (Land north of Goddards Lane)

³ HJ Banks & Co Ltd v SSHCLG [2018] EWHC 3141 (Admin)

also be in accordance with the policy's approach to the AONB which follows national planning policy and the AONB Management Plan.

31. The development would accord with LP Policy EM10 which seeks to deliver high quality development. While this policy is arguably more applicable at the reserved matters stage in this instance, the development would nevertheless be able to respect the local environment and contribute positively to local distinctiveness and sense of place. Given its limited landscape and visual effects, the development would be in keeping with NPPF paragraph 174(b) which recognises the intrinsic character and beauty of the countryside.
32. While the development would not be within the village boundary or on previously built upon land as required by the VDS, it would preserve the visual relationship between Oakley and the surrounding countryside and maintain its identity and self-contained community. Finally, the retention of boundary hedges and trees and a sympathetic layout secured at reserved matters would limit the effect of Oakley's expansion on the landscape and the separate identity of Church Oakley as required by the BDLCA.

Main Issue 2: Church Oakley Conservation Area

The significance and setting of the conservation area

33. LP Policy EM11 requires all development to conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance. Proposals that affect heritage assets will be permitted where, amongst other things, they demonstrate a thorough understanding of the significance, character and setting of conservation areas and how this has informed proposals to achieve high quality new design which is respectful of historic interest and local character.
34. Church Oakley Conservation Area incorporates the historic settlements of Church Oakley and East Oakley on the south-western side of modern Oakley. Rectory Road forms the east-west spine of the conservation area from the village pond at East Oakley past many listed and other historic buildings, including the church (Grade II*), and through to the junction with Andover Road. The conservation area also includes the southern built-up part of Station Road and a large number of fields and other areas of open space such as the recreation ground. The site adjoins the conservation area along two parts of its southern boundary next to Station Road and north of the recreation ground.
35. The Conservation Area Appraisal 2004 (CAA) succinctly describes the historic character of the conservation area as essentially a small residential and rural based community that has developed over time. East Oakley has merged with modern Oakley but retains a historic village character around the pond. Church Oakley is no longer physically separate from East Oakley but has a stronger rural character given the lack of adjoining modern development. The built form and layout of the two settlements contribute greatly to the conservation area's character and appearance as well as to its significance.
36. The fields and open spaces within the conservation area provide a strong visual and functional link between the historic built form and its rural and agricultural surroundings. It is unusual for large areas of undeveloped space to fall within a conservation area boundary, but nevertheless they make a positive contribution to significance and provide views to and from the wider

countryside. The spaces vary in character and appearance from the attractive open fields in the southern and western parts of the conservation area to the more enclosed and unremarkable amenity space of the recreation ground.

37. The CAA describes how Church Oakley is situated in a shallow valley on an east-west axis in an undulating landscape of farmland. It goes on to say that this setting gives significant views of the conservation area in a rural context, particularly from the north-west and south. I consider that visual elements are important to the setting of the conservation area, such as the panoramic views of the church to the south-west. Nevertheless, other elements may be of similar importance as set out in national guidance⁴, including patterns of movement as well as historic and functional relationships.
38. The parties agree that the site lies within the setting of the conservation area but disagree on whether it makes any contribution to its significance. Due to the valley topography and intervening buildings and vegetation, the intervisibility between the site and the conservation area is limited. The vista towards the site from within the recreation ground as marked on the CAA map is in fact a view of dense boundary vegetation especially in summer months. There are only glimpses of the site from between the trees on the northern edge of the recreation ground and conservation area. This view takes in a small area of paddock with little visibility of the rest of the site.
39. There are glimpses of the site boundary vegetation from Footpaths 6 and 7 to the west of Station Road. From within the larger part of the site, it is possible to glimpse the top of the church between the trees even in summer months but it is not a prominent view. The rest of Church Oakley is heavily screened from the site. Therefore, the site does not provide significant views to or from the conservation area.
40. Station Road and Footpath 9b form two of the approaches to and from the conservation area and both travel along the edge of the site. The experience of Station Road changes from the more municipal northern end with the village hall and park, to an undeveloped and rural middle section from the bridge to the settlement edge of Church Oakley, and finally the built form of the conservation area along the southern end.
41. The middle section of Station Road allows for views across the wider countryside to the west as well as across the site either side of the access road before the road drops into a sunken lane with dense hedging either side. The rolling countryside to the west and the sunken lane provide a strong rural context for the approach to and from the conservation area. In contrast, the rather flat and enclosed site with the backdrop of Canterbury Gardens and the presence of the access road makes a lesser contribution to this approach.
42. The route of Footpath 9b is more or less consistent with a historic route that appears on the 2nd edition Ordnance Survey map of 1896. Back then, the footpath passed through fields from Andover Road and the railway line in the north to Church Oakley in the south. Today, the route's surroundings have changed substantially. Between Andover Road and the conservation area edge at the recreation ground, the footpath is flanked by modern housing and fencing along both sides for much of its length. The only remaining undeveloped part is the south-eastern field of the appeal site. While this

⁴ Planning Practice Guidance Reference ID: 18a-013-20130723 and Historic England's Good Practice Advice Note 3

provides some greenery, the footpath is now an almost wholly suburban approach to and from the conservation area.

43. It is evident from tithe map records that most of the site and surrounding fields in the early 1840s was in the ownership of Park Farm much as it is today. The arable use noted in 1841 may not be the case now, but there continues to be an agrarian and agricultural use as grazing land. It is not clear whether the ownership and use has remained broadly unchanged across the intervening 180 years, but nevertheless it is an indication of a functional relationship between the site and the conservation area. However, it is difficult to appreciate that relationship other than from the tithe map given that there is little visibility between the site and the buildings at Park Farm to the south.
44. It is incorrect to say that the site makes no contribution to the significance of the conservation area despite falling within its setting. There is some intervisibility, the site is located on two approaches to the conservation area, and there is a historic functional relationship. However, for the reasons given above, the contribution made to the significance is no greater than moderate given the limited views and suburban influences.

