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# Appeal Decision

Inquiry opened on 12 December 2023

Site visit made on 21 December 2023

**by David Prentis BA BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> January 2024**

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## **Appeal Ref: APP/H1705/W/23/3326191**

### **Land at Watermill Bridge, Andover Road, Wash Water, Hampshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bewley Homes against the decision of Basingstoke and Deane Borough Council.
  - The application Ref 21/03394/OUT, dated 11 November 2021, was refused by notice dated 14 April 2023.
  - The development proposed is described as:  
*Hybrid application for mixed use community to be delivered in separate phases for up to 270 dwellings comprising a severable outline application including up to 188 dwellings (Use Class C3) including dwellings for older people; a 1,600 square metre community building (Use Class F2(b)), a 1,200 square metre Health Centre (Use Class E(e)) and a 250 square metre convenience store (Use Class F2(a)), demolition of Common Farm and associated agricultural buildings, provision of open space, allotments, community gardens, a riverside park/nature trail, drainage attenuation, landscaping and associated infrastructure; and*  
*Full application for 82 dwellings (Use Class C3), public open space, associated landscaping and infrastructure works, access arrangements including new vehicular access onto the A343 Andover Road.*
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## **Decision**

1. The appeal is allowed and planning permission is granted for:

*Hybrid application for mixed use community to be delivered in separate phases for up to 270 dwellings comprising a severable outline application including up to 188 dwellings (Use Class C3) including dwellings for older people; a 1,600 square metre community building (Use Class F2(b)), a 1,200 square metre Health Centre (Use Class E(e)) and a 250 square metre convenience store (Use Class F2(a)), demolition of Common Farm and associated agricultural buildings, provision of open space, allotments, community gardens, a riverside park/nature trail, drainage attenuation, landscaping and associated infrastructure; and*

*full application for 82 dwellings (Use Class C3), public open space, associated landscaping and infrastructure works, access arrangements including new vehicular access onto the A343 Andover Road.*

at Land at Watermill Bridge, Andover Road, Wash Water, Hampshire in accordance with the terms of the application, Ref 21/03394/OUT, dated 11 November 2021, subject to the conditions set out in the attached schedule.

## **Preliminary matters**

2. The Inquiry sat for seven days, from 12 to 15 and 19 to 21 December 2023. I made unaccompanied visits to the site and surrounding area before and during the Inquiry and there was an accompanied site visit on 21 December 2023.
3. The description of development set out above is an amendment to the description that was before the Council. This amendment was made for the purposes of clarity and was agreed in the Statement of Common Ground (SoCG) between the Council and the appellant. It did not change the substance of the proposal. The site address is also taken from the SoCG, consistent with the Council's decision notice.
4. The scope of the matters in dispute between the Council and the appellant was reduced during the appeal process. Part of the Council's first reason for refusal alleged harm to the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This objection was reflected in the Council's written evidence but was not maintained in the oral evidence or in the closing submissions.
5. The Council's second reason for refusal related to the design of Phase 1 (the full application). However, not all of the matters identified in the reason for refusal (such as the amount of hard surfacing and the appearance of raised junctions) were pursued in the Council's evidence. The Council's evidence to the Inquiry focussed on the architectural quality of the proposed dwellings.
6. During the appeal process, the appellant proposed changes to the road layout within Phase 1 in response to concerns that had been raised by Hampshire County Council (HCC), as highway authority, and by the Council, relating to the ability to accommodate bus movements in a satisfactory manner. The changes proposed localised widening of the spine road at two points and a re-alignment of the spine road at one other location. They were agreed by the Council and HCC. In my view the changes were small in scale and would not result in any increased impacts on people or the environment. They were put forward in good time to be discussed at the Inquiry so no-one would be prejudiced by them being taken into account. I have therefore determined the appeal on the basis of the amended plans. The amended plans resolved the concerns reflected in the Council's third reason for refusal, which was not pursued at the Inquiry.
7. The Council's fourth reason for refusal related to open space and green infrastructure. The Council's concerns about the adequacy of the overall green infrastructure provision and the ability to provide a Local Equipped Area for Play (LEAP) were resolved by the submission of further information on these matters. The remaining matter in dispute was the kickabout area in Phase 1.
8. The Council's fifth reason for refusal related to the absence of planning obligations. This objection was resolved by a Unilateral Undertaking (UU). Discussions continued on the draft UU during the course of the Inquiry. I allowed a short period after the close of the Inquiry for the document to be signed. The completed version is dated 21 December 2023. It contains some minor drafting changes and corrections but is, in substance, the same as the version discussed at the round table session that took place on 20 December 2023.

9. The UU is made to Basingstoke and Deane Borough Council (the Council), West Berkshire Council (WBC) and HCC<sup>1</sup>. It includes the following:

Obligations to the Council:

- Community building – to safeguard the land for the community building, to market the land for that purpose (in accordance with an agreed marketing scheme) and to construct the community building if a suitable offer is received
- Healthcare – to safeguard the healthcare land and to market the land for that purpose in accordance with an agreed marketing scheme
- Healthcare contribution – to make a financial contribution to the provision or improvement of healthcare facilities to serve the development
- Convenience store – to safeguard the land for the convenience store and to market the land for that purpose in accordance with an agreed marketing scheme
- Open space – to submit open space plans for approval, including the location and specification of play spaces, kickabout areas and multifunctional green space together with arrangements for delivery, phasing, maintenance and future management
- Allotments – to submit an allotment plan for approval, together with arrangements for delivery, phasing and future management
- Landscape management – to submit a landscape management plan for approval, making provision for the management and maintenance of landscaped areas
- Employment and skills – to submit an employment and skills plan and a method statement for approval
- Bio-diversity net gain (on site) – to submit a biodiversity net gain management and monitoring plan for approval which would deliver the required unit creation and maintain it for at least 30 years, including arrangements for the submission of audit reports at set intervals
- Affordable housing – submission of an affordable housing scheme for approval, to deliver 40% of the dwellings as affordable housing, including phasing of delivery and transfer of the affordable dwellings to a registered provider
- First homes – to deliver 8 units in Phase 1 and 25% of the affordable housing in later phases as first homes, including arrangements for eligibility, marketing and subsequent sales of first homes
- Homes for older people – to safeguard the land for homes for older people for that purpose and to restrict the occupation of such homes to people aged 55 years and over

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<sup>1</sup> The obligations are made specifically to the relevant authority in each case. In addition to the obligations described below, Schedule 5 (made to the Council and WBC) deals with further measures relating to implementation

Obligations to HCC:

- School travel plan contribution – to make a financial contribution to new travel plans for St Thomas Infant School, Woolton Hill Junior School and Burghclere Secondary School
- Travel plan – to submit a travel plan for approval, together with payment of an approval fee, a monitoring fee and provision of a bond
- Diversion of rights of way – to apply to divert the public rights of way (PRoW) within the appeal site and, if granted, to enter a highways agreement in respect of the diverted PRoW and to confer permissive cycling rights
- Highway works – to enter a highways agreement and complete the works within the public highway prior to occupation

Obligations to WBC:

- Public transport contribution – to pay the public transport contribution (phased over eight years), with the first payment prior to occupation
- Cycleway/footway works – to enter a highways agreement for the delivery of the proposed cycleway/footway works along Andover Road and to complete the works prior to the occupation of more than 30 dwellings in Phase 1
- Biodiversity net gain (off-site) - to submit a biodiversity net gain management and monitoring plan for approval which will deliver the required unit creation and maintain it for at least 30 years, including arrangements for the submission of audit reports at regular intervals
- Obligations to the Council and WBC:
- Implementation - including the arrangements for establishing a management company, provision of a surety and the terms of any transfer of land (such as open space, allotments and biodiversity net gain land) to the management company

10. The Council provided a statement of compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. This included the policy basis for the various obligations in the UU. At the Inquiry, these matters were not controversial and no party suggested that any of the obligations would fail to meet the relevant tests. East Woodhay Parish Council (EWPC), Highclere Parish Council (HPC) and the Enborne River Valley Preservation Society (ERVPS) made a joint written representation commenting on the UU. Although submitted electronically during the course of the Inquiry, this did not emerge until after the Inquiry had closed. I therefore gave the Council and the appellant an opportunity to make written comments on the representation<sup>2</sup>.

11. EWPC, HPC and ERVPS comment that there is no certainty that the community building, the healthcare building or the convenience store would be provided on site<sup>3</sup>. It is right to point out that the UU would allow alternative uses to come

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<sup>2</sup> The further written representations of EWPC, HPC and ERVPS on the UU were referred to at the Inquiry (ID20)

<sup>3</sup> The representation also comments on the phasing of the allotments, the school travel plan contributions and the public transport contribution. These matters are discussed below in the relevant sections of my decision.

forward if no suitable occupier for any of these facilities is found within the respective marketing periods. Thus, there can be no certainty of delivery. To my mind that is a matter that is relevant to the weight to be attached to any benefits relating to these facilities in the overall planning balance. This is a matter I will comment on below. However, I consider that these obligations are necessary to facilitate the delivery of the mixed use scheme described in the application and assessed in the Environmental Statement (ES), notwithstanding that it is not certain that all the mixed uses would be achieved. The obligations are directly related to the proposed development and fairly and reasonably related in scale and kind.

12. I see no reason to disagree with the Council's statement of compliance and conclude that all of the obligations meet the tests set out in Regulation 122. Accordingly, I have taken them into account in my decision. Having reached agreement on the UU, the Council did not pursue the fifth reason for refusal, which included reference to BDLP Policy CN6 which seeks to secure the infrastructure required to meet the needs of development
13. Following a direction issued on behalf of the Secretary of State, an ES was submitted as part of the appeal process. I have had regard to the ES, together with representations on it, in reaching my decision.
14. The National Planning Policy Framework (the Framework) was amended on 19 December 2023. The amendments were addressed in notes from the Council and the appellant during the Inquiry<sup>4</sup>.
15. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the Framework continues to refer to them as AONBs. In this decision I have continued to use the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.
16. The development plan includes the Basingstoke and Deane Local Plan 2011 - 2029 (adopted in May 2016) (BDLP) and the East Woodhay Neighbourhood Plan (2022 - 2029) (EWNP)<sup>5</sup>.
17. The Council has commenced preparation of a Local Plan update (BDLPU). At the Inquiry, no party suggested that the BDLPU was sufficiently advanced to attract weight in this appeal. However, the Inquiry was advised that a Council Cabinet meeting scheduled for 9 January 2024 would consider whether to publish a draft Regulation 18 Plan. That meeting subsequently decided that the BDLPU should be published for consultation, subject to finalisation of the text and other supporting material. The Council and the appellant were invited to make written comments on the implications of this decision. The BDLPU was published for consultation on 22 January 2024. Reaching this stage of plan preparation has implications for the approach to decision making set out in the Framework. I return to this matter in my conclusions.

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<sup>4</sup> ID15 and ID16

<sup>5</sup> The western part of the appeal site is within the area of EWPC, and is therefore covered by the EWNP, whereas the eastern part is within the area of HPC

## **Main issues**

18. The main issues are:

- the effect of the proposal on the character and appearance of the area, including any effect on the scenic quality of the adjacent North Wessex AONB;
- whether the detailed proposals for Phase 1 would meet the objective of achieving well-designed places;
- whether the proposal would make satisfactory provision for public open space, children's play space and green infrastructure;
- whether the appeal site is at a location that is or can be made sustainable, through limiting the need for travel and offering a genuine choice of transport modes;
- whether the proposal is at risk of flooding and whether it would increase the risk of flooding elsewhere; and
- the nature and extent of any economic, social and environmental benefits.

