



*Basingstoke  
and Deane*

**APPEAL BY: David Wilson Homes Southern**

**RE: Land at Marnel Park, Basingstoke**

**INSPECTORATE REF: APP/H1705/A/12/2188125 & APP/H1705/A/12/2188137**

**COUNCIL REF: BDB/75761 and 75762**

**Proof of Evidence by Mrs Fiona M. Jones BSc(Hons), BTP, MRTPI**



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**Fiona M. Jones will say:**

## **1.0 Introduction**

- 1.1 I am a chartered town planner, BSc(Hons), BTP, MRTPI with sixteen years' experience working within all sections of the planning domain. My career started within the Policy section at Bracknell Forest Borough Council where I was involved with the Public Inquiry of the Local Plan and appeared as an expert witness for the policy on 'Areas of landscape importance'. I worked within Bayside City Council in Australia before working as an enforcement officer at the Royal Borough of Kensington and Chelsea for 18 months. I worked at the London Borough of Richmond upon Thames from 2001 to 2006 and returned in 2008 until I left in 2012. During my 9 years at Richmond, I worked within the Development Control department determining planning applications and finally headed up the Appeals and Enforcement team working on major appeals and public inquiries. In 2006, I joined GVA Grimley LLP and worked on a number of major developments. These included a scheme for a mixed use scheme for 1,988 residential units, work units, retail, arts and leisure floorspace, community centre, primary school, public and private open space at Leamouth Peninsula, E14, London; and the 'mega mosque' which was a controversial major mixed used scheme near Stratford and the Olympic site in London. I gained full membership of the Royal Town Planning Institute in July 2000.
- 1.2 The evidence which I have prepared and provide for these appeals, reference APP/H1705/A/12/2188125 & 2188137 (in this proof of evidence), is true and has been prepared and is given in accordance with the guidance of my professional institution, the Royal Town Planning Institute, and I confirm that the opinions expressed are my true and professional opinions.
- 1.3 In January 2013, I was contacted by Mr Mike Townsend, Planning and Development Manager of Basingstoke and Deane Borough Council to ask if I would be interested in acting as Planning Witness at these appeals. I assessed the reasons for refusal, the refused plans, read the committee report and a selection of objection letters including those from the ward councillors before deciding I could put a case forward for the planning related reasons for refusal. I have undertaken three separate site visits to the site itself, to Popley, Sherborne St John and have walked along some of the public footpaths which lead between Sherborne St John and the site. I therefore

have a good working knowledge of the appeal site and its surroundings. I have also spent a considerable amount of time discussing policy issues and relevant planning applications with officers within the Council.

## 2.0 Procedural matters

2.1 The reasons for refusal that I will be addressing are as follows:

### Reason 1 for both Full and Outline

*The scale of the proposed development is considered so significant that it would prejudice the development of the spatial vision for the borough and would prejudice decisions about the size, scale, sustainability and phasing of new housing development within the borough and furthermore, undermine wider policy objectives. As such, the proposal is contrary to the provisions of the National Planning Policy Framework 2012 and The Planning System: General Principles document.*

### Reason 2 for Full and reason 6 for Outline

*The site is insufficiently sustainable to warrant development by virtue of there being inadequate options for travel by public transport, inadequate local facilities and inadequate access to local services. The proposal would therefore fail to meet the aims of sustainable development as outlined in the National Planning Policy Framework 2012, Policy CC1 of the South East Plan Regional Spatial Strategy and Saved Policy A2 of the Basingstoke and Deane Borough Local Plan 1996-2011.*

### Reason 9 for Full and reason 7 for Outline

*The proposed development would adjoin and be accessed through an existing, newly completed development in which a new community is in its early formative stages, and in the context of the wider Popley community, where community-building has been hampered by the almost continuous introduction of new additions to development over some ten years. The proposed development, when considered alongside the level of recent and planned development in the area, would exacerbate these issues for the existing communities, undermine the quality of life of existing residents and fail to promote community cohesion by virtue of the loss of amenity, including the impact created by extending the continuity of construction activity over a further period of several years. The National Planning Policy Framework (NPPF) at section 7 emphasises the social role in achieving sustainable development. At section 8 the National Planning Policy Framework emphasises the need for the planning system to promote healthy communities. The proposal therefore fails to*

*achieve the objective of localism and social wellbeing as set out in government policy and the National Planning Policy Framework 2012.*

- 2.2 I will commence with providing a description of the site and surroundings, followed by a description of development proposed within the two applications. I will continue to set out a thorough planning history of the land immediately to the south of the appeal sites and the surrounding development which has taken place over the past 10 years. I will then set out the Policy Framework for which these decisions need to be assessed against and set out the issues I will be addressing as I set out why the appeals should be dismissed. This will include compliance with the Development Plan, the benefit of housing provision, prejudice to the Basingstoke and Deane Local Plan process and the impacts upon the community of Popley.

### 3.0 Site and surroundings

- 3.1 The site comprises two agricultural fields, one being 7.02ha (full application site) and the other 14.07ha with the overall site totalling 21.09ha (outline application site). The land is bisected by a Public Right of Way and a ditch known as Vyne Brook. The site is located to the north of Basingstoke and lies within the countryside, adjoining the Settlement Policy Boundary of Basingstoke Town at the eastern and southern boundaries of the site.
- 3.2 The site is an 'L' shaped area of open agricultural fields, with more agricultural fields to the north and west towards the village of Sherborne St John, the church spire of which is noticeable from the site. To the immediate north of the site is Spier's Copse, a Site of Importance for Nature Conservation (SINC), and further to the north and to the west is agricultural land. Basing Forest, also a SINC, lies to the north east of the site. There is a change in level across the site, with regard to Phase 1 (Full application), the site slopes from the north up to the south, with a change of approximately 6m. With regard to Phase 2 (outline application), there is a further change of approximately 6m, with the land rising upwards to the north from the south. A Public Right of Way (Marls Lane) runs along the eastern boundary of the site. A public right of way also bisects Phases 1 and 2, running parallel to Vyne Brook.
- 3.3 The site is bounded to the south and east by existing residential development. Marnel Park lies to the south of the site and comprises a recent development of 2-3 storey detached, semi-detached, terraced and flatted housing. Marnel Park also contains a care home and allotment gardens. To the east of the site is Jersey Close and Guernsey Close, a residential development of modest two storey terraced housing dating from the mid-20th Century.
- 3.4 Popley is a residential area to the north-west of Basingstoke with a population (as at 2011) of 1,263. Popley was first established in the 1960s as a Greater London Council New Town for Londoners to move to. At that time, two areas were built, essentially two storey housing built around roads named after Islands and Poets.
- 3.5 Two plans at Appendix A shows the facilities within Popley, one is scaled at 1:5000 and the other is a more general plan of the Popley area showing a wider area to the south of the site. This plan shows that the only shops available to those who live within the recently developed area of Marnel Park is the Tesco Express supermarket