The effect of the development on the conservation area

45. The illustrative site plan suggests that housing could be kept away from the parts of the site nearest to the conservation area at Station Road and the recreation ground. The CAA vista from the recreation ground and the view from its northern boundary would be unlikely to alter greatly if housing was confined to the south-eastern part of the site on the other side of the paddock behind an existing dense hedgerow. From Footpaths 6 and 7, it would be possible to see the roofs of houses along the current open part of the Station Road frontage, but this could be mitigated with single storey properties and the establishment of hedging and/or a tree belt.
46. The view of the church from within the site could be blocked by housing but it is only a glimpse that does not contribute greatly to one's appreciation of the conservation area. Moreover, it may be possible to retain views of the church from within the site depending on the layout and scale of development.
47. The approach along Station Road would become more developed past the site and new housing would be visible either side of the access road. However, with the establishment of planting along the road frontage, any negative effect would be lessened. Views across the wider countryside to the west would not be affected and one would still drop into the sunken lane section before reaching Church Oakley and the edge of the conservation area. Therefore, the rural context of the approach would not diminish significantly.
48. The construction of housing within the south-eastern part of the site would remove the last undeveloped part of Footpath 9b but given the existing suburban housing and the fact that the nearest part of the conservation area is the recreation ground means that any adverse effect would be very limited. The development effects would include lighting at night and this could intrude into conservation area views and approaches. However, the limited views and the opportunity to enhance screening would lessen any negative effect.
49. The change in use of the land from an agrarian use associated with Park Farm to residential would erode the functional relationship identified in historic map

evidence as well as the predominant land use surrounding the conservation area. There would be a further encroachment of modern Oakley towards the conservation area as part of cumulative change within the setting of this heritage asset. However, due to the limited impact on views between the site and conservation area, the existing suburban influences, and the ability to mitigate through planting and the precise layout and scale of housing, the adverse effects arising from the change of use and the cumulative growth would not be significant in this instance.

50. The 1988 appeal decision found there would be harm to the conservation area through development of land between modern Oakley and Church Oakley. As noted above, the surrounding context has changed particularly with the development of Canterbury Gardens and the access road and how the site is perceived from both Station Road and Footpath 9b. Therefore, the degree of harm would not be the same.
51. In conclusion, the development would have a harmful effect on the significance of the conservation through changes within its setting. The harm would be less than substantial and no greater than low to moderate due to the limited effects I have identified. Nevertheless, NPPF paragraph 202 requires such harm to be weighed against the public benefits of any proposal. NPPF paragraphs 199 and 200 place great weight on the conservation of designated heritage assets irrespective of the level of harm, with clear and convincing justification for any harm. These matters are considered as part of the planning balance below and will also inform my conclusion against LP Policy EM11.

Main Issue 3: Highway safety and access

Existing highway context

52. Station Road connects Andover Road to Church Oakley. There are no speed restrictions until the edge of Church Oakley where a 30mph limit applies. The road is two-way nearest to Andover Road but then narrows to effectively a single vehicle width at the railway bridge. The road widens past the site and the access road and then narrows to single width again as the road drops into Church Oakley. The T-junction with Rectory Road is next to the church and the St Leonard's Centre. The latter is used for various purposes including a play school. Rectory Road is narrow in several places.
53. There are two approaches by road from the site to the centre of Oakley. One is via Station Road north to Andover Road and the other is Station Road south to Rectory Road. Traffic survey data from March 2017 and September 2019 indicates peak hour flows of around 30-40 two-way movements in the evening peak hour. Despite the lack of speed restrictions, the surveys record 85th percentile speeds of around 30mph near to the site access and approximately 20mph over the bridge.
54. Station Road lacks pavements for much of its length, but is used by pedestrians, cyclists and horse riders including those accessing the wider countryside as well as the village hall and Beach Park via the new links through Canterbury Gardens. Weekday survey data has been supplemented with weekend data from the Early May Bank Holiday weekend in 2021 to take account of busier times for non-motorised users and the partial occupation of Canterbury Gardens. The 2021 data indicates up to 27 two-way pedestrian movements and 23 two-way cycle movements in any given hour and a few

horse riders. It is important to note that Station Road is not the only route that pedestrians can take to the village hall and Beach Park from Oakley, with Footpath 9b and Andover Road providing a reasonable alternative.

55. There are relatively few passing places along Station Road other than entrances to fields and properties. There is some damage to roadside verges and evidence of signage being knocked over by larger vehicles. The southern end of Station Road can be busy at specific times associated with the use of the church and the St Leonard's Centre. This includes the daily playschool drop off and pick up, but also when funerals or other less regular events take place. Photographic evidence shows that the road can become very congested especially if on-street parking coincides with larger vehicles trying to move through. Visibility at the Rectory Road junction can be poor particularly with any parking. It is also apparent that some rat running takes place via Rectory Road and Trenchards Lane to junction 7 of the M3 and could increase with substantial new development planned at Manydown.
56. Visibility either side of the railway bridge is affected by the curve and rise of the road. The walls of the bridge mean that most motor vehicles travel in the centre of the road when crossing. The forward visibility over the bridge allows sufficient stopping time taking into account average traffic speeds even in wet conditions. Nevertheless, there remain some issues with motor vehicles being able to see other road users on or after the bridge. Concerns have also been raised about traffic speeding along Andover Road above the 40mph speed limit, with visibility to the west for vehicles exiting Station Road restricted by vegetation and topography.