## **Reasons**

### ***The effect of the proposal on the character and appearance of the area, including any effect on the scenic quality of the adjacent North Wessex Downs AONB***

#### *The site and its context*

19. The site extends to around 22.45ha, bounded to the north by the River Enborne, to the east by Andover Road (the A343) and to the south and west by the A34. It is about 5km south of Newbury town centre. The River Enborne forms the boundary between the administrative areas of Basingstoke and Deane Borough Council (the Council) and West Berkshire Council (WBC).
20. To the north of the River Enborne (within West Berkshire) are the settlement of Enborne Row and part of the settlement of Wash Water. These are separated by only a small gap, such that they have the appearance of a single linear settlement running east/west between Andover Road and the A34. The rest of Wash Water comprises linear residential development along the old line of Andover Road and along Penwood Road, within Basingstoke and Deane, generally to the south east of the appeal site. For the purposes of this decision, I shall refer to the two parts of Wash Water as Wash Water (North) and Wash Water (South).
21. To the north of Enborne Row/Wash Water (North) there is an open area, characterised by steep slopes and a patchwork of woodland and pasture, beyond which is Wash Common, a southern suburb of Newbury. To the south and west of the appeal site, the A34 is on an embankment which is flanked by woodland planting. Beyond the A34, the woodland areas of the Chase and Great Pen Wood are within the AONB.
22. The site itself comprises the agricultural holding of Common Farm. The farm is mainly Grade 4 agricultural land, used for grazing livestock with some pony

paddocks. An unnamed tributary stream runs approximately south/north through the centre of the farm. The farmhouse, agricultural buildings and hard standings are grouped together adjacent to the stream. The farm access is from Andover Road. A PRow runs along the farm access, then turns north beside the tributary stream, before crossing a footbridge over the River Enborne to reach Enborne Row.

### *Settlement boundaries*

23. BDLP Policy SS1 sets out the scale and distribution of housing during the plan period, with a view to providing 15,300 dwellings. This is to be achieved by development within settlement boundaries and on allocated sites. Policy SS6 seeks to restrict new housing outside settlement boundaries, other than in specific circumstances which do not apply to this case. EWNP Policy HO2, which applies to the western part of the appeal site, refers to Policy SS6 and has the same objectives. The appeal site is not within any settlement boundary and is therefore regarded as countryside for the purposes of the development plan. The proposal therefore conflicts with BDLP Policies SS1 and SS6 and EWNP Policy HO2.

### *Landscape and visual effects*

24. The Council's Landscape Character Assessment 2021 (LCA21) places the appeal site in *Character Area 1: Highclere and Burghclere*, which is described as a gently undulating area of mixed farmland and woodland. The characteristics of this area, as described in LCA21, include a subtle but complex landform, steep in places but generally gently undulating and falling towards the River Enborne, together with a small-scale mosaic of woodland, some mixed farmland and numerous paddocks, giving an enclosed, intimate character. LCA21 sets out guidance for the character area with the following strategic aim:

*"...to conserve the overall rural pattern of farmland and woodland with small scale settlement, whilst limiting increases in urbanisation through incongruous development."*

25. The West Berkshire Landscape Character Assessment 2019 (WBLCA) is also relevant, in that it identifies *Character Area UV4: Enborne Upper Valley Floor*. The character area is shown as a narrow strip of land along both banks of the river<sup>6</sup>. The key characteristics described in the WBLCA note that the valley generally retains a rural character, although is intruded on by busy major roads, and that a sense of enclosure and intimacy is experienced due to the topography and woodland cover with limited views in and out.
26. Common Farm is predominantly pasture land, divided into small to medium sized fields divided by hedgerows. It is largely contained by trees and woodland, with trees along the river and woodland planting on the A34 embankment. There are also medium range views of trees on higher ground, both within the AONB to the south and within (and beyond) Enborne Row to the north. The appeal site is subject to some urbanising influences. Whilst the A34 is largely screened by woodland planting, traffic can be glimpsed from some parts of the site. Traffic noise from the A34 affects much of the site, limiting any sense of tranquillity to the parts closest to the river. Houses within

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<sup>6</sup> The WBLCA does not have the status of a policy document in relation to the appeal site, which is not in West Berkshire. Nevertheless, I consider that the river valley is a coherent geographic and landscape feature so, in my view, the WBLCA is a material consideration.

Enborne Row are readily apparent, including those backing onto the river opposite the western part of the appeal site and houses at Spring Gardens which are elevated relative to the valley floor. These views are filtered by intervening trees and the degree of screening is likely to be greater when the trees are in leaf. The riverside zone is particularly attractive due to the sight and sound of running water and the mature trees along both banks.

27. The appeal site is not subject to any landscape designations and the Council and the appellant agree that it is not a valued landscape in the terms of the Framework<sup>7</sup>. Nevertheless, I consider that it is an attractive area with a predominantly rural character, albeit with some urbanising influences. It is a landscape that is representative of the characteristics described in both the LCA21 and the WBLCA. The ES assesses the landscape character of the site to be of medium-high value. I share that view.
28. The site is visually contained by a combination of topography, vegetation and built form. There are no nearby viewpoints from the west and south of the A34 embankment. The eastern part of the proposed development would be visible from the public realm in Enborne Row, particularly from elevated ground in the vicinity of Spring Gardens. As noted above, these views would be filtered by intervening trees, with the degree of screening varying with the seasons. There would be private views of the western part of the proposed development from the houses backing on to the river. However, any views from the north of Enborne Row would be blocked by intervening built form and vegetation.
29. The proposal would have an urbanising effect along the site frontage to Andover Road, where existing hedgerows would be removed to accommodate the highway works needed to create the site access and related visibility splays. There would also be views into the new development, including the proposed convenience store which would need to be reasonably visible to attract passing trade.
30. The Hybrid Illustrative Masterplan indicates the proposed approach to landscape mitigation at a site-wide level. The full application only relates to Phase 1, nevertheless the layout and landscaping for later phases would be controlled at reserved matters stage. The proposals include a park, kickabout areas and open spaces adjacent to the River Enborne. There would be a biodiversity buffer zone along the southwestern edge of the site, adjacent to the A34 and the A34/A343 slip road and roundabout. Two green corridors, running approximately north/south, would relate to the tributary stream and divide the site into three main compartments.
31. The finer-grained compartments formed by hedgerows in the eastern part of the site would be lost but the most important tree groups within those hedgerows are shown to be retained. Whilst several trees would be lost, I saw that, in the main, these would be outgrown hedgerow trees rather than important specimen trees. The important tree groups along the river and tributary stream, and other important tree groups within the site, would be protected by being within open spaces.
32. The proposed planting includes new areas of woodland, replacement hedgerows and street trees. The Council argued that the proposed trees would be urban in character. It is inevitable that trees planted close to buildings,

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<sup>7</sup> The Framework, paragraph 180(a)



- would need to be suitable for their location. This is reflected in the tree species shown on the Phase 1 landscape layout drawings where trees with a more columnar form are proposed. That said, the trees along the spine road, which would be further from houses, would include oak and lime and those along the edges of the Phase 1 public open spaces would include oak, lime and field maple. These are the trees that would be the most prominent in external views of Phase 1, including views from Spring Gardens and Andover Road. I consider that they would be appropriate species to use in these locations.
33. The proposal would replace the existing landscape character of the site with domestic scale built form, together with roads and infrastructure, within a setting of managed green infrastructure. The ES assesses the effect on the landscape character of the site itself as major adverse at year 1, reducing to moderate adverse at year 15 as the development matures. I agree with the ES assessment for year 1. However, I do not agree that there would be much change over time because the landscape resource comprised in the site itself would be lost permanently.
34. The ES assesses the impact on the landscape of LCA21 *Character Area 1: Highclere and Burghclere* as minor adverse (year 1 and year 15). I note that LCA21 identifies an enclosed and intimate character as being a feature of the area, whilst WBLCA comments that, due to the topography and woodland cover, there are limited views in and out of *UV4: Enborne Upper Valley Floor*. I consider that the landscape effects would be localised due to the visual containment of the site and agree that there would be only a minor effect on LCA21 Character Area 1. Although the ES did not assess the effect on UV4, that would also be minor in my view.
35. The ES has considered effects on night-time character, noting that there would be an increase in lighting across the site due to external lighting within the scheme and lighting emitted from within dwellings. This is predicted to have a moderate adverse effect.
36. Visual impacts would, in the main, be experienced by nearby residents, users of public highways and users of the PRoW that crosses the site. The visual impacts experienced by residents of Enborne Row and Wash Water (North) would be mitigated by the existing vegetation along the river and by the fact that the proposed houses would be set back from the site boundary, beyond public open spaces. The ES found this to be a minor adverse effect and I share that view.
37. The most affected residents would be the occupiers of a group of houses in Wash Water (South) which face Andover Road opposite the existing farm access. The current view of the appeal site is largely screened by hedgerows which have been allowed to grow tall. This view would be opened up by the removal of vegetation to create visibility splays. The width of Andover Road would also be increased at this point to accommodate right turning lanes into Penwood Road and the appeal site. The ES assesses this as a moderate to major adverse effect, which I agree with. I consider that there would be some softening of the appearance of the site over time as new boundary landscaping matures. Moreover, the closest of the new houses would be at sufficient distance from the existing dwellings to avoid any harm to living conditions.
38. The visual impacts experienced by users of the public highway through Enborne Row/Wash Water (North) would be mitigated in the ways described above. In

addition, these would be transient effects. As described above, there would be an urbanising effect along the Andover Road frontage of the appeal site. This would be a significant change that would be very apparent to users of Andover Road. On the other hand, the Council and the appellant agreed that the effect would be experienced over about 200 to 300m of Andover Road. For those travelling in vehicles, this transient effect would be short-lived.

39. The most significant visual effects would be experienced by users of the PRow that runs along the farm access, passing between the fields of Common Farm. This route allows walkers to experience a pastoral landscape at close quarters, an opportunity that would be lost as a result of the proposed development. The ES assesses this as a moderate to major adverse effect, which I consider to be a fair assessment. Subject to the relevant orders being obtained, it is intended that the PRow would be diverted to run through the riverside public spaces. This would provide a new opportunity for walkers, and potentially cyclists, to experience more of the attractive Enborne riverside. Whilst this does not alter my assessment of the visual impact, it is a factor to take into account in the wider planning balance.

#### *Effects on the setting of settlements*

40. BDLP Policy EM1 seeks to ensure that proposals are sympathetic to the character and visual quality of the area. Within this general policy aim, the setting of a settlement, including important views to, within and out of a settlement, is one of the factors to which particular regard should be paid. I have considered this aspect of the policy in relation to Wash Common/Newbury, Enborne Row/Wash Water (North) and Wash Water (South).

#### Wash Common/Newbury

41. Wash Common is a southern suburb of Newbury and is the closest part of the built-up area of Newbury to the appeal site. However, as described above, there is an open area, characterised by steep slopes and a patchwork of woodland and pasture, between Enborne Row/Wash Water (North) and Wash Common. WBC may decide to recognise this gap in policy terms in its emerging local plan. However, for the purposes of this appeal, the emerging plan is not sufficiently advanced for weight to be attached to it. Nevertheless, this open area is a distinctive topographical and landscape feature which creates a clear break between Enborne Row/Wash Water (North) and Wash Common/Newbury.
42. If permitted, the appeal proposal would effectively become a suburb of Newbury in geographic and functional terms. However, in terms of character and visual quality, it would have no impact on the gap between Enborne Row/Wash Water (North) and Wash Common/Newbury, being located to the south of Enborne Row/Wash Water (North). Moreover, no views to or from Wash Common would be affected. The proposal would have no impact on the setting of Wash Common/Newbury.

#### Enborne Row/Wash Water (North)

43. The proposed development would be physically and visually distinct from Enborne Row/Wash Water (North), due to the intervening river with its associated tree groups. The proposed open spaces along the southern bank of

the river would reinforce this sense of a separate identity. The scale of the proposal is a further consideration. Being larger than the existing settlement, it would not be seen as merely an extension to it. On the other hand, I do not consider that the appeal scheme would be remote from the existing settlement. There would be intervisibility between the two, albeit filtered by trees along the river. Moreover, the design of Phase 1 would create a street frontage facing towards Spring Gardens, across new open space and the river valley. To my mind this would be a positive design relationship between the proposed development and the existing. I see no reason why the design of later phases, which would be controlled at reserved matters stage, could not achieve a similar effect.

44. Enborne Row/Wash Water (North) has grown up in an incremental way along the road leading from Andover Road to the A34, at a point where there was once a station. Although there are some older buildings, the majority date from the 20<sup>th</sup> century. The linear nature of the main street has a rural feel, although this is combined with a more suburban character associated with modern cul-de-sac layouts to the north of the main street. The main distinctive characteristics of the settlement are the abundance of trees, both within and around it, and its relationship with the River Enborne. The settlement is relatively self-contained in a visual sense. Although there are some views of the open fields of the appeal site, from the backs of private properties and from the vicinity of Spring Gardens, these views make only a small contribution to the overall character of the settlement. They are not "*important views*" in the terms of Policy EM1(c).
45. The most important trees groups along the river and within the appeal site would be retained. Moreover, the proposed houses would be on the opposite side of the river, set back behind open spaces. There would therefore be no harm to the main distinctive characteristics that I have identified. Whilst there would be a change to the setting of the settlement, I do not consider that this change would be harmful to its character and identity.