and Young's Fish, Chip and Chinese takeaway (no.27 on the plan). As shown on the plan this is a distance of over 600m from the proposed housing within the Outline application and 700m from those within the Full application (taken from the centre of the site). Marnel Lodge is located close to the appeal site for the full application but this is a 62 bed care home with nursing for older people and those with dementia. Therefore this 'facility' is not one which would be used by any of the residents of the proposed housing scheme (unless their relative lived there).

- 3.6 Approximately 1.2km away to the east on Carpenters Down is a cluster of facilities which back onto the Woods including the Marnell Bowling Club, Base 2000 Scouts and Hall (which is available for hire by individuals or Groups, on an occasional or regular basis), the Popley Fields Community Centre which is available for Playgroup/nursery, Elections/Polling station, Under 5's activities, Aerobics/Fitness classes, Private Parties, Adult Education, Holiday Activities, Meetings, Over 55's activities, Youth Club and Specialist Groups. Associated with the Centre is a multi-use floodlit hard court area (3 x tennis / 2 x netball/football). The Daisy Chain Day Nursery also exists within this area of community halls. Approximately 1.2km away to the west is the Everest Community College which includes an Indoor Sports Hall Community Gym and Artificial Turf Pitch for hockey and football, 6 tennis/netball courts and 4no. grass football pitches.

## 4.0 History of surrounding development

- 4.1 In the summer of 2004, three sites shown in the aerial photograph (Appendix A) of North Popley, known as North of Popley Way, Popley Fields/Marnel Park and John Hunt of Everest School, were granted outline planning permission, subject to Section 106 agreements, to cover the provision of affordable housing, community infrastructure, transport infrastructure and education facilities. The Council has granted reserved matters applications for development of Popley Fields/Marnel Park (Phases 1-4), John Hunt of Everest School site (Phases 1-3) and North of Popley Way/Merton Rise (Phase 1) and these are now complete. The outline planning permission for Merton Rise expired in June 2009 and thus phases 2-5 of the Merton Rise development have not been built. A new outline planning application for the remaining undeveloped parts of the site was approved in January 2012. Greater details of these and other neighbouring developments are given below.
- 4.2 The housing sites at North Popley (Merton Rise) and Popley Fields (Marnel Park) were first allocated in the Adopted Local Plan 1998. The allocation of these sites and the existing John Hunt of Everest site were confirmed in the Local Plan Review (2003) and are included in the North of Popley Way Development Brief (2001). They form a significant part of the development proposals outlined in the North Basingstoke Action Plan (2003) (CD9/6). The Marnel Park site has been developed by David Wilson Homes. The former John Hunt of Everest School has been developed by Linden Homes (Phase 1) and Taylor Wimpey (Phases 2 & 3). The first phases of the Merton Rise site have been developed by Wimpey Homes (Phase 1B) and Miller Homes (Phase 1a). Once completed, the development of the three sites will provide approximately 2100 dwellings, a Neighbourhood Centre (on the Merton Rise site), and the replacement community school with combined leisure and recreation facilities.

### Popley Fields/Marnel Park

- 4.3 Below is a table setting out all the permissions granted for the Development at Marnel Park as shown on the plan at Appendix B. It shows that the phases were granted planning permission between a period of 4.5 years, between June 2004 and December 2008.

<b>Ref number</b>	<b>Description</b>	<b>Date submitted</b>	<b>Date granted</b>	<b>Time taken to determine</b>
BDB/48052	Outline permission for the development of an urban extension of Popley involving a mix of residential (750 dwellings), employment, retail, education and community uses, open space and associated uses at Land At North of Popley Way	19 <sup>th</sup> June 2000	10 <sup>th</sup> June 2004	4 years
BDB/58716	Reserved matters granted for landscaping to form new habitat and site accesses.	16 <sup>th</sup> June 2004	30 <sup>th</sup> July 2004	5 weeks
BDB/60256	Reserved matters application for the erection of 226 no. dwellings (Phase One) with associated access and landscaping	16 <sup>th</sup> February 2005	05 <sup>th</sup> May 2005	3 months
BDB/62106	Landscaping of public open space, strategic landscape buffers and children's play area	28 <sup>th</sup> October 2005	20 <sup>th</sup> January 2006	3 months
BDB/62527	Reserved matters application for the siting, design, external appearance, means of access and landscaping for the erection of 280 dwellings (phase two)	12 <sup>th</sup> January 2006	11 <sup>th</sup> April 2006	3 months
BDB/64220	Reserved matters application for the landscaping, public	2 <sup>nd</sup> October 2006	21 <sup>st</sup> December	2 Months

	open space, play area, sports pitches, allotments and means of access		2006	
BDB/64632	Reserved matters application for the access across Phase III/IV from Chineham Lane	18 <sup>th</sup> October 2006	21 <sup>st</sup> December 2006	2 months
BDB/65767	Reserved matters application for the erection of 28 no. dwellings, plots 158 - 185, including design and external appearance pursuant (phase 1)	5 <sup>th</sup> April 2007	12 <sup>th</sup> June 2007	2 months
BDB/67232	Reserved matters application for the siting, design and external appearance of 13 no. dwellings (phase two) pursuant to outline planning permission BDB/48052. Change of house types to plots 24, 25, 26, 27, 20, 30, 31, 38, 39, 40, 52, 53 and 56	05 <sup>th</sup> November 2007	30 <sup>th</sup> January 2008	2.5 months
BDB/68215	Reserved matters application for the siting, design, external appearance, access and landscaping of 90 no. dwellings (phases 3 & 4A)	11 <sup>th</sup> March 2008	7 <sup>th</sup> May 2008	2 months
BDB/69274	Reserved matters application for the access, appearance, landscaping, layout and scale of 49 no. dwellings and associated garaging and infrastructure (phase 4B)	12 <sup>th</sup> Sept 2008	9 <sup>th</sup> December 2008	3 months