Effect of the development on highway safety and access

57. The appellant has made the assumption that the majority of traffic generated by the development would head north on Station Road and over the railway bridge. This is based on similar assumptions made for Canterbury Gardens and is informed by trip rates and distribution data. A split of 90% north and 10% south has been tested for robustness, although the main parties accepted that an 80:20 split was possible.
58. The development in combination with committed development and background growth would result in around 100 motor vehicles per hour (vph) travelling north in the weekday peak hours based on a 90:10 split. At the same time, around 20 non-motorised users would travel north. Traffic demand at the weekend would generally be lower for motor vehicles at around 60vph and up to around 50 movements for non-motorised users.
59. While a 90:10 split may be artificially high, it does seem likely that the majority of motorised traffic would head north rather than south as Andover Road provides main road access through to Basingstoke and the M3. It is also the quickest route to Pack Lane which is another well-used route to Basingstoke. Having experienced Trenchards Lane, it is a very long and narrow country lane with poor visibility and limited passing places, making it less attractive as a rat run. People accessing services in the centre of Oakley may choose to drive via Rectory Road, but footpath links through the site and Canterbury Gardens would be extensive and present realistic alternatives to the car.
60. The Rectory Road junction is undoubtedly busy at times, but this appears to be confined to key points of the day or for specific events. People living at the

development would have options to avoid Rectory Road altogether should they wish. There has been an increase in delivery vehicles in recent years, but these typically follow a set route and aim to have multiple deliveries to one location to reduce the number of vehicles on the road network. A stop sign at the Rectory Road junction could be beneficial but based on the lower levels of projected traffic it does not appear to be necessary.

61. The projected increases northbound from the site would be noticeable and potentially pose some issues for crossing the railway bridge in particular. However, pedestrians can use an alternative route to avoid Station Road. Furthermore, the appellant has put forward a series of mitigation measures.
62. Additional signage and road markings either side of the railway bridge to indicate the narrowing roadway would increase the amount of warning to drivers. The signage could include reference to horse riders and cyclists as well as pedestrians in the road if deemed necessary. The clearance of vegetation next to the walls on the bridge and replacement with tarmac would provide additional width for different road users to pass one another more easily. A chicane build out to the south of the bridge would slow traffic and provide opportunities for vehicles to give way on the approach to and from the bridge with reasonable forward visibility. There would be no obvious priority at the chicane meaning that drivers should proceed slowly and with care.
63. Improvements to the western visibility splay at the junction of Station Road and Andover Road can be achieved by cutting back roadside vegetation. This should have no effect on the tree belt next to the allotments. While it would not address the issue of vehicles exceeding the 40mph speed limit, the visibility would be improved to the benefit of highway safety and so would be a necessary measure. A stop sign would not be needed at this junction based on the achievable visibility splays.
64. The mitigation measures also include signage and funding of a Traffic Regulation Order to reduce the speed limit to 30mph along the entirety of Station Road. While it is possible some drivers might try to maintain 30mph along the road including over the bridge, in reality most would continue to travel at lower speeds to reflect the road conditions. Therefore, it would be necessary along with all of the above mentioned measures. These measures have been assessed by road safety auditors and found to be acceptable.
65. Interested parties have noted the railway bridge on St John's Road where a separate footbridge is provided for pedestrians. However, St John's Road appears to serve a greater number of houses in Oakley and so is not directly comparable. Other suggestions like traffic lights for the bridge, road widening to two lanes, and one-way systems would likely increase traffic speeds.
66. The 1988 appeal decision was based on a proposal to close Station Road to through traffic with 150 dwellings served by the railway bridge. The Inspector found that the bridge was of substandard width unable to accommodate a footway, with uncertainties regarding who has right of way. While the dimensions of the bridge have not altered since 1988, highway guidance and standards have changed markedly. Manual for Streets for example encourages narrower widths and uncertainties within road layouts to decrease traffic speeds. Therefore, the previous appeal decision does not alter my findings.

67. In conclusion, the development would have an acceptable effect on highway safety and access. Therefore, it would accord with LP Policy CN9 which, amongst other things, requires proposals to integrate into existing movement networks, provide safe, suitable and convenient access for all users, avoid compromising highway safety, and mitigate impacts on the highway network. It would also comply with NPPF paragraphs 110 and 111 which seek safe and suitable access to the site for all, the mitigation of any significant impacts on highway safety, and to avoid unacceptable impacts on highway safety.

Main Issue 4: Sustainable transport modes

68. LP paragraphs 4.36 and 4.37 describe Oakley as a relatively large village with a range of local facilities including a primary school (infants and juniors), local shops, a doctors' surgery and regular bus services between Basingstoke, Andover and Winchester. There are also sports and leisure facilities such as the village hall and the recreation ground.

69. While people may choose to drive to the above services and facilities, the development would benefit from the access road and pavement into Canterbury Gardens which already links into Footpath 9b and through to the 20th century housing estate along Highland Drive. The development would provide for further links onto Footpath 9b via the south-eastern part of the site which can be secured by condition. Therefore, it would be reasonable and realistic to walk or cycle from the site to the centre of Oakley as well as walk to bus stops on Andover Road, Pack Lane and Oakley Lane.

70. The S106 would provide a contribution towards dropped kerb and tactile paving crossings along Highland Drive which would improve the accessibility and attractiveness of the route to the village centre. The contribution would also improve the existing bus stops on Pack Lane and Oakley Lane with shelters, better access and real time passenger information boards to increase the desirability of using public transport to access other settlements.

71. It is possible that the separate contribution towards the Station Road enhancements discussed above may have some monies leftover after the works have been completed based on preliminary cost estimates. The S106 allows for such monies to be spent on improving bus services along Andover Road as well as surfacing pedestrian routes between the site and Oakley including further improvements to Footpath 9b. This would further assist with increasing the attractiveness and likelihood of sustainable modes of transport being used by occupants of the development.

72. The S106 would ensure the implementation of a travel plan that would seek to encourage sustainable transport modes via initiatives such as residential information packs (including vouchers towards cycling and bus/rail travel) and car sharing. The S106 would also make provision for an electric car club to operate from within the site.