#### Wash Water (South)

46. Development at Wash Water (South) comprises mainly ribbon development along the eastern side of the former line of Andover Road, with a smaller area of ribbon development on the southern side of Penwood Road. There are several large, detached houses set in substantial well-vegetated plots. There is a block of woodland planting between the old and the new alignments of Andover Road which has matured into an effective landscape buffer, such that the settlement is visually contained on the side closest to the appeal site. In my view the character of the settlement is mainly determined by the features within it, the immediately adjoining woodland planting to the west and the open agricultural land to the east, none of which would be affected by the appeal scheme.
47. There is a small group of houses at the junction of Andover Road and Penwood Road, which face towards Andover Road and the existing access to Common Farm. The outlook from these dwellings would be changed in the ways described above in relation to visual effects. However, I do not consider that these views amount to "*important views*" in terms of Policy EM1(c) and the character and visual amenity of Wash Water (South) as a whole. Any harm to

the setting of the settlement as a whole would be minor and would not add materially to the visual impact already assessed above.

#### *Effect on the AONB*

48. The A34 passes to the south west of the appeal site on a raised embankment bounded by woodland planting. This forms a visual barrier between the site and the nearby AONB. The nearest parts of the AONB are themselves comprised of dense woodland at the Chase and Great Pen Wood. The Landscape and Visual Appraisal did not identify any locations within the AONB where views towards the appeal site would be materially affected. This assessment was not disputed by any other party at the Inquiry.
49. With regard to kinetic views experienced by those travelling to and from the AONB, along the A343 Andover Road, I consider that there is a distinct change in landscape character at the point where the A343 passes beneath the A34. To the south west, within the AONB, the topography is steeply sloping and there is dense woodland. To the north east, in the vicinity of the appeal site, the topography is low-lying and gently undulating within the valley of the River Enborne. The landscape is more open, with some urban influences as described above. Consideration of these kinetic views does not alter my conclusion that there would be no impact on the landscape and scenic quality of the AONB.

#### *Cycleway works within West Berkshire*

50. WBC raises a concern regarding the impact of the cycleway works on the character and appearance of Andover Road, which is a main radial route leading into Newbury. Andover Road has a verdant character, with the houses set well back from the road. Many of the frontages are enclosed with hedges and there are numerous trees within front gardens. The proposed works would involve widening existing footways at the expense of grass verges. Whilst this would involve some loss of greenery at ground level, I consider that the impact on the overall character and appearance of the Andover Road approach to Newbury would be minor.

#### *Conclusions on the first main issue*

51. As noted above, the proposal conflicts with BDLP Policies SS1 and SS6, and with EWNP Policy HO2, which together seek to restrict development in the countryside.
52. The appeal site is not subject to any landscape designations, nor is it a valued landscape in the terms of the Framework. Nevertheless, it is an attractive area with a predominantly rural character, albeit with some urbanising influences. It is a landscape that is representative of the characteristics described in both the LCA21 and the WBLCA. The proposal would result in the permanent loss of this landscape resource, which would be harmful. However, the effect on the wider landscape areas described in the LCA21 and the WBLCA would be minor. The most significant adverse visual effects would be those experienced by users of the PRoW that crosses the site, by users of Andover Road and by residents of houses facing Andover Road opposite the access to Common Farm. This would be contrary to BDLP Policy EM1, which seeks to avoid harm to the character and visual amenity of the landscape and to respect the quiet enjoyment of the landscape from public rights of way.

53. The proposal would accord with some elements of EWNP Policy NE1, in that it would sit below ridgelines and would maximise the use of existing and enhanced tree cover. However, for the reasons given above, it could not be said to conserve and enhance the natural landscape so should be regarded as being in conflict with the policy as a whole. EWNP Policy NE5 seeks to protect trees and hedgerows. Although some trees and hedgerows would be lost, replacement trees and hedgerows would be provided. Important tree groups would be retained and given adequate space. I consider that the proposal would accord with EWNP Policy NE5.
54. The Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside. I consider that the appeal scheme has had proper regard to the landscape characteristics of the site and its surroundings. This is reflected in the overall amount of green infrastructure, the provision of parks and open spaces along the river corridor, the provision of an ecological buffer adjacent to the A34, the retention of the most important tree groups and the creation of green corridors running south to north. These would divide the proposal into compartments within a strong landscape framework, consistent with the prevailing pattern of development in the locality. The proposal would accord with the Framework in this regard.
55. Having regard to the localised nature of the landscape and visual effects, and the mitigation inherent in the proposal, I attach moderate weight to landscape and visual harm.

***Whether the detailed proposals for Phase 1 would meet the objective of achieving well-designed places***

56. The Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. BDLP Policy EM10 also seeks to secure high quality design. The Framework refers to the National Design Guide which sets out the characteristics of well-designed places. Whilst the architectural expression of the proposed buildings is one aspect of good design, both the National Design Guide and Policy EM10 make clear that good design is a broader and more holistic concept than just the architectural quality of the individual buildings.
57. Phase 1 would be laid out with perimeter blocks within a street grid. This would result in a coherent pattern of development with buildings fronting onto the main streets and public spaces. The layout would be legible and easy to move around. The inclusion of a convenience store would provide an element of mixed use, which would support the objectives of sustainable development and identity. The landscape design has been led by the existing site characteristics. The trees along the River Enborne and the tributary stream would be retained within public spaces, as would an important tree group in the southern part of Phase 1, adjacent to a proposed kickabout area. The creation of new public open spaces along the river and tributary stream, together with the diversion of the PRow, would provide greater public access the riparian environment, creating an attractive and distinctive identity for the development.
58. At the Inquiry, the Council's criticisms focused on the architectural expression of the proposed houses. The Council characterised the general design approach as neo-vernacular, which was agreed to be an acceptable starting point, having

regard to building types typically found in the locality. However, the Council argued that the designs lack variety and that some house types are too plain.

59. The street scenes are helpful in assessing the amount of variety that is proposed. For example, street scene A-A shows ten houses facing the spine road. Within this frontage, there would be six different house types. There would be two instances of the detached Draycott, (in different parts of the frontage with different materials), two instances of the detached Hendred (with one turned to face a side street) and two instances of the detached Bucklebury, which would be separated by a semi-detached pair of Lavingtons. The various house types would provide a pleasing variety of building type, roof forms and facing materials. Similar points could be made in relation to street scene B-B, the elevation that would face towards the riverside open space and Spring Gardens beyond.
60. Across Phase 1, there would be a variety of facing materials. Brick would be used extensively, in keeping with the local context, together with individual buildings highlighted in flint, white render and tile hanging. There would also be variation in details such as gables, projecting bays, bay windows and porches.
61. House types such as Draycott, Goodworth and Henwood are typically proposed in corner locations. Where the side elevations of these house types would face a street (or public space) they would be fenestrated, including some bay windows, to provide visual interest and passive surveillance of the public realm. The Council argued that, where contrasting materials are proposed for a front elevation, those materials should also extend around the side and back. However, I do not think that there is a single correct approach to this point. Having higher status materials on a street elevation can itself be a traditional feature. Moreover, with a perimeter block layout, the rear elevations would not be prominent in the street scene. Importantly, in locations where side elevations would be prominent, the side elevations would generally have windows. Whilst some house types would have blank side elevations, these would generally be in locations where the side elevation would be seen obliquely and would not be prominent.
62. The Council was critical of the Penwood, Radley and Winterbourne house types, which would be used for the affordable housing. Whilst these units would have more restrained detailing, I do not agree that they would be unduly plain. Features such as contrasting brick plinths, brick sills and window headers would add visual interest. Some of the Penwoods would have tile hanging to the first floor level whilst some of the Radleys would have contrasting render. Moreover, these units would generally be used in pairs<sup>8</sup> or attached to other house types, adding further variety to the street scene.
63. Drawing all this together, I consider that the proposal represents a considered and appropriate design response to the site context. It would represent high quality design in accordance with Policy EM10<sup>9</sup>. It would also accord with the design objectives of the Framework.

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<sup>8</sup> There would be two instances of three Penwoods grouped together

<sup>9</sup> Although the Council's second reason for refusal refers to various policies of the EWNP, these are not relevant to this main issue because Phase 1 is not within East Woodhay parish

**Whether the proposal would make satisfactory provision for public open space, children's play space and green infrastructure**

64. Policy EM5 of the BDLP states that development proposals will only be submitted where they do not prejudice the delivery of the Council's Green Infrastructure Strategy (GIS). The Council's adopted green space standards include a minimum requirement for multi-functional green space, which is to be made up of Amenity Green Space (including informal play space and kickabout areas), Accessible Natural Green Space and Parks. The Council and the appellant agreed that the minimum standard of 20sqm per person would be met in Phase 1 and could also be met in the hybrid scheme as a whole.
65. The Council's standards also include a minimum standard for equipped play areas. The Hybrid Illustrative Masterplan shows a suitable location for a Locally Equipped Area for Play within the riverside open space which would be created as part of Phase 1. The Council and the appellant agreed that the details of this play area could be approved subsequently, under a condition<sup>10</sup>.
66. The GIS defines Amenity Green Space as green space suitable for team games and robust play including kickabout space, which should be a rectangular area of mown grass with a minimum area of 1,600sqm, plus a buffer of 10m to housing and a minimum width of 25m. The Hybrid Illustrative Masterplan shows two kickabout areas, one within Phase 1 and one in the later phases, immediately to the west of the tributary stream. The Council and the appellant agree that the Hybrid Scheme as a whole could meet the requirements of the GIS. The Council's concern is that the Phase 1 kickabout area would fall short of the requirement, in that it would be 875sqm rather than 1,600sqm.
67. I note that the Phase 1 kickabout area would meet the requirements relating to width and a 10m buffer to housing. Moreover, it is agreed that it could accommodate informal games of 5-a-side football. No doubt it would also be suitable for a range of other informal team games and for outdoor play generally.
68. The Council argued that later phases may not come forward, highlighting the use of the word "*severable*" in the description of development. I do not share this concern. It seems to me that the word "*severable*" has been included for technical reasons relating to recent caselaw<sup>11</sup>. The proposal is a hybrid scheme for the whole site. Implementation of the scheme would require substantial infrastructure works to be undertaken at an early stage, including widening Andover Road to form right turning lanes and extensive off-site footway/cycleway works<sup>12</sup>. Having completed those infrastructure works, there is no reason to think that the developer would stop after Phase 1.
69. In general terms I consider that Phase 1 would be well provided with open space. The policy test is whether or not the appeal scheme would prejudice the delivery of the GIS. In my view it is reasonable for the larger of two kickabout areas to be provided alongside later phases. Moreover, I see no objection to the allotments being provided with the later phases. There would be no prejudice to the GIS and the proposal would accord with BDLP Policy EM5. It

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<sup>10</sup> Condition 43

<sup>11</sup> ID19 – Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30

<sup>12</sup> The UU requires the footway/cycleway works to be completed prior to the occupation of the 30<sup>th</sup> dwelling within Phase 1

would also accord with EWNP Policy CF2 which seeks to ensure that green spaces are provided in accordance with the GIS.

***Whether the appeal site is at a location that is or can be made sustainable, through limiting the need for travel and offering a genuine choice of transport modes***

70. This issue was not contentious between the Council, HCC and the appellant. Nevertheless, objections were raised under this heading by WBC, who made written representations, and by East Woodhay Parish Council (EWPC) Highclere Parish Council (HPC) and the Enborne River Valley Preservation Society (ERVPS) who were jointly represented at the Inquiry. The points raised included that there are few local facilities, that the footway/cycleway works would not offer a genuine alternative to the private car, that the nearest schools in Hampshire are not accessible on foot or by cycle and that the contribution to bus services would be time limited.
71. Enborne Row/Wash Water (North) and Wash Water (South) are, in effect, suburbs of Newbury, albeit that they are not part of a continuously built-up area and that Wash Water (South) is in Basingstoke and Deane. Other than the Woodpecker public house in Wash Water (North), there are no local facilities or employment opportunities. The nearest shops are at Wash Common, where there is a Co-op supermarket about 2.3km from the centre of the site. There are also health services, leisure facilities, a primary school and a secondary school at Wash Common. There are footways along Andover Road between the site and Wash Common and the distances involved would be walkable for some. Cycling is not currently an attractive option due to the busy nature of Andover Road and the lack of cycleways. Public transport options are limited, with two bus services per day between the appeal site and Newbury. More frequent services can be accessed at Wash Common, about 1,600m from the site.
72. Major development is coming forward at Sandford Park, to the east of Wash Common. This will include a new primary school, employment uses, and retail and leisure facilities.