## North of Popley Way development

- 4.4 On 10<sup>th</sup> June 2004, outline permission was granted for the development of an urban extension of Popley involving a mix of residential, employment, retail, education and community uses, open space and associated uses including up to 950 dwellings, local centre, open space, allotments, landscaping and associated works (ref. BDB 56462) – plan shown at Appendix C. This site is now known as Merton Rise.
- 4.5 On 21<sup>st</sup> December 2006, the reserved matters application was granted for the siting, design, external appearance, access and landscaping of open space (park) including local equipped area of play with hard and soft landscape works pursuant to outline planning permission BDB/56462 (Phase 1) (Ref. BDB/64731).
- 4.6 On 23<sup>rd</sup> February 2007, the reserved matters application was granted for the siting, design, external appearance, access and landscaping of 79 no. dwellings pursuant to outline planning permission BDB/56462 (Phase 1a) Granted (Ref. BDB/64845).
- 4.7 On 5<sup>th</sup> April 2007, the reserved matters application was granted for the siting, design, external appearance, landscaping and access for the erection of 87 no. dwellings pursuant to outline planning permission BDB/56462 (Phase 1b) (Ref. BDB/65087).
- 4.8 On 20<sup>th</sup> April 2009, permission was granted for the change of house type to plots 46 and 47 to include the installation of solar panels to the roof (amendment to planning permission BDB/64845 for the erection of 79 dwellings) (Ref. BDB/70219).
- 4.9 Phase 1 of that development is now complete (totalling 166 dwellings) and is now known as Merton Rise. However, the outline planning permission previously granted expired for the remainder of the site. Thus, a further application was submitted in 2010 to renew the outline planning permission for the balance of properties (784 dwellings), the local centre and associated development. This application was granted on 4<sup>th</sup> January 2012, (for mixed use development including access, comprising up to 784 no. residential units, up to 1500 sqm gross of local centre uses (Use Classes A1 - A5) including a foodstore of up to 500 sqm gross, community office space of up to 120sqm gross (Use Class B1), approximately 10 hectares of publicly accessible open space, allotments and associated car and cycle parking, landscaping and incidental open space) (ref/BDB/73174). Whilst this application was

granted at Development Control Committee on 8<sup>th</sup> December 2010, it took just under 13 months to sign the legal agreement.

- 4.10 Phase 2 of Merton Rise (which included the local centre and shops) was originally programmed to come forward as the next reserved matters Phase. However, the Council are currently considering Phases 3 and 5 for 238 dwellings (ref. BDB/77170) being built by Charles Church (Southern)Ltd and Persimmon Homes. Therefore, the original programme is now considerably delayed and will be subject to change. The area surrounding Marnel Park has therefore very limited access to facilities and shops and no immediate prospect of new ones being built. Furthermore, as Phase 1 has been built with accesses constructed for future phases, the area is one of a half built development which is quite unattractive.

### **John Hunt of Everest School**

- 4.11 On 10<sup>th</sup> June 2004, planning permission was granted for the erection of up to 400 dwellings, 0.7 hectares open space and creation of access at John Hunt of Everest Community School, Popley Way (ref. BDB/57044). On 14<sup>th</sup> October 2008, reserved matters were approved for landscaping for the erection of 275no. dwellings with open space and parking and on 8<sup>th</sup> September 2009, reserved matters were approved for the siting, design and external appearance for 39 no. dwellings (phases 2 and 3). This development has now been completed.

### **Other development within the area**

- 4.12 A plan showing north Basingstoke housing developments is attached to this proof at Appendix C. On 23<sup>rd</sup> November 2004, permission was granted to construct a replacement John Hunt of Everest School and Youth Provision building, associated playing fields, floodlit MUGA and STP, external areas including landscaped courtyards, car parking, a public landscaped school square and a ridgeline structural planting scheme, together with access and servicing arrangements (ref. BDB 59368) at Land at Wellfield Farm, Sherborne Road & Greatfield Farm, Aldermaston Road. This has now been completed.
- 4.13 On 15<sup>th</sup> December 2009, planning permission was granted within Popley East for the erection of 237 dwellings with associated highways infrastructure, landscape improvements, and alterations to public accesses associated with the retained shops

and maisonettes above the Barbican Public House following demolition of existing maisonettes at Land at Faroe Close and Maldive Road, Popley Way (ref. BDB/68128). The site was originally constructed as part of the New Town extensions in Basingstoke in the 1960's and is bounded by two main arterial roads – Popley Way to the south and the A33 Reading Road to the east.

- 4.14 In July 2009, planning permission was granted for the erection of 62no. bedroom care home with ancillary car parking, landscaping and vehicular access (this is now known as Marnel Lodge) (ref. BDB/70705) within Marnel Park.
- 4.15 On 29<sup>th</sup> May 1997 outline permission was granted for a mixed use development including approximately 1,250 dwellings, village centre and retention of health service administrative use at Park Prewett Hospital, Aldermaston Road.

## 5.0 Proposal

- 5.1 The appeals relate to two schemes, both of which were refused by the Council's Development Control Committee in the summer of 2012. The full application seeks permission for 200 dwellings comprising 66 x 2 bed houses, 18 x 2 bed flats, 69 x 3 bed houses and 47 x 4 bed houses with associated access, open space and landscaping (ref. BDB/75762).
- 5.2 A primary street is proposed through the development, along with two urban squares within the centre of the site. The development is proposed in blocks, fronting onto an access route. Residential properties would comprise two and three storey detached, semi-detached and terraced units. Several flatted blocks are also proposed. Each dwellinghouse would have private rear amenity space, whilst flatted units would have communal green space. Parking is provided for each unit in either a communal parking court or in a combination of garages and driveways. On-street parking is also provided throughout the development in designated bays. The development would have a similar appearance, and be constructed using similar materials to the existing adjoining Marnel Park development.
- 5.3 The application proposes a Local Equipped Area of Play (LEAP) of 400sqm and a kick-about area of 1600sqm along with associated landscaping. An area within the south of the site close to the entrance of the site has been designated for a piece of public art with open space. An informal open space is also provided within the northern section of the site.
- 5.4 The development would provide at least 30% of the development as small units (two-bedroom dwellings) and would deliver 40% affordable housing.
- 5.5 Two points of access are proposed; a Primary access from Hutchins Way at the south, with the secondary access taken from Hewitt Road to the east. A designated pedestrian/cycle way is proposed off Carter Drive.
- 5.6 The outline planning application comprises means of access for up to 450 dwellings, with land designated for a community centre, a 1 form entry primary school and associated access, open space and landscaping (ref. BDB.75761).