73. Based on the above measures, the development would satisfactorily promote a range of sustainable transport modes. This would help to address concerns regarding air pollution and the climate emergency. Therefore, it would accord with LP Policies CN9 and EM10 which, amongst other things, seeks to promote opportunities for sustainable transport modes and improve accessibility to services, offer maximum flexibility in the choice of travel modes, and provide well connected and accessible places. The development would also follow NPPF

paragraph 110(a) which requires proposals to take up appropriate opportunities to promote sustainable transport modes, and NPPF paragraph 112(a) and (b) which give priority to pedestrian and cycle movements, as well as facilitating access to and use of public transport, and seek to address the needs of people with disabilities and reduced mobility.

Designated European sites

74. The site lies within the catchment for the River Test which flows into the Solent. There are a number of designated European sites within or adjacent to the Solent. The Solent Maritime Special Area of Conservation (SAC) is important for its major estuarine systems and habitats. The Solent and Southampton Water Special Protection Area (SPA) and Ramsar site contains estuaries and adjacent coastal habitats important for breeding gulls and terns and wintering waterfowl while the wetland habitats support passage birds too. The Solent and Dorset Coast SPA occupies the entirety of the Solent and is important for breeding terns. These designations are most directly affected by water flows from the River Test given their location.
75. There is also the Solent and Isle of Wight Lagoons SAC which is important for its coastal lagoons habitats, the Portsmouth Harbour SPA and Ramsar site which is important for its estuary habitats that support wintering waterfowl, and the Chichester and Langstone Harbours SPA and Ramsar site which is important for its habitats which support wintering waterfowl and breeding terns. However, these designations are towards the western and eastern sides of the Solent and so are more peripheral to water flows from the River Test.
76. Potential adverse effects on the above European sites include an increase in nutrient levels leading to eutrophication and a decline in water quality that can affect important habitats and species. There is potential for sewage generated by the proposed dwellings resulting in increased levels of nutrient nitrogen entering the Solent via the River Test. This would result in likely significant effects on the integrity of the European sites in combination with other plans and projects. As such, it is necessary to carry out an appropriate assessment (AA) as part of my decision.
77. As part of the AA, it is necessary to consider whether any potential effects could be addressed through specific mitigation measures. The appellant has proposed converting 14.5ha of arable land into woodland as set out in the Nutrient Nitrogen Offsetting Strategy dated 16 July 2020 and the Nutrient Mitigation Area Management Plan dated 27 April 2021. This would stop the application of artificial fertilisers and the release of nitrogen into the River Test catchment. The woodland would be fenced off and managed in perpetuity for the lifetime of the development, with annual monitoring for the first 20 years of the development's occupation and monitoring every 5 years for the next 60 years. The strategy and plan would be secured via the S106 and Natural England (NE) has confirmed that it is satisfied with the proposed measures.
78. The nitrogen calculations that have informed the strategy and plan have been based on the development achieving a water use efficiency standard of 110 litres per person per day. Therefore, it would be necessary to ensure that this standard is secured by planning condition as NE has requested. The calculations are also based on 100% of the sewage being treated at the nearby Ivy Down Wastewater Treatment Works (WwTW) which has a higher nitrogen permit level than other WwTW. Some of the waste from Ivy Down gets sent by

tanker to Fullerton WwTW where it is treated and sold as fertilisers to farmers who are potentially outside the Solent's catchment. That may mean less than 100% of the development's sewage actually reaches the Solent, but this underlines the robustness of the calculations.

79. NE has sought a condition or obligation that all wastewater must be treated at Ivy Down because the calculations are based on Ivy Down being the sole recipient of sewage. However, the developer has no control on the sewage once it leaves the site as this is the sole responsibility of the water company. As such, a condition or obligation would not be enforceable. Nonetheless, the calculations are based on 100% going to Ivy Down as the worst case scenario. It is the nearest WwTW and other WwTW have lower nitrogen permit levels meaning less can be released, while some nearby WwTW are not in the Solent catchment at all. Should it transpire in the future that some wastewater is going to another WwTW in the Solent catchment, this would require reassessment of the nitrogen calculations and a revised Habitats Regulations Assessment in consultation with NE and the Council.
80. Taking all of the above into account, I am satisfied that the mitigation measures would be effective and can be secured via condition and the S106. I am also satisfied that NE has been adequately consulted on the information and measures that have informed this AA. As a consequence, and based on the above mitigation measures, the development would not result in a significant effect on the aforementioned European sites. Therefore, it would accord with LP Policy EM4 which seeks no adverse impact on the integrity of designated European sites.

Main Issue 5: Community and infrastructure needs

81. The Transport Contribution and Additional Transport Contribution would be spent on improvements to Station Road, local bus stops and services, and routes through to the centre of Oakley. The Travel Plan and Car Club would enhance sustainable modes of transport for future occupants of the housing. These obligations would comply with LP Policy CN9 as set out above.
82. The Tree Works Plan and the Landscape Management Plan deal with the management of trees and landscape features on site beyond the construction stage. These plans would safeguard the character and appearance of the site and wider area in line with LP Policies EM1 and EM5 which deal with landscape and green infrastructure. The Biodiversity Management Plan would provide for the management of existing and new habitats within the site, including details on achieving a biodiversity net gain. It would overlap with the nitrate and landscape management plans to ensure compatibility. This would benefit nature conservation in accordance with LP Policy EM4 and NP Policy 10.
83. The On-Site Open Space obligation would provide for public open space within the site while the Allotments obligation would either provide on-site allotments or pay a contribution towards their provision in the local area. The obligations would accord with the requirements in LP Policies CN6 and EM5 on infrastructure provision including green infrastructure, while the allotments obligation would also accord with NP Policy 6 which encourage new allotments. The Nitrate Mitigation obligation would ensure the provision and management of the nitrate mitigation land in accordance with the management plan as discussed above. It would accord with LP Policy EM4.