*Proposed uses*

73. The proposal includes a convenience store, a community building and a healthcare building. I comment below on the likelihood that these facilities would be delivered. In summary, I consider that there is a good prospect that the convenience store would come forward and some prospect that the other facilities would be delivered. The convenience store would help to reduce the need for future residents to travel off-site to meet their convenience shopping requirements. In addition to serving future residents of the appeal site, the convenience store would be well placed to serve existing residents of Enborne Row and both parts of Wash Common. If the community and health facilities came forward, they would also support the overall sustainability of the site, although I have attached limited weight to them for the reasons set out below.

*Walking and Cycling*

74. The proposal includes the provision of 1.8km of cycleway/footway from the site entrance, via a new crossing point, along the east side of Andover Road to the entrance to Sandford Park. The remaining section to Wash Common would be



completed by the Sandleford Park developers. The works would be secured by the UU. Andover Road is a route which WBC (the highway authority) has prioritised for cycling improvements and the design and specification of the works has been informed by discussions between the appellant and WBC. There would be a dedicated 3m cycle track, segregated from vehicular traffic by a kerbed margin, together with a 2m footway.

75. Whilst I saw that there are some gradients along the route, I consider that the proposals would significantly improve the attractiveness of cycling between the appeal site and facilities at Wash Common. The route would be continuous, direct and safe. The centre of Newbury, including the train station, would also be within cycling distance.
76. The attractiveness of the route for walking to Wash Common would be much the same as at present. However, the UU would also facilitate the diversion of the existing PRoW across the site to pass through the riverside open spaces. This would create a safe and attractive route for existing residents of Enborne Row, enabling them to make trips to the new convenience store on foot.

### *Public Transport*

77. The road layout within Phase 1 would enable buses to enter and turn within the site. The Hybrid Illustrative Masterplan indicates that the later phases would incorporate a public transport hub in the centre of the site, maximising accessibility for new residents. WBC is currently in the process of tendering a number of bus routes in the Newbury area that attract an element of public subsidy. The new contract would run for an eight year period. It is proposed to extend the existing 2/2A service which currently links Wash Common to Newbury. The amount of the financial contribution secured by the UU reflects the cost of providing an additional bus to enable the route to be extended, with an hourly service linking the site to Newbury town centre and the train station.
78. The UU would secure the public transport contribution for a period of eight years, which would match the length of the new bus contract<sup>13</sup>. It is fair to point out that there is no certainty about what would happen after the eight year period. It may well be that the service still requires a subsidy. On the other hand, I consider that a period of eight years is longer than is typically secured in planning obligations of this type. By that time, the service would be well established. No doubt the case for any further subsidy (if required) would be reviewed as part of the overall provision of transport services. There is inevitably an element of uncertainty here but, in my view, that does not detract from the importance of the public transport contribution in helping to provide a choice of travel modes over an extended period.

### *Schools*

79. The appeal site lies on the edge of Hampshire, which is the local education authority. School catchment areas change over time and, over the lifetime of the development, it is not known what opportunities children from the appeal site may have to access schools in West Berkshire. The existing West Berkshire schools at Wash Common, and the proposed school at Sandleford Park, would

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<sup>13</sup> Due to the lead-in time before new houses were delivered, triggering the first payment, it seems likely that the contribution would run over into a subsequent contract period. Even so, the contribution would still be available to support the provision of bus services to the site

be accessible to some on foot, and more readily accessible by cycle, using the new footway/cycleway from the appeal site.

80. At the Inquiry, it was generally accepted that the Hampshire schools would not be accessible by foot or cycle, due to the nature of the road network and the lack of safe cycling facilities. The UU includes a financial contribution to HCC towards school travel planning at the three schools concerned. Whilst this could encourage more sustainable travel choices, it seems likely that any measures would be limited to options that did not involve walking or cycling from the appeal site.

#### *Other transport measures*

81. The UU includes an obligation to HCC to submit a travel plan for the appeal scheme for approval, and then to implement the approved plan. The obligations include a contribution to HCC to enable monitoring of the travel plan.

#### *Conclusion*

82. Drawing all this together, I conclude that the proposal would accord with BDLP Policy CN9, insofar as it would promote transport choice through improvements to public transport services and by providing coherent and direct walking and cycling routes. It would also comply with the relevant policies of the Framework, in that it would prioritise pedestrian and cycle movements, maximise the catchment area for bus services and promote sustainable transport modes.

#### ***Whether the proposal is at risk of flooding and whether it would increase the risk of flooding elsewhere***

83. The northern boundary of the site abuts the River Enborne, and the area along the boundary falls within Flood Zones 2 and 3. The application was supported by a Flood Risk Assessment (FRA). The SoCG notes that the Council and the appellant agree that the design of the appeal site would ensure that flooding would not affect developable areas. The parties also agree that the proposal would not lead to further risks of flooding downstream and that a sequential approach has been taken to the development of the layout, such that a further sequential test or exception test is not required.
84. The appellant's consultants carried out hydraulic modelling to update the information in the Environment Agency (EA) flood maps. This modelling considered the way that the A34 and A343 structures restrict water flows. It also modelled the tributary stream, which had not been done previously. The EA agreed that the modelling was appropriate to be used for assessing flood risk at the appeal site. The extent of flooding during a 1 in 100 year event (plus 35% climate change allowance) has been mapped. This shows that the modelled event would be confined to green corridors and landscaping areas. No built development is proposed within the area at risk of flooding.
85. Objections were raised by WBC, EWPC, HPC and ERVPS in relation to application of the sequential test and the need for an exception test. In addition, ERVPS raised objections in connection with the construction of attenuation basins that would extend below the water table, the risks of groundwater flooding, the potential for the attenuation basins to force

groundwater to the surface and the effectiveness of the proposed sustainable drainage system (SuDS).

86. With regard to the sequential test, the officer's report includes the following:

*"...the site falls within an area at risk of flooding from various sources and the national and local policy framework seeks to steer development away from such areas if there are alternative sites available at lower risk, identified through application of the sequential test. However, the FRA includes a sequential layout to development, and the PPG, in its explanation of deciding whether an application passes the Sequential Test, sets out that*

*'ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere.'*

*For the purposes of a sequential test, the council is satisfied that there are no sequentially preferable available deliverable sites that do address the council land supply requirement."*

87. Attention has been drawn to an appeal decision in which the Inspector rejected what was described as a sequential approach to locating development<sup>14</sup>. The facts of that case were different in that the proposed access would have been within Flood Zone 3. The Inspector was being asked to "disaggregate" the proposal and analyse the housing separately, an approach that she did not accept. In this case the Council and the EA agree that both the site access and the areas proposed for housing would not be at risk of flooding. Open space areas along the River Enborne would be at risk of flooding but these are regarded as water compatible development.

88. The site has a relatively shallow water table and the proposed attenuation basins would extend below that level. In answer to my questions, the appellant's hydrology witness stated that this is not an unusual situation and that, in practice, many attenuation basins are built with an impervious lining to prevent the ingress of groundwater<sup>15</sup>.

89. ERVPS produced photographs showing standing water on parts of the site following a prolonged period of wet weather. However, this does not demonstrate that there was an incidence of groundwater flooding. Surface water that had not yet infiltrated the ground would have a similar appearance. The appellant carried out borehole tests to ascertain the level of groundwater across the site in order to construct a conceptual model of groundwater flows. At the Inquiry, it was accepted that this work was done during a relatively dry period. However, the object of the exercise was to create the conceptual model, rather than to directly predict groundwater levels.

90. The appellant's groundwater flood risk assessment states that groundwater flow into the site is restricted by the presence of the A34 embankment, which groundwater flowing towards the river must pass under. Due to the high permeability across the site, it is likely that the ground water level is controlled by the level of water in the river. The assessment concludes that it is unlikely

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<sup>14</sup> APP/W3520/W/22/3308189 Land North of Barking Road, Needham Market (CD5.22)

<sup>15</sup> Mr Holmstrom stated that around one third of attenuation basins are built with some form of lining

that groundwater will rise to the surface outside of the flood extent mapped in relation to fluvial flooding.

91. There is potential for the proposed attenuation basins, which would be impermeable, to affect the natural movement of groundwater towards the river. In answer to my questions, the appellant's hydrology witness stated that technical solutions are available to mitigate this effect, for example by lining the outside of the basins with gravel to create a pathway that would allow groundwater to flow around them.
92. At the Inquiry, the appellant explained that the modelling of the attenuation basins assessed rainfall events ranging from 15 minutes to 24 hours. The basins have been designed such that they would be 50% empty after 24 hours and fully empty 48 hours after a 1 in 100 year rainfall event. ERVPS criticised some of the assumptions contained within the modelling, such as the assumption that the basins would be empty at the start of the modelled event. However, I accept the appellant's evidence that the modelling has used an approach which is standard for such assessments within the UK and consistent with national policy.
93. Whilst the drainage strategy has been described in the application documents, together with the evidence underpinning the FRA, the Council and the appellant agree that it would be appropriate to impose a condition requiring approval of details of the final surface water drainage scheme. This condition would include detailed layouts, hydraulic calculations, measures for managing groundwater and arrangements for long term maintenance of SuDS infrastructure. A further suggested condition would require the implementation of mitigation measures contained in the FRA. I agree that it would be appropriate to impose these conditions.
94. I conclude that the risks of flooding, from all sources, have been properly considered. The proposal would not be at risk of flooding, nor would it increase the risk of flooding elsewhere. It would accord with BDLP Policy EM7 which seeks to manage flood risk.

### ***The nature and extent of any social, economic and environmental benefits***

#### *Delivery of market housing*

95. The Council's latest published document on housing land supply, dated March 2023, covers the period 1 April 2022 to 31 March 2027. The Council and the appellant agree that the base date for the assessment should be 1 April 2022, as this is the latest date for which comprehensive completions data is available. It is also agreed that the local housing need figure should be calculated using the standard methodology because the BDLP is more than five years old. This results in a requirement of 850 dwellings per year, or 4,250 over a five year period. Having regard to the results of the housing delivery test, and the advice in the Framework<sup>16</sup>, it is not necessary to add a buffer to this requirement.
96. The Council considers that it has a deliverable supply of 3,713 sites, which represents a shortfall of 537 units against the requirement. This equates to a supply of 4.36 years. The appellant argues that 428 units should be deducted from the Council's supply figure. This would result in a supply of 3,285 units,

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<sup>16</sup> The Framework, Paragraph 79

which would represent a shortfall of 965 units. This would equate to a supply of 3.86 years<sup>17</sup>.

97. The difference between the Council and the appellant relates to five supply sites. The ability of these sites to deliver housing within a five year period falls to be considered against the definition of “*deliverable*” in the glossary of the Framework, together with advice in Planning Practice Guidance (PPG)<sup>18</sup>.

#### Site 1 - Upper Cufaude Farm

98. The site is allocated in the BDLP for 390 dwellings. The prospects for housing delivery within a five year period were considered in an appeal decision made in March 2023 relating to *The Street, Bramley*<sup>19</sup>. The Inspector found that the site was deliverable and likely to provide 120 units in the five year period. At that time, the developer (Croudace Homes) was said to be completing development at Vyne Park, with a view to starting this site next. No reserved matters had then been submitted.
99. Matters have moved on since that decision, with a reserved matters application for 48 dwellings having been submitted in August 2023. The appellant draws attention to consultation responses seeking further information on matters such as ecological surveys, visibility splays, vehicle tracking and the surface treatment of a PRow which crosses the site. To my mind, these are the sort of detailed matters that are commonly encountered, and resolved, during the processing of applications for residential development. There is no reason to think that they represent a significant impediment to housing delivery.
100. The appellant also argues that the reserved matters application that has been submitted only relates to the first phase. However, the Framework definition of deliverability requires clear evidence that development will start within five years. The appellant accepts that this test is met, by allowing for development in 2026/27. The PPG suggests that deliverability may be demonstrated by evidence of firm progress being made towards the submission of an application. In this case, a reserved matters application has actually been submitted for the first phase. Given that the site is in the hands of a developer with a track record of delivery in the locality, I see no reason to disagree with the Inspector’s findings in *The Street, Bramley* decision. No adjustment should be made to the Council’s figure.