- 5.7 The development is proposed to be split into two main phases. Phase 1 would comprise 200 dwellings and would be located to the south of the site, closest to the existing Marnel Park development (as set out above in the full application). Phase 2 would be located to the north of the site, and would accommodate the remainder of the development, i.e. up to 250 dwellings, a community centre and primary school and areas of play/open space. The two phases would be separated by Vyne Brook and a Public Right of Way with an internal road way linking the two phases. It should be noted that some of the application plans denote these phases as 6 and 7 as a continuation of the previously developed land at Marnel Park.
- 5.8 The following open space is proposed within the outline area (not including those areas as set out above under the full application) including Local Areas of Play (LAP), Local Equipped Areas of Play (LEAPS), and a Neighbourhood Equipped Area of Play (NEAP); kick-about areas, tennis courts and an Allotment, would be dispersed throughout the development site, along with associated landscaping.

## 6.0 Policy Framework

- 6.1 As set out in the SOCG, the development plan for Basingstoke and Deane comprises the Basingstoke and Deane Borough Local Plan (adopted in July 2006) (CD9/1). The South East Plan dating from May 2009 (CD8/1) has recently been revoked (with the exception of one policy relating to the Thames Basin Heaths SPA which is not relevant) and therefore the policies referred to in the decision notices will not be referred to (although the reference will be made to it when considering the Council's Housing Supply figures). Heavy reliance is also made on the National Planning Policy Framework (March 2012) (CD5/1) which a number of the reasons for refusal were based upon. The Council is also in the process of seeking adoption of its emerging Local Plan with the Pre-submission draft Core Strategy to cover the period from 2012 to 2029. Whilst this has very limited weight in terms of its specific policies and proposals, the documents and evidence base prepared for the process of the emerging Local Plan will be referred to as these are the most up-to-date documents and research undertaken by the Council and thus relevant for this appeal and for me to work with.
- 6.2 The main 'saved' policy which is relevant to the reason for refusal 2 for the Full application and reason 6 for the Outline application which I will be addressing is saved Policy A2 of the Basingstoke and Deane Borough Local Plan 1996-2011. This should be given significant weight as it fully complies with the NPPF. Whilst there are other policies which I will refer to, these are more relevant to the reasons for refusal addressed by the remainder of the Council's witnesses. However, as I use their conclusions in my overall assessment of the proposed scheme, I have referred to them below. I consider that all of them should be given significant weight as they comply with the aims and objectives of the NPPF.
- 6.3 Paragraph 6 of the NPPF sets out that policies in paragraphs 18-219, taken as a whole, constitute the meaning of sustainable development. For this appeal, the relevant chapters are those on Promoting sustainable transport, Delivering a wide choice of high quality homes, Requiring good design, Promoting healthy communities, and Meeting the challenge of climate change. Again, whilst some of these issues will be assessed in full by my fellow team members, I will be taking their conclusions and using them within this statement.

- 6.4 Of significant relevance are three particular paragraphs of the NPPF, these being nos. 14, 47 and 49. I will briefly set out my position in regards to these paragraphs before going into further detail later in my proof.
- 6.5 Paragraph 14 of the Framework sets out that, at its heart, is a presumption in favour of sustainable development. For decision-taking this means: where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Therefore, where a LPA does not have a 5 year Housing Land Supply, as with Basingstoke & Deane, housing proposals which would amount to sustainable development should be allowed notwithstanding Local Plan policies which seek to restrict the location of new housing. To determine whether housing proposals in such circumstances do amount to sustainable development or not, it is necessary to consider the extent of any conflicts with the development plan and the policies set out in the NPPF on the full range of planning issues and to weigh those adverse effects against the benefits of providing housing development. For this appeal, I will demonstrate, in the absence of a 5 year Housing Land Supply (HLS), that the proposal would not amount to sustainable development and impacts would significantly and demonstrably outweigh the benefits of providing market and affordable housing. It would thus fail to accord with the NPPF even in the absence of any up-to-date policy on the location and number of housing within the borough.
- 6.6 Paragraph 47 of the NPPF aims to boost significantly the supply of housing and to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. It requires LPAs to provide a buffer of either 5% or 20%, subject to their record on delivery, on top of a 5 year HLS. Because in this case there is no 5 year supply and there are no sites that can be identified in the forward supply that could be brought forward for earlier development (the mechanism suggested by paragraph 47 for accommodating the buffer), the question of whether there should be a 5% or 20% buffer adds little to the arguments in this case and is somewhat academic. However, it is expected to be agreed in the SOCG that in this case a 5% buffer would be applicable.
- 6.7 In terms of Paragraph 49 of the NPPF, this states that for applications for housing that *“relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable*

*housing sites.*” This does not result in all policies being regarded as not up-to-date but only those which can be said to be “relevant policies for the supply of housing”. This would not include policies which seek to restrict or control development generally in order to safeguard specified planning interests such as nature conservation or policies which seek to regulate the form of development such as policies requiring sustainable building design. It is accepted by all parties that the Council does not benefit from a 5 year supply of housing at the present time. Whilst it is accepted that this will have policy implications on whatever housing land supply figure is used, it is the scale of deficit and the timescale for meeting it which are important factors to consider against the benefits the scheme provides. The Council are working towards establishing a 5 year supply through the Local Plan process which I will set out and address later in addition to the scale of the deficit within the Borough.