84. The Affordable Housing obligation would ensure that 40% of the total dwellings are affordable, of which 70% would be rented units and 30% intermediate housing, and 15% would meet enhanced accessibility or adaptability standards. This would be in accordance with LP Policy CN1 on affordable housing.
85. Finally, the Employment Skills Plan would seek to provide training and employment opportunities for local people. This requirement was not covered in the reason for refusal and LP Policy EP1 on economic growth and investment is not explicit on the need for such a plan. However, the Council's Planning Obligations Supplementary Planning Document (SPD) 2018 explains that the policy provides the framework for training and employment and that a skills plan will be sought for residential schemes of 100 homes or more.
86. Given the policy requirements, I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the CIL Regulations 2010 and NPPF paragraph 57. Therefore, I can take all of the obligations into account as part of my decision. I am also satisfied that the CIL charging schedule covers contributions towards education, off-site community facilities, and off-site playing fields in accordance with LP Policies CN7 and CN8.
87. In conclusion, the development would make adequate provision for community and infrastructure needs arising from the development. Therefore, it would accord with LP Policies CN1, CN6, CN7, CN8, CN9, EM1, EM4 and EM5 and NP Policies 6 and 10, as well as the Planning Obligations SPD.

Main Issue 6: Housing land supply

88. The Council accepts that it is unable to demonstrate a 5 year supply of deliverable housing sites. However, the parties disagree on the extent of the shortfall based on a number of disputed sites and the approach to establishing the housing requirement. By the time of the Inquiry, the appellant was willing to accept that the housing requirement is based on the standard methodology (SM) approach required by NPPF paragraph 74 for local plans that are more than 5 years old. The appellant's hybrid approach of using the LP figure for the first year is not advocated in national policy or guidance, but in reality, it make little difference to this appeal in terms of the shortfall and 5 year supply (around 200 homes and 0.2 years respectively).
89. Based on the SM and the different positions on disputed sites, the appellant argues that the 5 year supply is 4.11 years (a shortfall of 816 homes) while the Council argues it is 4.83 years (a shortfall of 154 homes). It was broadly accepted that the shortfall based on the appellant's figures is significant rather than severe, whereas the shortfall based on the Council's figures is moderate.
90. NPPF paragraph 11(d) is triggered regardless as there is no 5 year supply whatever position is reached on the disputed sites. Even if I were to agree with the Council's figures, both parties have confirmed that significant weight can be afforded to the provision of housing as part of this development. Therefore, it has not been necessary to consider the disputed sites in any detail to reach a precise finding on the extent of the shortfall.
91. The shortfall was first identified in the 2018/19 Annual Monitoring Report published around 2 years ago. The inability to meet housing supply targets has

triggered a review of the LP and the new plan is not due to be adopted until spring 2024. The Council is taking action to boost housing supply including the LP review, the promotion of strategic sites, and seeking to remove barriers to planning permission. Recent annual completion rates have exceeded the LP target and the shortfall in supply is not as low as has been argued at recent appeals⁵. However, there is little evidence before me that a 5 year supply would be achieved before 2024 when the shortfall was first identified in 2019. Therefore, it would not be appropriate to lessen the weight to be given to the provision of housing on the basis of an alleged short-term deficit in the 5 year housing land supply. Moreover, even if the Council's figures on the shortfall are preferred, there would still be a deficit if this appeal was allowed.

Other matters

92. The development would likely increase the demand on village services and facilities such as the schools and doctors' surgery and could add to traffic and parking in the village centre. However, I have little evidence to show that the effects would be unacceptable. Furthermore, the development would make a financial contribution via CIL towards education and off-site community and playing fields facilities.
93. Oakley has grown markedly in recent decades while Basingstoke has expanded and continues to expand towards the settlement. The LP utilises strategic gaps to maintain the separation and identity of Oakley from Basingstoke. The development would be located on the other side of Oakley but would not be such a significant expansion that the village status or qualities would be lost. Whilst previously developed land should be prioritised wherever possible, this does not mean that suitable greenfield sites should be ignored. The NP does not provide for the development of this site. However, the NP covers a wide range of topics and sites and so would not be rendered worthless if permission were to be granted.
94. The site is at low risk of flooding from any source and it would be possible to achieve sufficient surface water drainage based on the evidence before me. Adequate foul water drainage would be provided in consultation with Southern Water. On that basis, the development would not exacerbate existing flooding problems in the local area or result in any negative sewage effects. The existing grassland that covers much of the site has limited ecological value in contrast to the greater biodiversity potential of the site's trees and hedgerows. Subject to the details at the reserved matters stage, much of this boundary vegetation would remain and be enhanced, while areas of public open space would be created. Housing designs and layouts, including lighting, could also take into account adjoining habitats and species. As a consequence, the development would not have a negative ecological effect.
95. There would be a sufficient vegetation buffer between any development and existing housing along with ample scope at the reserved matters stage to adequately mitigate any negative effects on the living conditions of neighbouring occupiers including in terms of privacy, light and noise. There would be some disturbance from the construction phase, but this can be managed via a planning condition. While there may be increased levels of crime within the village, I have insufficient evidence that this development would exacerbate those levels.