#### Site 2 – Basingstoke Golf Course

101. The site is allocated in the BDLP for around 1,000 dwellings. Outline planning permission was granted in March 2021. The Council’s trajectory assumes 80 dwellings in 2022/23, then 120 dwelling in each of the following years. Reserved matters approvals are in place and development is underway, with 48 completions in 2022/23 and 78 completions in the first half of 2023/24.
102. The appellant accepts that this is a category (a) site<sup>20</sup> which is deliverable but questions the delivery rate in 2023/2024, given the impact of factors such

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<sup>17</sup> The shortfall figures differ from those set out in the housing land supply SoCG because, following the amendments to the Framework, there is no longer a requirement to add a 5% buffer to the requirement (see ID21)

<sup>18</sup> PPG, Reference ID: 68-007-20190722

<sup>19</sup> APP/H1705/W/22/3302752 (CD5.6)

<sup>20</sup> Referring to the first limb of the definition of “*deliverable*” in the Framework - sites with detailed planning permission

as mortgage rates and increases in the cost of living. In my view these are generalised concerns and I attach greater weight to the site-specific evidence. By the midpoint of 2023/2024, a total of 126 units had been completed. That is only around 14 units below the Council's trajectory<sup>21</sup>. I do not regard that as a significant gap in the context of the scale of this site.

103. I note that the projected delivery of 120 dwellings per annum is above the figure of 107 dwellings per annum derived from the Lichfields "*Start to Finish*" report. However, the Lichfields figure is an average, so some sites will have higher rates and others lower. The fact that there were 78 completions in the first half of 2023/2024, and that a further 152 starts had been made, suggests to me that the delivery rate projected by the developer is achievable. No adjustment should be made to the Council's figure.

### Site 3 – Manydown

104. The Council and HCC jointly acquired a 999 lease of the site in 1996 for the purpose of promoting its development. It is a strategic site, allocated in the BDLP for 3,400 dwellings. Outline planning permission has been granted. The land owners have entered a joint venture with Urban and Civic, who are acting as master developer. The delivery trajectory was considered in the appeal decision relating to *The Street, Bramley*, at which point the Council was projecting delivery of 570 dwellings within the five year period. The Inspector noted the complexity of the outline permission. Whilst he considered that the appointment of a master developer was an important step forward, he found that an early start date was not justified. He considered that delivery should be put back to 2025/2026, with 50 dwellings in that year and 200 dwellings in 2026/2027. Those findings are relied on by the Council in the current appeal.
105. *The Street, Bramley* Inquiry was held in January 2023. Since then, there have been reserved matters approvals relating to advanced planting, access and engineering works. That is clear evidence that some progress is being made. Key Phase One of the development would be for up to 1,200 dwellings. However, before reserved matters for Key Phase One can be submitted, a Key Phase Framework needs to be approved (pursuant to condition 7) and a housebuilder needs to be appointed.
106. The Key Stage Framework would be prepared by the master developer. It would have 20 components, including (amongst other matters) a schedule of uses and quantum of development, a design code, development briefs and drainage strategies. Whilst the Council states that preparation of the Framework is underway, nothing is yet in the public domain. Moreover, there was no evidence before the Inquiry that a housebuilder (who would prepare the subsequent reserved matters submissions) has yet been appointed. In addition to these matters, there is an unresolved ownership issue. The two Councils are in the process of deciding how the freehold of the development site might be transferred to the Manydown Company.
107. Drawing all this together, it now seems unlikely that the first reserved matters application will be approved during 2024/2025, enabling completions in 2025/2026. I conclude that the trajectory should be put back by a further

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<sup>21</sup> Assuming delivery is distributed evenly through the year – the trajectory would suggest 80 units for 2022/2023 plus 60 units (being half of 120), totalling 140 units by the middle of 2022/2024

year, with 50 houses delivered in 2026/2027. This results in a deduction of 200 from the Council's supply figure.

#### Site 4 - Hounsome Fields

108. The site is allocated for around 750 dwellings in the BDLP. Outline planning permission was granted in 2017. Reserved matters approvals are in place for the first three phases, with an application having been submitted for the balance of the site. Site works started in 2020 and the first completions were in 2021/2022. The appellant suggests that a 16 unit reduction should be made to the projections for 2023/2024, having regard to the impact of factors such as mortgage rates and increases in the cost of living. However, those are generalised concerns and I attach greater weight to the evidence of completions and starts on site. No adjustment should be made to the Council's figure.

#### Site 5 – Land off Evingar Road

109. The site is allocated for approximately 60 dwellings, together with business development, in the Whitchurch Neighbourhood Plan. In 2018, permission was granted for a hybrid scheme including 60 dwellings and business uses. A reserved matters application for 60 dwellings, which was submitted in May 2021, remains undetermined. Amended plans were submitted in December 2022. This site was considered in the context of *The Street, Bramley*. The Inspector concluded that

*"...in the absence of a decision on the reserved matters, and no timetable presented to me of when that might happen, it seems unlikely that housing could be delivered within the coming financial year. Nonetheless, at only 60 houses, even were the start of delivery to be delayed for two years, it would still be built out within the five year period. With developer involvement, progress on reserved matters and a realistic build out rate, I consider that the site is deliverable."*

110. There is no evidence that progress has been made on reserved matters over the last 12 months. Various consultation responses were made in response to the amended plans submitted in December 2022. The comments submitted by the highway authority appear to be relatively detailed matters that are unlikely to result in an impediment to delivery. However, the urban design comments call for some more significant amendments, including a reduced number of units in part of the site. Those comments were made in February 2023, after *The Street, Bramley* inquiry had finished. The fact that no further amendments have been submitted since then suggests no great urgency on the part of the developer.

111. It is possible that, as the Council suggested, the developer has paused work on the scheme pending resolution of a nutrient neutrality issue. The Council advises that a strategic solution to the nutrient neutrality issue is now available. This may provide the basis for an appropriate assessment to be carried out, addressing concerns raised by Natural England. However, that was also the case at the time of *The Street, Bramley* inquiry. My overall assessment, having regard to the time that the reserved matters application has been pending, together with the lack of progress over the last year and the design concerns that have been raised, is that there is no longer clear evidence

that this site will deliver housing within the five year period. This results in a deduction of 60 units from the Council's supply figure.

#### Conclusion on housing land supply

112. I conclude that 260 dwellings should be deducted from the Council's supply figure of 3,713. This results in a supply of 3,453 which equates to 4.06 years. I return to the policy implications of this finding in the conclusion to this decision.

113. The proposal is for up to 270 units, of which 60% would be market housing. The Council accepts that significant weight should be attached to the delivery of housing. Having regard to all the circumstances of this case, and the general imperative to boost the supply of housing set out in the Framework, I agree.

#### *Affordable housing*

114. The UU provides for 40% of the dwellings to be affordable housing, with a tenure split in accordance with BDLP Policy CN1. The Annual Monitoring Report (2022) states that, in the latest monitoring year, 283 affordable units were delivered against a target of 300. This illustrates the continuing challenge of securing affordable housing. The Council and the appellant agreed that significant weight should be attached to the delivery of affordable housing. I share that view.

#### *Older persons housing*

115. The Framework identifies retirement housing as one of the types of housing need that should be addressed in planning policies. However, the only information before the Inquiry regarding the nature of the proposed older persons housing was that occupancy would be restricted to persons aged 55 or over. This is essentially a component of overall market housing provision. There was no evidence of any specific need that would be met. I therefore attach limited weight to this factor.

#### *Accessibility and space standards of new housing*

116. The appellant states that all of the dwellings would meet the Nationally Described Space Standards and M4(2) accessibility standards. However, most of the houses would be in later phases for which no detailed plans are yet available. Suggested Condition 9 only requires 15% accessible and adaptable homes in any phase for which reserved matters would be submitted. I attach limited weight to this factor.

#### *Open space*

117. The proposals include open spaces in excess of policy requirements. The spaces would include a riverside park, kickabout areas, Locally Equipped Areas for Play, allotments and walkways. Open spaces of various types would be needed to meet the recreational needs of the new residents. Moreover, some of these open spaces would be in later phases, details of which would only be confirmed at reserved matters stage. However, I have commented above that the Phase 1 riverside open spaces would create a new opportunity for the public to enjoy the riparian environment. This opportunity would be readily accessible to existing residents of Enborne Row and Wash Water via the



improved PRow. Overall, I attach moderate weight to the provision of open space and PRow enhancements.

#### *Community building*

118. The UU refers to a building of 1,600sqm for community use. However, there was little information before the Inquiry about the nature of the use that might take place. The UU would provide for the land to be reserved for this use and marketed as such. If a suitable offer were forthcoming, the developer would construct the building. However, that could only happen if a suitable occupier could be found with the resources to take on the costs of occupying and operating the building. If no such occupier were found, the land could then be put to another use.

119. Sovereign Network Group, a housing association operating in the borough, has indicated that its social enterprise team could be involved in marketing the building to community groups and the voluntary sector. On the other hand, EWPC and HPC state that they are not aware of any local groups who would be interested in taking on the running of such a building. Whilst I consider that there is some prospect of this initiative coming to fruition, the degree of uncertainty is such that I attach only limited weight to this factor.

#### *Health contribution and healthcare building*

120. The proposal would generate additional demand for primary healthcare services at Woolton Hill surgery, which is already constrained in terms of space. The UU would provide for a financial contribution to improvements to healthcare facilities to service the development. This contribution would mitigate an impact arising from the development. It is therefore a neutral factor in the planning balance.

121. The UU would provide for the healthcare land to be reserved for provision of a health centre, or other building suitable for the provision of healthcare, and marketed for those purposes. If no suitable offer were received within the marketing period the land could then be put to another use. The Primary Care Team would not support a new health centre at the appeal site, because they consider that such a centre could not be sustainably operated. It therefore appears that any occupier would have to be a private business related to healthcare. Whilst there is a wide range of businesses that would potentially qualify, there was no pertinent evidence before the Inquiry about what type of use (if any) might emerge. Whilst I consider that there is some prospect of a healthcare business coming forward, the degree of uncertainty is such that I attach only limited weight to this factor.

#### *Convenience store*

122. The UU would provide for the convenience store land to be reserved for provision of a convenience store and marketed for that purpose. If no suitable offer were received within the marketing period the land could then be put to another use. Consequently, there is no certainty that a convenience store would be delivered. However, an expression of interest has been received from Trio Management Ltd, an operator of local convenience stores under the Londis/Nisa brand.

123. Whilst an expression of interest does not amount to a formal commitment, this operator has delivered such a store as part of a residential development

scheme elsewhere in the borough and has also assessed the sales revenues that could be achieved at the appeal site. I consider that the proposed store would be well placed to serve existing residents of Enborne Row and Wash Water as well as new residents of the appeal site. No doubt it would also attract passing trade from Andover Road, which is a main radial route into Newbury. In my view there is a reasonable prospect that a convenience store would be delivered and I attach moderate weight to this factor.

#### *Employment and other economic benefits*

124. The ES includes an assessment of the employment that would be generated during the construction of the appeal scheme. However, employment during the construction phase would be temporary. There would also be increased spending in the local economy during the operational phase. The appellant suggests that Council tax receipts and New Homes Bonus should be treated as economic benefits. However, there is no evidence that such receipts would be used in a way that would make the development acceptable in planning terms so I have not treated them as a benefit in the planning balance. Overall, I attach moderate weight to employment and other economic benefits.

#### *Biodiversity net gain*

125. The appellant has submitted a biodiversity net gain (BNG) matrix which shows a net gain of 22.30% in habitat units. EWPC and HPC point out that this relies on the enhancement of pasture land north of the river, which is in the area of WBC. However, this point is addressed in the UU which includes obligations made specifically to WBC. The BNG measures within WBC's area would be secured in the same way as those within the Council's area.