- 6.8 The Planning System: General Principles (2005) (CD5/2) sets out advice in paragraph 17 for the determination of planning applications and requires that *“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD”*. In my opinion, and as will be demonstrated below, I consider that this appeal would result in a housing development whereby both on its own terms, and by reference to the cumulative effect of this scheme in addition to all the others being promoted in the countryside adjacent to the edges of the built up area of Basingstoke, would prejudice decisions to be made on development across the Borough as set out in the emerging Local Plan and yet to be tested at Public Examination. This document requires the decision maker to judge the degree of impact the proposal will have on the plan process by reference to the nature of the development and also the matters which other people will raise for other sites within the borough. This process is unable to occur on an ad hoc basis via this appeal inquiry.
- 6.9 Paragraph 18 of the General Principles document states *“Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified”*. This paragraph deal with cases that do not fall within paragraph 17 i.e. it is not dealing

with the question of the prejudice of producing a development plan but with the question of whether it is appropriate to apply emerging policies before being adopted. The advice in this respect is that the weight that emerging policies should carry depends on the stage reached and the question of what objections have been made to them. In this case the Council does not suggest that the policies of the emerging Local Plan should be applied or should carry weight but it does consider that there is prejudice to the process of producing the Local Plan.

## 7.0 Main Issues

- 7.1 I will be addressing the following issues within my proof of evidence:
- (i) whether the proposals accord with the statutory development plan and the weight any conflicts should carry;
  - (ii) the weight to be given to the need for additional housing and affordable housing;
  - (iii) whether the proposals will prejudice the Basingstoke Local Plan process;
  - (iv) whether the proposals will cause unacceptable community impacts;
  - (v) whether there are satisfactory arrangements for physical, social and community infrastructure;
  - (vi) whether there are adverse impacts to significantly and demonstrably outweigh the benefits.

## 7.2 Compliance with the Development Plan

- 7.3 The proposals are considered to conflict with the following 'saved' policies within the adopted Local Plan:

- 7.4 **Policy D6:** "New Residential Accommodation in the Countryside" which states that residential development will only be permitted (my emphasis) within the countryside where it involves residential development on sites which comply with policies D7 "Essential Residential Accommodation in the Countryside", D8 "Rural Exceptions" or D9 "Rural Brownfield Sites" of this Plan.

The proposal is new development on open countryside which does not meet any of the above criteria.

- 7.5 **Policy E1** "Development Control" which sets out a list of criteria to assess proposals for new development against. These appeal proposals are not considered to successfully integrate with the landscape and surrounds and will generate traffic of a type or amount inappropriate for the local roads, as set out in Bettina Kirkham and Steven Parson's proofs.
- 7.6 **Policy E2** "Buildings of Historic or Architectural Interest" states that proposals for development that would affect a listed building, structure or its setting will be determined against the following guidelines:

- i. The demolition of a listed building or structure will only be permitted in exceptional circumstances.
- ii. Alterations and extensions that preserve the character and/or setting of a listed building and any features of architectural or historic interest will be permitted
- iii. Developments within the curtilage of or adjacent to a listed building which do not detrimentally affect their setting will be permitted.

Development will not be permitted if it would harm a building or feature of local historic or architectural interest or adversely affect its setting.

**7.7 Policy E3 “Areas of Architectural or Historic Interest”** Development on sites outside Conservation Areas where development would affect the setting of the Conservation Area, will be permitted provided that the proposals preserve or enhance their special character or appearance. Through determining applications, the Borough Council will:

- i. Seek to retain buildings, architectural features, trees, spaces and other features which are important to the character and appearance of the Conservation Area; and
- ii. Allow new development if this would contribute to the area by preserving or enhancing its character and appearance.

These two Heritage policies are only relevant in the sense that there are listed buildings at Kiln Farm and a Conservation Area in Sherborne St John but the Council is not raising a heritage impact objection. Bettina Kirkham does however address the effects of the proposal on landscape setting of Sherborne St John and the separation between settlements.

**7.8 Policy E6 “Landscape Character”** states that planning permission will only be granted where it is demonstrated that the proposals will be sympathetic to the landscape character and quality of the area concerned. Development proposals should contribute to the regeneration, restoration, repair or conservation of any landscape likely to be affected. In particular they should respect, and improve the following:

- i. the particular qualities of the relevant Landscape Character Area as defined in the Basingstoke and Deane Landscape Assessment; and
- ii. visual amenity and scenic quality; and
- iii. the setting of a settlement, including important views to, across and out of settlements; and

- iv. the local character of buildings and settlements, including important open areas; and
- v. trees, hedgerows, water features and other landscape elements and features; and
- vi. historic landscapes, features and elements

Consideration will also be given to the impact that development would have on sense of place, sense of remoteness or tranquillity, and the quiet enjoyment of the landscape from public rights of way.

As set out by Bettina Kirkham, the proposed development will have a detrimental impact on the visual amenity and scenic quality of the area through the introduction of new built form. The proposal would therefore fail to be sympathetic to the local landscape character of the area and would adversely impact on the sense of place and sense of remoteness. Due to the loss of the substantial swathe of open countryside that exists between the western edge of Popley and the village of Sherborne St John, this would have an adverse impact on the local character of the area and the setting of the settlement of Sherborne St John, and would fail to protect the intrinsic character of Sherborne St John and its identity as a rural village.

- 7.9 **Policy E7** “Nature/Biodiversity Conservation Development” sets out that developments will be permitted where it will not have an adverse effect on protected species or the conservation status of priority species, harm the nature conservation interest of a statutory or non-statutory wildlife nature conservation site or lead to the loss or deterioration of a key habitat type or harm the integrity of linkages between such sites and habitats.

Proposals will be expected to conserve and, where possible, enhance the biodiversity of the receiving environment, taking into account the aims and targets of the UK and Local Biodiversity Action Plans. Where appropriate, planning conditions and obligations will be used to secure these requirements. In particular, the opportunity will be taken to secure the creation and management of features of the landscape that, by virtue of their linear and continuous structure or their function as ‘stepping stones’, are of major importance for the migration, dispersal and genetic exchange of wild species.

The weight given to the protection of nature conservation interests will depend on the national or local significance and any statutory designation or protection applying to the site, habitat or species concerned. Where the public interest in favour of a

proposal is deemed to outweigh harm to biodiversity, the local planning authority will require the use of the best practicable mitigation/compensation measures, which will be secured through planning conditions and planning obligations, as appropriate.

Applications for development must include adequate information to enable a proper assessment of the implications for biodiversity. It should be noted that adverse effects on nature conservation interests are not necessarily limited to the proposal site. Adjacent land, including that outside the local plan boundary, must also be considered.

As set out by James Pattenden, due to the loss of established Newt Habitat, including that which has previously been relocated as part of the first Marnel Park development, and the inadequate mitigation proposals, the Council has been unable to fully assess the impact of the proposed development on the Great Crested Newt.