⁵ APP/H1705/W/19/3226286 and APP/H1705/W/20/3248187

Main Issue 7: Planning balance

96. The NPPF sets out a presumption in favour of sustainable development. Paragraph 11(d) states that where there are no relevant policies, or the policies which are most important for determining the application are out of date (including where a 5 year housing land supply cannot be demonstrated), planning permission should be granted unless one of two exceptions apply. The first is that the application of NPPF policies that protect areas or assets of particular importance (such as designated heritage assets) provides a clear reason for refusing the proposal. The second exception states that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
97. Notwithstanding the appellant's apparent change of view since the statement of common ground, I consider that LP Policies SS1, SS4, SS5 and SS6 and NP Policy 1 are most important policies as they deal with the distribution of housing, the triggering of a Local Plan review if a future housing supply cannot be demonstrated, and the apportionment of housing numbers to neighbourhood plan areas and sites. These policies are out of date due to the lack of a 5 year supply of deliverable housing sites. Given that the housing land supply position is not severe, even on the appellant's figures, I consider that moderate weight can still be afforded to these policies and any conflict with them. The number of dwellings allocated and permitted within Oakley has already exceeded the 150 homes in LP Policy SS5 and NP Policy 1. However, this figure is a minimum and so this does not affect the weight to either policy.
98. The appellant argues that LP Policies EM1, EM10, EM11 and CN9 are also most important policies since they deal with the substantive issues at stake in this appeal. Even if I were to agree, NPPF paragraph 11(d) is already triggered by virtue of the housing land supply position. Moreover, even if they were out of date for the same reason as the SS policies, I consider that full weight should be afforded to these policies because they are consistent with the relevant parts of the NPPF. This includes LP Policy EM11 as whilst it does not set out the heritage balance exercise of the NPPF, it does not preclude such an exercise from taking place.
99. I concur with the parties that significant weight can be given to the provision of up to 66 market and 44 affordable homes regardless of the extent of the shortfall and mindful of the affordable housing need where many households are on the waiting list. I also agree that the economic benefits from the construction and subsequent occupation of the homes also carries significant weight. The development would have access to a range of services and facilities by a variety of sustainable transport modes.
100. The development as shown on the indicative plans would provide a considerable amount of public open space. The exact purpose of the space has yet to be defined and the site is sandwiched between Beach Park and the recreation ground. Therefore, only limited weight can be attributed to this benefit. There would be a biodiversity net gain of over 60%. This would be starting from a fairly low base given the current grassland site which is used for grazing, but nevertheless represents a reasonably significant benefit.
101. The early delivery of homes can be encouraged by a condition shortening the timeframes for the commencement of development, but it cannot be otherwise guaranteed. While the appellant can point to its track record in delivering

homes, there are a number of factors that could affect delivery rates.

Therefore, I only afford limited weight to this benefit. The delivery of up to 11 bungalows can be secured by condition and this form of housing stock is actively sought by the NP. However, the relatively limited numbers involved means that this benefit can only be afforded moderate weight.

102. Finally, the electric car club would be provided as part of the S106 to address the effects of the development and encourage sustainable modes of transport. It would reduce emissions but the provision may only constitute a single parking space within the development. Therefore, only limited weight can be attached to this benefit.
103. Overall, the benefits of the development can be afforded significant weight. The harm to the significance of the conservation area would be less than substantial and no greater than low to moderate in magnitude. Although great weight should be given to the conservation of designated heritage assets irrespective of the level of harm, the heritage balance indicates that the public benefits would outweigh the harm on this occasion. There would be no conflict with NPPF paragraph 202 and the clear and convincing justification for the harm as required by NPPF paragraph 200 would be demonstrated. Therefore, the development would have an acceptable effect on the significance and setting of the conservation area and would not conflict with LP Policy EM11.
104. The first exception in NPPF paragraph 11(d)(i) would not apply as a consequence of the heritage balance. Turning to the second exception in 11(d)(ii), it is appropriate to consider the low to moderate harm to the conservation area as the wording in 11(d)(ii) refers to "any adverse impacts", notwithstanding the lack of conflict with NPPF paragraphs 199, 200 and 202 or LP Policy EM11. Any harm to character and appearance would be no greater than moderate and there would be no conflict with NPPF paragraphs 174(b) or 176 or LP Policies EM1 or EM10. Only moderate weight can be afforded to the loss of best and most versatile agricultural land given the lower grade of much of the site and its relatively limited geographic extent.
105. The development would be contrary to LP Policies SS1, SS5 and SS6 and NP Policy 1 due its location within the countryside. However, this conflict only carries moderate weight for the reasons given above. The effect on highway safety and sustainable modes of transport would be acceptable and there would be no conflict with NPPF paragraphs 110, 111 or 112 or LP Policies CN9 or EM10.
106. The adverse impacts can be afforded moderate weight, but they would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. As such, the presumption in favour of sustainable development would apply in line with NPPF paragraph 11. Concluding on the planning balance, while the development would conflict with LP Policies SS1, SS5 and SS6 and NP Policy 1, there are sufficient material considerations to indicate that permission should be granted.

Conditions

107. Conditions 1 to 3 are necessary to clarify the reserved matters still to be approved as well as set out the timeframe for applications to be submitted and the development implemented. The timeframes are shorter than the standard amount to encourage the earlier delivery of housing. As all the plans are

illustrative, it is not necessary to include a condition listing specific plans. The red line site plan merely identifies the site and contains no details that the development would have to accord with. I have found that the illustrative material would be broadly acceptable and note that the appellant intends to pursue something similar at the reserved matters stage. However, an alternative arrangement could come forward at this stage that is equally or even more acceptable than the current illustrative material. Therefore, it is not necessary for a condition to require broad accordance with the current material.

108. Conditions 4 to 9 address information needed at the reserved matters stage. They are necessary in the interests of achieving acceptable effects on character and appearance (4, 5 and 6), sustainable design and transport (7 and 8), and housing mix (9).
109. Conditions 10 to 15 are pre-commencement requirements, all of which cover necessary arrangements to be addressed before construction begins. Condition 10 is necessary to ensure that details of internal access and circulation routes are provided, as only the existing access road to Canterbury Gardens has permission so far. Condition 11 is necessary to ensure construction work has an acceptable effect on highway safety and the living conditions of neighbouring occupiers, while Conditions 12 and 13 are necessary due to the archaeological interest of the site. Conditions 14 and 15 are necessary to ensure the adequate provision of surface and foul water drainage.
110. The remaining conditions cover matters that need to be addressed before all or part of the development is occupied. Condition 16 is necessary to safeguard the area's character and appearance. Conditions 17 and 18 are necessary to deal with any land contamination. Conditions 19, 20 and 21 are necessary to ensure acceptable noise effects from the adjoining railway line. Conditions 22, 23 and 24 are necessary to ensure adequate cycle and car parking provision along with appropriate street management. Condition 25 is necessary to ensure proper refuse storage and collection, while Condition 26 is necessary to ensure water efficiency standards as part of the measures for nitrates mitigation. Finally, Condition 27 is necessary to ensure that external lighting has an acceptable effect on nocturnal species including bats.