126. The BNG matrix is calculated on the hybrid scheme so much of the BNG land would be in later phases. Other than in Phase 1, the open space proposals are illustrative, although the layout would be subject to reserved matters approval. The UU only requires a 10% increase in habitat units<sup>22</sup>. To my mind the projected level of BNG may well be achievable but it has not been secured at this stage. I therefore attach limited weight to it as a planning benefit. Nevertheless, it has been shown that the proposal would avoid significant harm to biodiversity<sup>23</sup> and that it includes measures to contribute to a net gain in biodiversity. It would therefore accord with BDLP Policy EM4.

#### *Transport measures*

127. The proposed transport measures include travel planning, school travel planning, electric vehicle charging infrastructure, provision for bus movements within the site and junction improvements at the site access. In my view these measures are required to mitigate the transport impacts of the development. They are neutral factors in the planning balance.

128. The transport measures also include 1.8km of off-site footway/cycleway works and public transport contributions over an eight year period. These measures are also required to mitigate the transport impacts of the development. However, they would also extend the opportunities for

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<sup>22</sup> Definition of Required Unit Creation in Part 6 of Schedule 2 and Part 3 of Schedule 4

<sup>23</sup> The site is not subject to any designations. The application was supported by an ecological appraisal which included surveys of protected and notable species together with appropriate avoidance and mitigation measures

sustainable transport choices to existing residents of Enborne Row and Wash Water. I attach moderate weight to this benefit.

### **Other matters**

129. The officer's report notes that there were 179 objections to the application and two letters of support. Further letters of objection were received in response to the appeal. Many of the matters raised in these representations have been discussed above. In addition, a number of representations raised concerns relating to traffic and highway safety.
130. The application was supported by a transport assessment which included the assessment of relevant off-site junctions. HCC and the appellant have agreed a transport SoCG which records that HCC has assessed the junction modelling and is satisfied that the junctions would continue to operate within capacity. HCC considers that the proposals would not result in a severe residual cumulative traffic impact. HCC is also satisfied that the proposal would provide a safe and suitable access from Andover Road. A Stage 1 Road Safety Audit has been carried out and there are no outstanding concerns. WBC is the highway authority for Andover Road north of the River Enborne. Whilst WBC objects on sustainable transport grounds, (which have been discussed above), no objection is raised in terms of highway safety or capacity.
131. I conclude that highway safety and capacity have been properly taken into account through the application process. The proposal would accord with BDLP Policy CN9 and EWNP Policy TT1, which together seek to promote a safe, efficient and convenient transport system. It would also accord with the policies of the Framework relating to network capacity and highway safety.

### **Conclusion**

#### *The Development Plan*

132. As the application is hybrid, it should be noted that the later phases cannot be assessed against policies that deal with any design or layout matters that would be determined at reserved matters stage. Moreover, the EWNP only covers the western part of the site, so is not relevant to Phase 1 which is in the eastern part of the site.
133. For the reasons given above, I consider that the proposal would accord with the following BDLP policies:
- EM4 – biodiversity, geodiversity and nature conservation;
  - EM5 – green infrastructure;
  - EM7 – managing flood risk;
  - EM10 – delivering high quality development;
  - CN1 – affordable housing;
  - CN6 – infrastructure; and
  - CN9 – transport.

134. It would also accord with the following EWNP Policies:

- NE5 – trees and hedgerows;
- TT1 – traffic and parking; and
- CF2 – recreation.

135. I consider that the proposal would conflict with the following BDLP policies:

- EM1 – landscape;
- SS1 – scale and distribution of new housing; and
- SS6 – new housing in the countryside.

136. It would also conflict with the following EWNP policies:

- HO2 – settlement boundary and building in the countryside; and
- NE1 – protecting the landscape

137. BDLP Policy SD1 sets out a presumption in favour of sustainable development. The policy includes the following:

*“When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.”*

and

*“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.”*

138. Policy SD1 is in similar, although not identical, language to that used in paragraph 11 of the Framework. The policy is expressly stated to “reflect” the presumption in favour of sustainable development contained in the Framework. To my mind the intention is that the policy should be applied in broadly the same way as the Framework. It follows that my assessment of whether “relevant policies are out of date” (for the purposes of Policy SD1) should follow the approach that would be taken to decide whether “the policies which are most important for determining the application are out-of-date”, for the purposes of paragraph 11(d) of the Framework.

139. The Council and the appellant are in agreement that, in circumstances where the BDLPU has been published for consultation, the Framework requires that the Council should be able to demonstrate a four year supply of deliverable housing sites<sup>24</sup>. As I have concluded that the Council can demonstrate a 4.06

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<sup>24</sup> See the Framework, paragraph 226, together with PID8 and PID9

year supply, the relevant policies are not to be regarded as being out-of-date as a consequence of the housing land supply position.

140. I consider that the relevant policies are those that I have listed above. The appellant's evidence was that BDLP Policy SS1 (scale and distribution of new housing); BDLP Policy SS6 (new housing in the countryside) and EWNP Policy HO2 (settlement boundary and building in the countryside) are out-of-date. Even though the EWNP was made relatively recently, it was prepared on the basis of the housing requirement in the BDNP and does not contain any housing allocations. The Council did not challenge the appellant on these matters. I agree that these policies are out-of-date. The scale and distribution of new housing, and the settlement boundaries designed to deliver the housing needed, are more than five years old and are being reviewed through the DBLPU. Moreover, it is common ground that housing delivery over the plan period (from 2011 up to March 2022) was 769 dwellings lower than the plan requirement over the same period<sup>25</sup>. Thus, the spatial strategy is not currently delivering the housing requirement that the plan was intended to deliver.
141. The Council and the appellant agree that all of the other relevant policies listed above are up to date. I share that view. However, although the policies that are agreed to be up to date are more numerous, it does not follow that the relevant policies as a whole should be regarded as up to date. In my view, the policies that are intended to shape the spatial strategy (SS1, SS6 and HO2) are fundamental to what the plan seeks to achieve. As these policies are out-of-date, I consider that the relevant policies as a whole are out-of-date. It follows that the balancing exercise set out in Policy SD1 is engaged.
142. When carrying out that balancing exercise, the adverse impacts are the landscape and visual effects, to which I attach moderate weight, and the conflict with the spatial strategy of the development plan, to which I attach limited weight because the spatial strategy is out-of-date.
143. The benefits are the delivery of market housing (significant weight); delivery of affordable housing (significant weight); open space and improvements to the PRow (moderate weight); convenience store (moderate weight); employment and other economic benefits (moderate weight); and improved choice of transport modes for new and existing residents (moderate weight).
144. I conclude that the adverse impacts would not significantly and demonstrably outweigh the benefits. Moreover, there are no specific policies in the Framework that indicate that development should be restricted. Policy SD1 therefore indicates that planning permission should be granted.
145. Looking at the development plan as a whole, the proposal would accord with those policies I have identified above together with Policy SD1. On the other hand, it would conflict with the spatial strategy (Policies SS1, SS6 and HO2) and the landscape policies (Policies EM1 and NE1). Given that the spatial strategy is out-of-date, and that the degree of landscape harm is only of moderate weight, my overall conclusion is that the proposal is in accordance with the development plan as a whole.

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<sup>25</sup> Housing Land Supply Statement of Common Ground, paragraph 1.21

### *Other material considerations*

146. The Framework is a material consideration. In my view the policies that are most important for determining the appeal are out-of-date for the reasons given above. However, it is not necessary to carry out the balancing exercise set out in paragraph 11(d) because the proposal is in accordance with the development plan. Even if that exercise were carried out, it would take account of the same factors that apply to the Policy SD1 balancing exercise. It would also reach the same conclusion, which is that the adverse impacts would not significantly and demonstrably outweigh the benefits. There are no policies of the Framework that provide a clear reason for refusing the proposal. Accordingly, the Framework is a material consideration that can only add to the case in favour of the appeal.
147. I have not identified any other material considerations that indicate a decision other than in accordance with the development plan.

### *Overall conclusion*

148. The proposal is in accordance with the development plan as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan. The appeal should therefore be allowed.

### **Conditions**

149. The Council and the appellant agreed a schedule of suggested conditions which were discussed at the Inquiry. I have reviewed the suggested conditions in the light of Planning Practice Guidance. Whilst I have made some minor changes in the interests of clarity, the conditions that I have imposed are in substance those discussed at the Inquiry. Some pre-commencement conditions are required to address impacts that would arise during the construction phase. These have been agreed by the appellant.
150. Condition 1 requires development to be in accordance with the approved plans, in the interests of clarity and certainty. Conditions 2, 3 and 4 are standard for outline planning permissions. Conditions 5, 6, 7 and 8 require approval of details of external materials, hard and soft landscaping, boundary treatments and levels in the interests of the character and appearance of the area. Condition 9 requires the provision of an appropriate proportion of accessible and adaptable homes in accordance with the development plan. Condition 10 sets a standard for water efficiency in the interests of sustainable development.
151. Condition 11 requires the approval of a Construction Environmental Management Plan in the interests of protecting the living conditions of nearby residents. Condition 12 requires the approval of measures to deal with contaminated land, Condition 13 requires verification that those measures have been carried out and condition 14 requires sampling of material brought onto the site. These conditions are necessary to manage risks of pollution due to contaminated land. Condition 15 requires approval of measures to protect the proposed dwellings from road traffic noise, in the interests of protecting the living conditions of future residents. Condition 16 requires approval of a surface water drainage scheme and Condition 17 secures the implementation of mitigation measures identified in the Flood Risk Assessment. These conditions are necessary in the interests of managing risks of flooding.

152. Condition 18 requires the approval of a Construction Ecological Management Plan and Condition 19 requires the approval of a Landscape and Ecological Management Plan. These conditions are necessary to protect wildlife and habitats during the construction and operational phases of the development. Condition 20 restricts the use of piling in the interests of protecting groundwater resources. Condition 21 requires the approval of a Written Scheme of Investigation in the interests of protecting the archaeological potential of the site. Condition 22 requires approval of a Construction Management Plan in the interests of securing any viable mineral resources within the site. Condition 23 requires approval of a Construction Method Statement in the interests of highway safety and to mitigate impacts on the highway network.
153. Conditions 24, 25 and 26 require the access works, pedestrian and vehicle areas and turning facilities to be in place before dwellings are occupied, in the interests of highway safety, to achieve a satisfactory layout and to ensure that surface water drainage is available. Condition 27 limits the gradients of private drives and condition 29 requires a condition survey of Andover Road, in the interests of highway safety. Condition 28 requires details of bus stops within the site, Condition 30 requires details of electric vehicle charging points and Condition 36 requires provision of cycle parking, in the interests of sustainable transport. Condition 31 requires implementation of the parking spaces shown on the approved plans, to ensure that proper provision is made for the vehicles of future occupiers. Condition 32 requires details of the surfacing of the PRow through the site and Condition 33 seeks details of the means of enabling cycles to use the route, in the interests of prioritising walking and cycling.
154. Condition 34 requires details of external lighting to be submitted in the interests of the character and appearance of the area and biodiversity. Condition 35 requires details of refuse and recycling storage to be submitted in the interests of highway safety and sustainable development. Condition 37 requires obscure glazing to be provided for bathrooms and Condition 38 restricts the addition of flank windows to specified units, in the interests of privacy and the living conditions of future occupiers. Condition 39 requires approval of a Tree Protection Plan and Arboricultural Method Statement, Condition 40 requires submission of details of works within root protection areas and Condition 41 requires the implementation of tree protection measures. These conditions are necessary in order to protect trees that are important to the character and appearance of the area.
155. Condition 42 requires submission of design codes for later phases of development, in the interests of securing good design. Conditions 43 and 44 require approval of details of Local Equipped Areas for Play and kickabout areas, in the interests of meeting the needs of future residents for appropriate outdoor play facilities.