- 7.10 **Policy A2** “Alternatives to the Car/Public Transport Encouraging Walking, Cycling and the Use of Public Transport” states that the Borough Council will only grant planning permission for developments with vehicular and pedestrian generation implications where:
- i. cycling and walking infrastructure are integrated with the development and linked with surrounding networks; and
  - ii. development takes account of the needs of public transport.

As demonstrated by Steve Parsons, the appeal proposals do not sufficiently take into account the needs of public transport, fail to make the fullest use of public transport and fail to maximise the use of sustainable transport. Furthermore, it is considered that the appeal proposals and the potential for a bus route to be provided to improve the sustainability of the site, could not be effectively achieved without the imposition of parking controls within the existing adjacent residential areas thereby adversely impacting upon existing parking provision and the amenities of existing residents.

- 7.11 As the policy D1 ‘Levels of New Development’ has now expired, there is no up-to-date policy which sets the current level of housing within the Borough. Therefore, there is no relevant policy for the supply of housing (as required by paragraph 49 of the NPPF) and thus I will set out below that the Council cannot demonstrate a five-year supply of deliverable housing sites. I will therefore establish the housing requirement of the next five years (up to 2017, as taken from the most up-to-date

research on housing numbers undertaken by the Council) and then assess whether sufficient deliverable sites are available to meet that need. However, in the absence of there not being enough sites, this needs to be assessed against the NPPF requirements to ensure that the development is sustainable and meets the three roles as defined in section 7 – economic, social and environmental. It is only then that development should be approved if the proposal can be shown to be sustainable as set out in the Framework, not just that it will fill a housing need as may be demonstrated by a lack of a five year housing supply.

## 8.0 Benefit of Housing provision

8.1 There are three annual housing requirement figures which have been utilised by Basingstoke and Deane in the recent past: 594 as adopted by the Council in October 2011, 954 as prescribed by the South East Plan and 730-770, the most recent figure and in my opinion, considered the most up-to-date figure and the one which should be used for this appeal. I set out why below.

8.2 Firstly, in respect of the South East Plan, which has now been revoked, and whether the housing requirement set out in the South East Plan is of relevance, on 25<sup>th</sup> July 2012, Baroness Hanham (Parliamentary Under Secretary of State for Communities and Local Government) set out that:

*“A local plan document must be in general conformity with the regional strategy at the stage that the plan is submitted for examination but it is open to councils when preparing local plans to take account of the policy to revoke up to the time of submission. Local authorities can also bring forward proposals (for example on housing targets) which have a local interpretation to them in their plans, based on their own sound evidence base where that is justified by the local circumstances. That evidence base is likely to be more up to date than that included in the Regional Strategies. Each case will depend on its particular facts”.*

8.3 This statement was made at the time that the South East Plan was still part of the development plan. Now it has been revoked, the advice that *the local circumstances and local evidence base* can be taken into account depending on the particular facts applies with even more force. For the purposes of this appeal I have used the most up-to-date housing figures which the Council have worked on in the past few months. This is firstly documented in their report to the Council’s Planning and Infrastructure Overview and Scrutiny Committee on 18<sup>th</sup> October 2012 which sets out the 2011/12 Housing land supply position (Appendix D). I have been informed by the Council’s planning officers that the figures within this report have not been changed as there have been no further significant housing developments to adjust the figures since the date that report was written. Furthermore, because the Council rely on the County Council monitoring for the figures of houses built in the past year (2012-2013), it will be some months (probably October/November 2013) when the Council will be in a position to know what the housing figures are for this current year. This county-wide monitoring ensures that the figures are compiled on a consistent basis in accordance

with an established and tested methodology. Therefore, for the purposes of this appeal, I suggest we use the figures which are known to us.

- 8.4 I consider that the work undertaken to date is more up-to-date than that used in terms of the evidence underpinning the South East Plan number (945dpa). The 730-770 figure is based on up-to-date evidence including that taken from the Census 2011 and relevant housing studies which post-dated the South East Plan (adopted in 2009). The SE Plan also used the old housing potential studies to check capacity and the Council now has the SHLAA which contains stricter criteria on whether sites can be considered within the plan period if they are deliverable (to comply with paragraph 47 of the NPPF) . For the purposes of this appeal and given the amount of work already undertaken on the housing requirement figure, I suggest the 730-770 housing figure is used.
- 8.5 On 30th October 2012, a report to the Cabinet (Appendix E) set out in paragraph 4.19 how the housing range of 730-770 for the plan period 2011 to 2029 had been derived, from the following figures:
- Changes in population – resulting in a need for around 390 Dwellings Per Annum (dpa)
  - Net in-migration – resulting in a need for around 202-213 dpa
  - Changes in household size – resulting in a need for between 150 and 185 dpa; and
  - Changes in institutional population, second homes and vacant stock, which reduces the need by around 10 dpa.
- 8.6 In addition to consideration of local demographic and economic issues, it is important to also take into account the evidence base that has been compiled to inform the Local Plan. In particular the following documents:
- The Strategic Housing Market Assessment (SHMA) (CD10/10);
  - The Strategic Housing Land Availability Assessment (SHLAA) (CD10/5); and
  - The Sustainability Appraisal (SA) (CD10/25).
- 8.7 The SHLAA, as updated, identifies that in the region of 12,000 homes could notionally be provided on greenfield sites, as put forward by developers and landowners. The Category One sites (promoted sites considered worthy of further consideration for inclusion as strategic allocation in the Local Plan) were reported to

Members in January 2013. This confirmed that it is unlikely that there would be a shortage of deliverable sites to meet the identified annual housing requirement set out above.

8.8 On 28<sup>th</sup> February 2013, a further report was presented by Officers to the Cabinet of the Council to set out their position of the housing land supply (Appendix F).

8.9 As set out in the table under paragraph 6.58 of that report, its findings were that there is a requirement for between 7,083 homes and 7,803 homes to be accommodated on greenfield sites or on sites currently unknown to the Council at this time. The table below, taken from this 28<sup>th</sup> February report, sets out the housing numbers for non-greenfield sites. I have added a column on the far right to show the predicted completions over the next 5 years as set out in the land supply position from the report dated 18<sup>th</sup> October 2012 (Appendix D).