Conclusion

111. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Sasha White QC and Anjoli Foster of Counsel, instructed by Wates Developments Ltd.

They called:

James Bevis MEng CMILT CIHT
Partner, i-Transport LLP

Asher Ross MRTPI
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Beth Gascoyne
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FOR THE COUNCIL

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He called:

David Mason MBA BSc (Hons) CEng MICE DipEM
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Associate Landscape Architect, Hankinson Duckett Associates

Jack Hanson BA MA AssocIHBC
Associate Director, Node Urban Design Ltd

Laura Callan
Associate, ET Planning Ltd

INTERESTED PARTIES WHO SPOKE AT THE INQUIRY

Dr Robert Craig Local resident

Richard Blacker Local resident

Alina Sechrest Local resident

Barbara Bedford Local resident

Diane Taylor Councillor, Basingstoke and Deane Borough Council

INQUIRY DOCUMENTS

- ID1 Appellant's opening statement
- ID2 Council's opening statement
- ID3 Manydown Overview Committee 16 June 2021 Public Document Pack
- ID4 Development Control Committee 9 June 2021 Public Document Pack
- ID5 Local Plan Update Newsletter Issue 3 Summer 2021
- ID6 Transcript and photographs relating to Dr Craig's statement
- ID7 Transcript relating to Mr Blacker's statement
- ID8 Road safety matters from Ms Sechrest
- ID9 Transcript relating to Councillor Taylor's statement
- ID10 Email from Council dated 23 June 2021 regarding CIL contributions and the CIL infrastructure list
- ID11 Updated Housing Land Supply Positions
- ID12 Response from appellant to Inspector's nitrates queries dated 30 June 2021
- ID13 Citation, conservation objections and data form for the Solent and Isle of Wight Lagoons Special Area of Conservation
- ID14 Latest draft conditions listed dated 1 July 2021
- ID15 Updated draft Section 106 agreement
- ID16 Biodiversity Net Gain Calculation Explanatory Note
- ID17 Council's closing submissions, including court judgments⁶
- ID18 Appellant's closing submissions
- ID19 Email from Natural England dated 2 July 2021 regarding the Inspector's nitrates queries

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

1. Response from the parties to Natural England's email of 2 July 2021
2. Completed and executed Section 106 agreement
3. Letter from the appellant dated 2 August 2021 with comments on the new NPPF
4. Letter from the Council dated 3 August 2021 with comments on the new NPPF

⁶ East Staffordshire BC v SSCLG [2017] EWCA Civ 893; HJ Banks & Co Ltd v SSHCLG [2018] EWHC 3141 (Admin); Redhill Aerodrome Ltd v SSCLG [2014] EWCA Civ 1386; Sykes v SSE [1981] 42 P&CR 19; Wiltshire Council v SSHCLG [2020] EWHC 964 (Admin)

SCHEDULE OF CONDITIONS (27)

- 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) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 18 months from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) Applications for the approval of reserved matters shall be supported by an Arboricultural Impact Assessment prepared in accordance with the BS5837:2012 "Trees in relation to design, demolition and construction" (or equivalent document if replaced). The assessment shall be based upon a comprehensive survey of all the trees on and adjacent to the site and shall demonstrate which trees can be retained and which trees are to be removed. Development shall be carried out in accordance with the approved details.
- 5) Applications for the approval of reserved matters shall be accompanied by a measured survey and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby agreed datum point which shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Applications for the approval of reserved matters shall be accompanied by full details of both hard and soft landscape works including ground levels or contours; means of enclosure; parking layouts; vehicle and pedestrian access and circulation areas; location and design of play areas; hard surfacing materials and minor artefacts and structure (e.g. furniture, refuse or other storage units, signs, lighting, external services).

Soft landscape details shall include 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 where appropriate, a schedule of tree planting to include the specification of tree planting pits where appropriate with details of any irrigation or drainage infrastructure, tree root barriers (if necessary) to prevent damage or disruption to any proposed hard surfacing or underground services, drains or other infrastructure and 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.

The hard and soft landscaping details shall be accompanied by an implementation programme.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the relevant part of the development 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.

The development shall be carried out and thereafter maintained in accordance with the details so approved, and in accordance with the separate Landscape Management Plan, to include detailed long term design objectives, management responsibilities and maintenance schedules for all landscape areas to address all operations to be carried out in order to allow successful establishment of planting and the long term maintenance of the landscaping in perpetuity, and including provisions for review at least every five years.

- 7) Applications for the approval of reserved matters shall be supported by a statement of how the development will be of a high quality of sustainable design. This will include reference to how the layout, design and construction of the development will involve the efficient use of natural resources through: reducing resource requirements in terms of energy demands and water use; the consideration of opportunities for renewable and low carbon energy technologies; the use of passive solar design to maximise the use of the sun's energy for heating and facilitate sustainable cooling of buildings; and the mitigation of flooding, pollution and overheating. The development shall be carried out in accordance with the statement.
- 8) 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.
- 9) Applications for the approval of reserved matters shall be accompanied by details of how the development provides for an appropriate housing mix including 10% bungalows and 15% Accessible and Adaptable Homes in accordance with Policy CN1 and CN3 of the BDBC Local Plan 2011-2029. The development shall be implemented in accordance with the approved details.
- 10) No development shall take place until full details of accessibility within the site, including circulation routes and the pedestrian accesses from the site to footpath 9b adjacent to Caithness Close and adjacent to the north east corner of the Peter Houseman Recreation Ground have been submitted to and agreed in writing by the local planning authority. The full details shall include the links to the development, siting, width and construction details based on a topographical survey. The development hereby approved shall not be occupied until the approved works have been fully constructed in accordance with the approved details and made available for use and shall thereafter be retained in accordance with the approved details.
- 11) Prior to the commencement of the development, including any site clearance, groundworks or construction, a site specific Construction Environmental Management Plan to manage the impacts of construction

during the life of the works shall be submitted and 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. The development shall be carried out in accordance with the approved plan. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Environmental Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and; at no time on Sundays and Bank Holidays;
- No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday – 09:00 to 17:00 unless in association with an emergency or with the prior written approval of the local planning authority.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- A waste disposal policy
- All aspects of species mitigation as required within Chapter 4 Impact Assessment of the Ecological Impact Assessment by Ecological Planning & Research Ltd dated 18/12/2019.
- Preparation of a Construction Method Statement with details, schedules and drawings that demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall include for:

- i. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
- ii. loading and unloading of plant and materials away from the maintainable public highway;
- iii. storage of plant and materials used in constructing the development away from the maintainable public highway;
- iv. wheel washing facilities or an explanation why they are not necessary;
- v. measures to control the emission of dust and dirt during construction;
- vi. a scheme for recycling and disposing of waste resulting from construction work; and

- vii. the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods;
- viii. details of the route to be taken by all vehicles associated with the works on the site including cars, light and heavy goods vehicles. The details shall include how non-motorised road users will be protected from harm.
- 12) No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of trial trenches located across the whole of the application area. The investigation shall be carried out in accordance with the details so approved.
- 13) No development (including site preparation) shall commence on site until a programme of archaeological mitigation in accordance with the approved written scheme of investigation as secured under condition 12 has been submitted to and approved in writing by the local planning authority. The programme of archaeological mitigation shall include where appropriate, details of a post-excavation assessment, specialist analysis and reports, the method of archaeological recording of archaeological remains to mitigate the impact of development and details of any publication and public engagement. The development shall be carried out in accordance with the approved details.
- 14) No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the drainage assessment, has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter. The submitted details should include:
- a) 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.
- b) Detailed hydraulic calculations for all rainfall events, including the listed below, which should take into account the connectivity of the entire drainage system. 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. The drainage features should have the same reference that the drainage layout.
- c) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.

d) 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.

e) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.

f) Maintenance regimes of entire surface water drainage system including individual SuDS features, including 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. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.

and

If infiltration is proposed with any subsequent Reserved Matters of Full Planning Application, a ground investigation report shall be carried out. The ground investigation report should include:

g) Infiltration testing in accordance with the BRE365 methodology (2016 publication), which should be carried out at a depth and location commensurate with the proposed drainage features.

h) Groundwater monitoring between autumn and spring, which should demonstrate that there will be at least 1m unsaturated zone between base of the storage structures.

- 15) No development shall commence on site until either;
- All foul water network upgrades required to accommodate the additional flows from the development have been completed, evidence of which shall have first been submitted to and approved in writing by the local planning authority, including confirmation from Southern Water; or
 - A development and infrastructure phasing plan, which has been agreed by Southern Water, has been submitted to and approved in writing by the local planning authority to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 16) No development above ground slab level shall commence until details of the types and colours of external materials and finishes to be used, including colour of mortar, 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.
- 17) With the exception of the demolition of existing buildings, the removal of existing hardstanding and any underground infrastructure, no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
- (a) a 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;

(b) 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; and

(c) 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, indicate proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the local planning authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

18) The development hereby permitted shall not be occupied until there has been submitted to the local planning authority verification that any remediation scheme required and approved under the provisions of condition 17(c) has been implemented fully in accordance with the approved details. Such verification shall comprise;

- as built drawings of the implemented scheme;
- photographs of the remediation works in progress; and
- certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 17(c).

19) No development above ground floor slab level shall commence on site until a scheme for protecting the proposed dwellings from rail traffic noise has been submitted to and approved in writing by the local planning authority. Any proposed mitigation scheme shall have regard to the Basingstoke & Deane 'Noise assessments and reports for planning applications - Guidance note for developers and consultants'. Mitigation proposals will consider and utilise where possible, reduction in noise exposure achieved by effective site layout, building orientation, the use of physical barriers, utilising open space as a buffer, internal room configurations and any other available mitigation strategies.

The following noise levels shall be achieved with mitigation in place.

a) Internal day time (07:00 – 23:00) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open*).

b) Internal night time (23:00 – 07:00) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAfMax (windows open*),

c) Garden areas shall not exceed 55 dB LAeq, 16hr.

* Where it is predicted that the internal noise levels specified above will not be met with windows open despite mitigation strategies, an alternative method of mechanical ventilation must be specified to supply outside air to habitable rooms with windows closed, and relieve the need to open windows. Background and passive ventilators, and system 3 extraction systems are not considered adequate for this purpose. Methods may include a system 4 MVHR system with cool air by-pass, or standalone mechanical units supplying outside air to each affected habitable room.

- 20) No dwelling which forms part of the scheme for protecting specific dwellings from rail traffic noise as approved by the local planning authority under condition 19 shall be occupied until all the works which form part of the scheme have been completed. The approved scheme shall be thereafter maintained.
- 21) No dwelling which forms part of the scheme for protecting specific dwellings from rail traffic noise as approved by the local planning authority under condition 19 shall be occupied until a post completion noise survey relating to that specific dwelling has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the local planning authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 19. A method statement should be submitted to and approved by the local planning authority prior to the survey being undertaken.
- 22) Notwithstanding the approved plans, no part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local planning authority, such drawings to show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
- 23) Notwithstanding the approved plans, no part of the development shall be occupied until vehicle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local planning authority, such drawings to show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
- 24) No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established - details of which shall have first been submitted to and approved in writing by the local planning authority.
- 25) No part of the development shall be occupied until refuse storage and collection facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the local planning authority. Such drawings shall show the position, design, materials and

finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.

- 26) Prior to occupation of the dwellings hereby approved, a Construction Statement detailing how the new dwellings shall meet a water efficiency standard of 110 litres or less per person per day shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 27) No part of the development shall be occupied until an environmentally sensitive lighting plan has been submitted to and approved in writing by the local planning authority. The plan shall be in line with recommendations made under Guidance note 8 by The Bat Conservation Trust and Institute of Lighting Professionals and the development shall be carried out in accordance with the approved plan and maintained thereafter.