*David Prentis*

Inspector

## APPEARANCES

FOR THE APPELLANT	
Rupert Warren KC	Counsel, instructed by RPS
Cameron Austin-Fell BA(Hons) MSc MRTPI	RPS
Clare Brockhurst FLI BSc(Hons) DipLA	Leyton Place Limited
Jonathan Vernon-Smith BSc(Hons) DipArch RIBA RPUD	Urban Design Box
Ola Holmstrom MSc CIV-ING	RPS
Steve Jenkins MRTPI MCIHT MSc BSc	i-Transport LLP
FOR THE COUNCIL	
James Neill	Counsel, instructed by Legal Services, Basingstoke and Deane Borough Council
Brigid Taylor BSc MSc LLB MRTPI PIEMA MIENVS	Bell Cornwell
Anne Priscott BA(Hons) CMLI	Anne Priscott Associates Ltd
John Dawson BSc(Hons) DipTP MA MRTPI	Basingstoke and Deane Borough Council
INTERESTED PARTIES	
Steve Lees MRTPI	Planning Consultant, on behalf of East Woodhay Parish Council, Highclere Parish Council and Enborne River Valley Preservation Society
Christopher Garrett	Chairman, Enborne River Valley Preservation Society
Cllr Graham Falconer	Ward Councillor, Basingstoke and Deane Borough Council



Alan Johnson	Local resident
<i>In addition, the following assisted with the round table sessions on planning conditions and planning obligations:</i>	
Steven Drury	RPS, for the appellant
Josepha Horne	Penningtons Manches Cooper, for the appellant
Nicola Williams	Basingstoke and Deane Borough Council (Planning)
Emma Bethell	Basingstoke and Deane Borough Council (Legal Services)
Jake Brown	West Berkshire Council
Philip Millard	Hampshire County Council
Jonny Elliot	Consultant, for Hampshire County Council (Highways)

**DOCUMENTS SUBMITTED AT THE INQUIRY**

ID1	Appearances for the appellant
ID2	Suggested planning conditions (8 December 2023)
ID3	Opening statement for the appellant
ID4	Opening statement for the Council
ID5	Bus Service Contribution Note by i-Transport (7 December 2023)
ID6	Christopher Garrett's presentation for ERVPS
ID7	Manydown Phasing and Delivery Strategy (January 2023)
ID8	Report to Manydown Overview Committee 23 November 2023
ID9	Delivery of on-site facilities note by RPS (18 December 2023)
ID10	Primary Care Team response to the application (18 August 2023)
ID11	Plan overlaying site features on hybrid masterplan
ID12	Draft S106 Unilateral Undertaking (13:00hrs 20 December 2023)
ID13	Suggested planning conditions V5
ID14	Draft S106 Unilateral Undertaking (15:30hrs 20 December 2023)
ID15	The Council's comments on new National Planning Policy Framework
ID16	The appellant's comments on new National Planning Policy Framework
ID17	Aspect Ecology Plan 5882/BNGA4
ID18	Letter from Department for Levelling Up, Housing and Communities to West Berkshire Council (19 December 2023)
ID19	Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30; on appeal from [2020] EWCA Civ 1440
ID20	Further response of EWPC, HPC and ERVPS to the UU (20 December 2023)
ID21	Note by RPS - Basingstoke 2022 HDT - Implications
ID22	Closing submissions for the Council
ID23	Closing submissions for the appellant

**DOCUMENTS CONSIDERED AFTER THE INQUIRY**

PID1	S106 Unilateral Undertaking dated 21 December 2023
PID2	Email from Penningtons Manches Cooper dated 22 December 2023 listing minor changes to the Unilateral Undertaking since the round table session at the Inquiry on 20 December 2023
PID3	Response of EWPC, HPC and ERVPS to the UU by Steve Lees dated 18 December 2023
PID4	The Council's response to PID3
PID5	The appellant's response to PID3
PID6	Email from the Council dated 10 January 2024 advising of decision to approve the Basingstoke and Deane Local Plan Update for consultation
PID7	Inspector's written questions arising from PID6 (email from the Planning Inspectorate dated 11 January 2024)
PID8	The Council's response to the Inspector's written questions (email from the Council dated 19 January 2024)
PID9	The appellant's response to the Inspector's written questions (attached to email from RPS dated 19 January 2024)

## CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

### Outline

- Site Location Plan – D2913\_FAB\_01\_XX\_DR\_L\_1200\_P05
- Hybrid Illustrative Masterplan - D2913-FAB-00-XX-M2-L-1100 Rev 12
- Building Heights Plan - D2913-421 Rev B
- Density Parameter Plan - D2913-422 Rev C

### Phase 1 Plans

- Phase 1 Masterplan - D2913-FAB-01-XX-DR-L-1200 Rev 10
- Phase 1 Landscape Strategy - D2913-FAB-01-XX-DR-L-1400 Rev 07
- Wall and Fence Details – No. 54
- Garage Details – 1559\_55-1
- Garage Details – 1559\_55-2 Rev A
- Parking Strategy Plan – 1559\_95 Rev D
- Fire Tender Access Plan – 1559\_96 Rev D
- Solar Panel Installation Plan – 1559\_97 Rev C
- Refuse Strategy Plan – 1559\_98 Rev C
- Affordable Housing Tenure Plan – 1559\_99 Rev C
- Planning Layout (Phase 1) – 1559\_100 Rev D
- Coloured Planning Layout (Phase 1) – 1559\_100-1 Rev D
- Materials Layout – 1559\_110 Rev D
- Landscaping Layouts Sheet 1 of 4 (1559 101-1 Rev C)
- Landscaping Layouts Sheet 2 of 4 (1559 101-2 Rev C)
- Landscaping Layouts Sheet 3 of 4 (1559 101-3 Rev C)
- Landscaping Layouts Sheet 4 of 4 (1559 101-4 Rev C)
- Proposed Site Access Arrangements - ITB16428-GA-003 REV H
- Secondary Construction Access - ITB16428-GA-020
- Surface Water Drainage Strategy Layout - DG002 Rev H
- Foul Drainage Strategy Layout - DG003 Rev F
- Phase 1 Detailed Drainage Strategy Layout – DG004 Rev G
- Phase 1 SW Catchment Plan – DG005 Rev G
- Phase 1 Preliminary Finished Level Layout – DG006 Rev F
- Phase 1 Retaining Wall Layout – DG007 Rev E
- Phase 1 Retaining Wall Details – DG008 Rev B
- Phase 1 House types Pack (October 2022)
  - o House Type Berwick - HT-Be-01 & HT-Be-02
  - o House Type Brockenhurst - HT-Br-01 & HT-Br-02
  - o House Type Bucklebury - HT-Bu-01; HT-Bu-02 & HT-Bu-03
  - o House Type Draycott - HT-Dr-01 Rev A; HT-Dr-02 Rev A & HT-Dr-03 Rev A
  - o House Type Goodworth - HT-Go-01 Rev A; HT-Go-02; HTGo-03; HT-Go-04
  - o House Type Hendred - HT-He-01 Rev A & HT-He-02 Rev A
  - o House Type Lavington - HT-La-01 & HT-La-02 Rev A
  - o House Type Marcham - HT-Ma-01 Rev A & HT-Ma-03 Rev A
  - o House Type Monkton - HT-Mn-01; HT-Mn-02 Rev A & HT-Mn-03
  - o House Type Penwood - HT-Pe-01 Rev A; HT-Pe-02 Rev A; HT-Pe-03 Rev A; HT-Pe-04 & HT-Pe-05 Rev A
  - o House Type Radley- HT-Ra-Ra-01 & HT-Ra-03

- House Type Radley and Woolton - HT-Ra-Wo-01 & HT-Ra-Wo-02
  - House Type Sandford and Upavon - HT-Sa-Up-01 & HT-Sa-Up-02
  - House Type Scotney - HT-Sc-01 Rev B; HT-Sc-02 Rev B & HT-Sc-03 Rev B
  - House Type Sherbourne - HT-Sh-01 & HT-Sh-02
  - House Type Upavon - HT-Up-01 Rev A & HT-Up-02 Rev A
  - House Type Lavington and Upavon - HT-La-Up-01 & HT-LaUp-02
  - House Type Wickham - HT-Wi-01 & HT-Wi-02
  - House Types Winterbourne and Penwood - HT-Wi-Pe-01 Rev A; HT-Wi-Pe-02; HT-Wi-Pe-02 Rev A; HT-Wi-Pe-03 Rev A; HT-Wi-Pe-04; HT-Wi-Pe-04 Rev A; HT-Wi-Pe-01; HT-Wi-Pe-02; HT-Wi-Pe-03; HT-Wi-Pe-04)
2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.
  3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission.
  4. Approval of the details of the layout, scale, appearance of the proposed buildings, and the landscaping of the outline element of the development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced other than in Phase 1.
  5. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the types, textures and colours of all external materials to be used together with samples have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
  6. Notwithstanding the details submitted, no development within Phase 1 (or subsequent phases as approved through reserved matters) shall take place above ground floor slab level for any building until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include as appropriate:
    - a) finished levels or contours;
    - b) means of enclosure;
    - c) car parking layouts;
    - d) vehicle and pedestrian access and circulation areas;
    - e) hard surfacing materials; and
    - f) minor artefacts and structures such as furniture, refuse or other storage units, signs, lighting and external services.

Soft landscape details shall include planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, planting sizes and

proposed numbers/densities where appropriate, as well as a schedule of tree planting to include the specification of tree planting pits 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.

In addition, implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before development commences. If applicable, these details will also extend to cover areas of open space to be adopted by the Council, such areas shall be agreed in writing prior to development commencing.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of that phase 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 a similar species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

7. No development of any building above ground floor slab level within Phase 1 (or subsequent phases as approved through reserved matters) shall commence on site until plans have been submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials/species and types of boundary treatment to be erected/planted, including any details of the boundary treatment to be provided within or around public open space areas. The development shall be carried out in accordance with the approved details for that phase and completed before any dwelling is occupied.
8. No development shall commence until a measured survey has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Applications for the approval of reserved matters in any phase (other than Phase 1) shall be in accordance with Policy CN3 of the Basingstoke and Deane Local Plan 2011-2029 with particular regard to the provision of an appropriate housing mix and implementation of 15% accessible and adaptable homes. The development shall be carried out in accordance with the approved details for that phase.
10. No development within Phase 1 (or subsequent phases as approved through reserved matters) shall be occupied/brought into use until a technical report

and a certification of compliance demonstrating that the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) or confirmation that this standard cannot be met on technical or viability grounds has been submitted (by an independent and suitably accredited body) to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details for that phase.

11.No development within Phase 1 (or subsequent phases as approved through reserved matters) shall take place until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The CEMP shall include:

- a) procedures for maintaining good public relations including complaint management, public consultation and liaison;
- b) arrangements for liaison with the Council's Environmental Protection Team;
- c) all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed in writing with the Local Planning Authority, shall be carried out only between the following hours: 0730 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays;
- d) deliveries to and removal of plant, equipment, machinery, materials and waste from the site shall only take place within the permitted hours detailed above;
- e) mitigation measures as defined in *BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites* shall be used to minimise noise disturbance from construction works;
- f) procedures for emergency deviation of the agreed working hours;
- g) control measures for dust and other air-borne pollutants; and
- h) measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved CEMP shall be adhered to throughout the construction period for that phase.

12.No works pursuant to this permission shall commence until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants or gases has been submitted to and approved in writing by the Local Planning Authority.

- a) The scheme shall include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works.
- b) The scheme shall ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990.

- c) If necessary the scheme shall include proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified by these reports it shall be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

13. No development within Phase 1 (or subsequent phases as approved through reserved matters) shall be occupied/brought into use until verification by the competent person approved under the provisions of condition 12 that any remediation scheme approved under the provisions of condition 12 has been implemented in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, such verification shall comprise as built drawings of the implemented scheme, photographs of the remediation works in progress and certificates demonstrating that material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 12.
14. The development hereby permitted shall not be occupied/brought into use until certificates demonstrating that sufficient sampling of imported material has taken place and that the imported material is free from unacceptable levels of contamination have been submitted to and approved in writing by the Local Planning Authority. Sampling shall take place in situ at a frequency of 1 per 100m<sup>3</sup>.
15. No development shall take place on site until a scheme for protecting the proposed dwellings from road traffic noise from the nearby A34 has been submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation scheme shall have regard to the Basingstoke and Deane "*Noise assessments and reports for planning applications – Guidance Note for developers and consultants.*" The following noise levels shall be achieved with mitigation in place:
  - a) internal day time (0700 - 2300) noise levels shall not exceed 35dB  $L_{Aeq, 16hr}$  for habitable rooms (bedrooms and living rooms with windows open);
  - b) internal night time (2300 - 0700) noise levels shall not exceed 30dB  $L_{Aeq}$  with individual noise events not exceeding 45dB  $L_{A_{fMax}}$  (windows open); and
  - c) garden areas shall not exceed 55 dB  $L_{Aeq, 16hr}$ .