<b>Annual Requirement</b>	<b>730dpa</b>	<b>770dpa</b>	<b>Allocations within next 5 years (up to 2016/17)</b>
Completions 2011/12	693	693	
What is currently available in the future (supply)			
• Large sites with planning permission	1,893	1,893	1,559
• Allocated sites in the saved Local Plan	1,047	1,047	500
• Small sites with planning permission	174	174	174
• Un-allocated sites in Settlement Policy Boundaries (SPB)	1,200	1,200	418
• Windfalls (50 per year)	700	700	100
• Neighbourhood Plans	150	150	
• Regeneration opportunities	200	200	
<b>Total</b>	<b>6,057</b>	<b>6,057</b>	<b>2,751</b>
Total number of homes to be built 2011 - 2029	13,140	13,860	
<b>Remaining requirement</b>	<b>7,083</b>	<b>7,803</b>	

- 8.10 A forward projection from April 2013 shows that there are no major housing completions to take into account and therefore the stock of planning permissions as at September 2012 (as shown in Appendix D) is a fair set of figures to work from. From the breakdown of sites (Appendix D), I have shown in the table above, on the last column, the numbers of housing expected to come forward within the next 5 years based on the Council's predications. The 1,200 figure for unallocated sites within SPBs is within version 7 of the SHLAA (CD10/5) which refers to them as opportunity sites within that document. 10% has been deducted from the SHLAA figure for potential non-delivery. The 700 figure for windfall sites is 50 units a year over a 14 year period, which is the 17 year plan period minus the first 3 years where no small site windfall is included due to small site permissions being included for this period. The Council's Policy officers have informed me that this is an approach agreed with Hampshire County Council to avoid double counting.
- 8.11 Based on the housing range figures, the 5 year housing requirement will be either 3,650 (730 x 5) or 3,850 (770 x 5). However, the Council have concluded at paragraph 4.4b of the 18<sup>th</sup> October 2012 report that the proposed target of 770dpa *"equates to a five year housing requirement of 3,850 units over the period 2012/13 to 2016/17. The additional 5% buffer leads to a further 193 units over the five year period, leading to an overall requirement of 4,043 units or 809 dpa. The completions over the next five years are predicted to reach 2,751 units. The borough can therefore only demonstrate 3.4 years of supply against the proposed locally derived housing target"*. Therefore, taking these appeal schemes into consideration of this, if another 200 dwellings (full application) were approved here and built out in the next 5 years, this would change the supply to 3.6 years and if 450 dwellings were approved (outline application), then 4.0 years would be achieved. Whilst this does clearly help towards achieving the 5 year land supply, it must be considered against the dis-benefits and as set out in this proof the harm to the social and environmental aspects (paragraph 7 of the NPPF) are so significant that the benefit of the 4 years supply will not outweigh those problems. This site has already been tested at a local plan examination and found to be unacceptable and there are other and better locations for housing proposed by the Council in the latest SHLAA (although I accept that these still need to be tested at examination stage).
- 8.12 The Council accept that account will need to be taken of the proposed range, alongside separate 'critical friend' work which is currently being undertaken on the identified housing numbers of 730 to 770 homes per year. The results of this could

be important in terms of the sites allocated. The report notes that if a shortfall is subsequently identified, then consideration should be given to the following options:

- The identification of a reserve site;
- A review of Settlement Policy Boundaries (SPBs) across the borough, taking into consideration those Category Two sites from the SHLAA (promoted sites which are not suitable for strategic allocation through the Local Plan), in addition to the potential for further SPBs (as referred to in paragraph 6.55);
- Commitment to review the Local Plan 5 years into the plan period, to ensure delivery and identify new sites which may be required to support deliver in the 10-15 year phase of the plan.

8.13 Therefore, the Council do have a contingency plan in the event that all the sites are not accepted by the future Local Plan Inspector, including therefore, if this site is refused planning permission.

8.14 Moving forward, the Council intend that a draft of the Local Plan will be presented to the Committee in the early summer, to be followed by consideration of the draft plan for consultation by Cabinet. After this decision, it is proposed that consultation on the draft Local Plan will be undertaken from July to September 2013, and a report on the proposed approach to consultation will be presented to Members in parallel with the draft plan.

8.15 Progress is continuing on the work required for the pre-submission plan and on 12<sup>th</sup> March 2013, the Critical Friend Assessment (CFA) of the Council's Local Plan Housing Numbers was reported to the Council's Planning and Infrastructure Overview and Scrutiny Committee (Appendix G). The CFA concluded that *"the reasoned justification behind the application of many of the assumptions appears relatively sound and resonates with key issues affecting housing demand at the moment. However, with reference to the consideration of policy and its application, a number of areas are identified where further work is recommended and/or the current approach should be refined to ensure BDBC's supporting evidence is sufficiently robust to withstand external scrutiny"*. Therefore, it appears that more work is needed to be undertaken by the Council officers on the housing figures. It is unknown at this stage whether the overall housing figure will stay the same, increase or decrease. The impact on the 730-770 figure from any extra work is an unknown

quantity and will be known when the further work is carried out prior to the Local Plan examination.

- 8.16 In terms of the supply of affordable housing which is needed, the 30<sup>th</sup> October report (Appendix E) states at paragraph 5.13, *“it should be noted that the scale of affordable housing need in the borough (based on the current register) is such that this is unlikely to be met in full by the level of housing proposed. However if 40% of all new housing in the borough were to be affordable moving forward this would equate to up to 300 units a year (this would depend upon developments meeting various thresholds and considerations of affordable housing viability)”*.
- 8.17 The adopted local plan sets out a Borough target of 3000 affordable dwellings during the plan period. The three sites in close proximity to the appeal site will provide the following affordable dwellings (once constructed):
- Marnel Park: 196
  - Merton Rise: 339
  - John Hunt of Everest school site: 61
- 8.18 Therefore, approximately 460 dwellings will be provided across the three sites to be constructed and managed in partnership with Housing Associations, a fraction of what is required in this area of Popley as demonstrated below.
- 8.19 The applicant has proposed 40% affordable housing with 25% being social rented and 15% being shared ownership, a tenure split which is agreeable with the Council. Whilst this is commendable, the policy states that the provision of 40% should be the starting point for negotiations. In this case no more than 40% affordable housing has been proposed to meet the established and great needs of Popley in terms of affordable housing. The Housing Services team at the time of the application identified that there are 1062 residents within Popley who are on the Housing List for affordable housing. The proposed provision of 180 houses is therefore a benefit but not one which will have a significant impact on the shortfall of affordable housing (5.9% of those on the housing list).
- 8.20 The Council’s Annual Monitoring Review (AMR) for 2012 (covering the period 1st April 2011 to 31st March 2012) (CD10/3) concludes that 309 affordable units were completed in 2011/12, 45% of total completions. The annual monitoring process

undertaken by borough council officers and Hampshire County Council (HCC) has shown that the net number of dwellings completed between 1 April 2011 and 31 March 2012 was 693.