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 shall be specified to supply outside air to habitable rooms with windows closed.

The development shall be carried out in accordance with the approved scheme and shall thereafter be permanently retained as such.

16.No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment (Ref: HLEF76836 Version 2 dated 20 October 2021 by RPS group) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) a technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment;
- b) 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;
- c) detailed hydraulic calculations for all rainfall events, including those listed below. The hydraulic calculations shall take into account the connectivity of the entire drainage system, including the discharge location. The results should include design and simulation criteria, network design and results tables, manholes schedule, tables and summary of critical results by maximum levels during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features shall have the same datum as the submitted drainage layout;
- d) confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained;
- e) confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753;
- f) exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria; and
- g) details of the long-term maintenance arrangements for the surface water drainage system including maintenance schedules for each drainage feature type and ownership and details of protection measures.

The surface water drainage shall be carried out in accordance with the approved scheme prior to the occupation of any dwelling or in accordance with any phasing arrangements that have been included in the approved scheme and shall thereafter be permanently retained as such.

17.The development shall be carried out in accordance with the submitted Flood Risk Assessment (Ref HLEF76836 Version 2 dated 20 October 2021 by RPS group) and the following mitigation measures:

- a) all built development shall be located outside of the 1% annual probability plus 35% climate change flood extent as shown in Figure 3;
- b) there shall be no raising of existing ground levels on the site within the 1% annual probability plus 35% climate change flood extent as shown in Figure 3;
- c) any walls or fencing constructed within the 1% annual probability plus 35% climate change flood extent as shown in Figure 3 shall be designed to be permeable to flood water; and



- d) there shall be no storage of materials or spoil within the 1% annual probability plus 35% climate change flood extent as shown in Figure 3.

These mitigation measures shall be fully implemented prior to occupation or in accordance with any timing/phasing arrangements approved pursuant to Condition 16. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

18.No development within Phase 1 (or subsequent phases as approved through reserved matters) shall take place until a Construction Ecological Management Plan (CEcolMP) that is in accordance with the approach outlined in the Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority. The CEcolMP shall include the treatment, aftercare and maintenance of any environmentally sensitive areas, as well as a plan showing how the environment will be protected during the works and details of the following:

- a) the timing of the works;
- b) construction methods;
- c) pollution protection methods to prevent contaminated surface water run-off entering watercourses;
- d) mitigation measures to minimise potential disturbance and damage to existing and newly created habitats and their associated species;
- e) habitat areas to be protected as identified in the Ecological Appraisal;
- f) a plan detailing the protection and/or mitigation of damage to populations of the European otter and their habitat along the river Enborne and its tributary; and
- g) information on the persons/bodies responsible for particular activities associated with the CEcolMP that demonstrates they are qualified for the activity they are undertaking, for example an Ecological Clerk of Works.

The works shall be carried out in accordance with the approved CEcolMP.

19.No development within Phase 1 (or subsequent phases as approved through reserved matters) shall take place until a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be carried out as approved and any subsequent variations shall be approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a) a plan showing the undeveloped buffer zones alongside the River Enborne (which shall be a minimum of 10m) and both sides of the tributary stream (which shall be a minimum of 5m). These zones shall be free of all development including hard standing, car parks and formal footpaths;
- b) details of any proposed footpaths, fencing and lighting. Access to the watercourses shall be carefully designed and controlled to retain

- undisturbed areas for riparian species, particularly otters. There shall be no light spill onto the river corridors;
- c) details of enhancements to the River Enborne and its tributary stream that flows south to north through the centre of the site;
  - d) a phased Wildlife Enhancement Management Plan describing mitigation and enhancements for protected species including bats, badgers, otters, hedgehogs, nesting birds, amphibians, reptiles, and invertebrates;
  - e) details of ecological enhancements including the new semi-natural habitats that will be created on site;
  - f) details of the extent and type of new planting that shall be native species of the UK (preferably of local provenance); and
  - g) details demonstrating how the watercourses and adjacent land will be managed and maintained over the longer term including adequate financial provision and named body responsible for management.

20. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

21. No development in any development phase shall take place until the applicant has secured the implementation of a programme of archaeological evaluation and a programme of archaeological mitigation of impact for that phase, based on the results of trial trenching in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation shall include arrangements for appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

22. Prior to any development commencing on site, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority which includes the following:

- a) a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
- b) a method to record the quantity of recovered mineral (for re-use on site or off-site) and to report this data to the Mineral Planning Authority.

Development shall be carried out in accordance with the approved plan.

23. No development in any development phase shall take place (including any works of demolition) until a Construction Method Statement (CMS) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include scaled drawings illustrating the provision for:

- a) parking of site operatives and visitors' vehicles;
- b) loading and unloading of plant and materials;
- c) management of construction traffic and access routes;

- d) storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- f) Construction Traffic Management Plan to include:
  - i. construction traffic routes to the site;
  - ii. the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods;
  - iii. the implications for and management of Highclere Public Footpaths 9 and 742 and East Woodhay Public Footpath 42 during construction, which shall be sufficient to ensure continued, priority public access and safety along the public footpaths during construction; and
  - iv. an estimate of the daily movement of the construction traffic;
- g) the hours of construction work and deliveries;
- h) details of waste management arrangements;
- i) consideration of emissions to air, water and land, including noise and vibration, dust, general discharges and appropriate mitigation strategies;
- j) the storage of materials and construction waste, including waste recycling where possible;
- k) risk assessments and method statements; and
- l) contact details of personnel responsible for the construction works.

Development shall be carried out in accordance with the approved CMS.

24. Prior to first occupation, the means of vehicular access to the site and associated highway works shall have been constructed in accordance with the approved plan (Drg No. ITB16428-GA-003 Rev. H). No structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plan.

25. The development within Phase 1 (or subsequent phases as approved through reserved matters) shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plans for that phase have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.

26. The development shall not be brought into use until turning facilities have been provided in accordance with the details shown on the approved plans. The turning facilities shall be available for use by vehicles and kept free from obstruction throughout the lifetime of the development.

27. The gradient of the drives shown on the submitted plans shall not exceed 1:12. The drives shall thereafter be retained as such throughout the life of the development.

28. A detailed scheme for the type and location of bus stops, to include timing of delivery, which will be provided within the site for each phase, including interim arrangements, shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of that phase. The agreed works shall be implemented in accordance with the agreed details.
29. The development shall not commence until a road condition survey of the A343 along the length of the site frontage has been submitted to and approved in writing by the Local Planning Authority. The scope of the survey shall first be approved by the Local Planning Authority. The findings of the condition survey shall be monitored and reported to the Local Planning Authority at least every 6 months throughout the construction period and any defects or damage attributable to construction activity shall be rectified within 3 months of the defect being identified.
30. Prior to the first occupation of any of the dwellings in any phase, a scheme for the provision of Electric Vehicle Charging Infrastructure for both unallocated and allocated parking spaces in that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved scheme.
31. No dwelling or building shall be occupied until the vehicle parking space for that dwelling or building has first been provided in accordance with the approved details and the vehicle parking space shall thereafter be permanently retained for the parking, loading and unloading of vehicles.
32. Prior to the first occupation of Phase 1, details of the specification and delivery of works to lay a new surface of Highclere Public Footpaths 9 and 742 and East Woodhay Public Footpath 42 shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as approved prior to occupation of the 30th dwelling in Phase 1.
33. Prior to the first occupation of Phase 1, details of the agreement made with Hampshire County Council to dedicate cycle rights (either as a Public Bridleway or as a Cycleway) along the future diversion route of Highclere Public Footpaths 9 and 742 and East Woodhay Public Footpath 42 shall be submitted to and approved in writing by the Local Planning Authority.
34. Prior to first occupation of any phase a scheme for external lighting and street lighting for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be in accordance with the requirements of category E2 (Low district brightness) from Table 2 of the *Institute of Lighting Professional Guidance Note 01/21 – The Reduction of Obtrusive Lighting*. The development shall be carried out in accordance with the approved plans.
35. The development hereby permitted shall not be occupied until refuse and recycling storage and collection facilities have been provided in accordance with detailed drawings which have been submitted to and approved in writing by the Local Planning Authority. The drawings shall show the position, design, materials and finishes of the said facilities. Development

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

36. No part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings which have been submitted to and approved in writing by the Local Planning Authority. The drawings shall show the position, design, materials and finishes of the said facilities. Development shall be carried out, and thereafter retained, in accordance with the approved details.
37. All bathroom and ensuite windows in elevations of the proposed dwellings in Phase 1 shall be glazed with obscured glass, to at least the equivalent of Pilkington level 4 standard. The window and glazing shall be installed prior to occupation of the development and shall be permanently retained in that condition.
38. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings at first floor shall be inserted in the following dwellings in Phase 1:
- Northern elevation of the dwelling in Plot 64
  - Northern elevation of the dwelling in Plot 79
  - Southern elevation of the dwelling in Plot 70
  - Southern elevation of the dwelling in Plot 73
  - Northern elevation of the dwelling in Plot 72
  - Western elevation of the dwelling in Plot 52
  - Southern elevation of the dwelling in Plot 40
  - Western elevation of the dwelling in Plot 44
  - Eastern elevation of the dwelling in Plot 45
  - Southern elevation of the dwelling in Plot 47
  - Northern elevation of the dwelling in Plot 30
  - North western elevation of the dwelling in Plot 4
  - North eastern elevation of the dwelling in Plot 15

without the prior permission of the Local Planning Authority on an application made for the purpose.

39. No development or other operations within Phase 1 (or subsequent phases as approved through reserved matters) shall commence until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), prepared in accordance with the British Standard "*Trees in Relation to Design, Demolition and Construction to Construction - Recommendations*" (BS 5837) (2012), has been submitted to and approved in writing by the Local Planning Authority. The AMS shall identify any trees on and adjacent to the site that need to be pruned and/or removed to facilitate the development. The AMS and TPP shall detail the location and specification for protective fencing and ground protection for all retained trees and boundary hedges, identify areas for the storage and handling of building materials and include a detailed specification for utility and service installations along with any other measures, including special engineering solutions where necessary, required to safeguard trees. The AMS shall also outline measures to ensure that any

tree work operations do not impact on protected species. The development shall be carried out in accordance with the approved TPP and AMS.

40.No development within Phase 1 (or subsequent phases as approved through reserved matters) shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) any alterations to ground levels within 5 metres of the minimum Root Protection Areas, calculated in accordance with BS 5837 (2012) recommendations (or any subsequent revision), for all existing retained trees within the site and on neighbouring land adjacent to the approved development. The details shall include:
  - i. existing and proposed finished levels;
  - ii. any soil level re-grading in relation to existing retained trees and hedges; and
  - iii. any retaining structures required to address level differences adjacent to retained trees and hedges and other vegetation; and
- b) a programme and method of implementation

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

41.The protective fencing and other protection measures specified in the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) approved pursuant to Condition 39 shall be erected and installed prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity, including building works and storage of materials, shall occur at any time within this protected area.

42.The reserved matters for subsequent development phases (excluding Phase 1) shall be designed in accordance with design codes that have been submitted to and approved in writing by the Local Planning Authority, either prior to or as part of subsequent reserved matters applications.

43.Prior to occupation of any dwelling within Phase 1, a 450sqm Local Equipped Area for Play (LEAP) shall have been delivered in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The LEAP shall be provided in the location indicated on Hybrid Masterplan drawing no. D2913\_FAB\_01\_XX\_M2\_L\_1100\_Rev 12.

Prior to the commencement of any later phases, details of any Local Equipped Area of Play (LEAP) to be provided within that phase shall first have been submitted to and approved in writing by the Local Planning Authority. The LEAP shall be installed in accordance with the approved details in a timescale to be approved by the LPA as part of the submitted details.

44.Prior to the commencement of any development within Phase 1, details of an 875 square metre Kickabout Area to be delivered as part of that phase shall

have been submitted to and approved in writing by the Local Planning Authority and that Kickabout Area shall have been delivered in accordance with the agreed details prior to occupation of any dwelling.

No later residential phases of the development shall be commenced until a 1,600 square metre Kickabout Area has been delivered in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

*End of schedule*