- 8.21 The number of completions in 2011/12 was the lowest since 2002/3, returning completions to a level more in line with those achieved in the early 2000s. However, David Wilson Homes have delivered the housing on the sites at Marnel Park within the past 5 years (unlike the neighbouring sites which remain undeveloped even though permission was originally approved in 2004).
- 8.22 The AMR concludes that a net total of 5,444 dwellings have been completed in the borough over the last five years (2007/08 to 2011/12), an average build rate of 1,089 new homes per year since 2007. Over the last three years the average build rate has reduced to 908 new homes per annum (1,226 completions in 2009/10, 805 completions in 2010/11), or a total of 2,724 completions over the period.
- 8.23 It states at paragraph 4.2 that *“continuing the trend of 2010/11, a significant proportion of this year’s completions have resulted from continued progress on the borough’s larger housing sites which were allocated in the Adopted Local Plan, in addition to the implementation of a number of regeneration schemes, most notably Maldive and Faroe Close. A number of large sites, which have contributed a significant level of completions over recent years, were therefore completed this year, including Churchill Way West, Popley Fields and the Bishops Green regeneration scheme”*.
- 8.24 The Council’s Building Control department have confirmed that the first application to them for the Marnel Park scheme by David Wilson Homes was submitted in September 2005 and relates to the erection of 54 dwellings (Council reference 05/03618/DOM). The Council’s records indicate that works on this site commenced in approximately December 2005 and the last Completion Certificates issued were in October 2008.
- 8.25 The second application was received in November 2005 (Council Ref: 05/05046/DOM) for the erection of 173 dwellings. Works under this application commenced in approximately February 2006 with the last Completion Certificate being issued recorded in September 2010.

- 8.26 As shown in the table in paragraph 4.3 above, the initial planning application for the development of Marnel Park (Popley Fields) was approved in June 2004, with reserved matters being approved in May 2005 and January 2006 for Phase 1 comprising 227 houses. The Building Regulations show that the 227 houses were constructed between December 2005 and October 2010, a period of almost 5 years. This corresponds with the residents' letters of objection which state that they have lived through 5 years of building works.
- 8.27 In essence, in the event that planning permission is granted for these appeals with a decision notice issued in August/September 2013, then comparing this with phase 1 of the Marnel Park scheme, it may take 18 months to gain permission for the reserved matters, to approximately February/March 2015, and then building works could take at least 5 years, up to 2020. Therefore the approval of housing through this appeal process is unlikely to result in a provision of housing to immediately fill the housing shortage. Comparing this to the Local Plan process, the Council's officers have informed me that the Public Consultation on the draft Local Plan would be in July to September 2013 with the Examination in Public scheduled for March 2014, the Inspectors Report in July 2014 and then likely adoption in August 2014.
- 8.28 Therefore, were this site to be properly assessed as an allocation within the Local Plan and against all other sites within the Borough and then were it approved by the Local Plan Inspector, David Wilson Homes could put a planning application in to the Council in September-October 2014. This is approximately 15 months behind this appeal process which is not a significant amount of time when looking at the plan process as a whole. Whilst some of the housing could be built out within the next five years, this is the case whether the developers wait for the Local Plan process too. In the event that the site is allocated within the Local Plan (not that I am advocating that), a number of houses could still be developed within the 5 year period, albeit fewer than through this appeal process. I consider that sufficient weight must be given to the fact that the developers would not be able to deliver significantly more housing to the Borough's housing stock through this planning application/appeal process than they would from the plan-led system.
- 8.29 Furthermore, in January 2012, a report was considered by Cabinet on the emerging Local Plan and the pre-submission strategy in relation to proposed allocated sites and locations for development (Appendix H). This was at a time when the Manydown site was not included as a site allocation. Paragraph 4.30 of this report

stated *“In light of the above, on present information, officers are of the opinion that there is no reasonable prospect of Manydown becoming available or being developed during the plan period and therefore cannot recommend its inclusion in the Pre-Submission Core Strategy. The council has identified a number of other ‘developable’ sites for inclusion in the strategy for the next 15 years, so a broad allocation, which has no proven reasonable prospect as to its developability is not required.”* However, soon after this the Council was judicially reviewed and on 17<sup>th</sup> April 2012, a High Court judgement ruled that the land at Manydown should be considered for development as part of the new Local Plan to 2029. Subsequently, the Council voted in July 2012 to put forward the land for development.

- 8.30 In January 2012 the Council and Officers of the Council were of the opinion that they had all the sites they could allocate and put forward as proposed allocated sites. However four months later a decision was made which reversed this and required the allocation of a huge swathe of land to be used for development of housing. Whilst the Council officers are in the process of putting forward other sites, there is no guarantee that there could not be other sites which may come forward for development in the foreseeable future which would then mean that the appeal land at Popley Fields would not need to be developed upon.
- 8.31 To conclude, the Council can demonstrate 3.4 years of housing supply against the locally derived housing target of 770dpa plus the 5% buffer. Whilst this proposal would go some way to increasing that supply up to 4 years, it would not outweigh the harm to the social and environmental issues concerned with poor accessibility to local services, poor public transport links, the effect on both the setting of Basingstoke and on the setting of Sherborne St John and on the relationship between those 2 settlements and upon the Great Crested Newt population. Whilst a provision has been proposed for affordable housing, again this provision isn't so great to outweigh the harm in all other respects.

## 9.0 Prejudice to the emerging Local Plan process

- 9.1 The Council considers that the granting of planning permission for housing development on this greenfield site at Marnel Park would be premature in advance of decisions in respect of the Local Plan.
- 9.2 Whilst the NPPF does not mention prematurity, it is set out in paragraph 17 of The Planning System: General Principles document. The General Principles deals with the question of prematurity to an emergent plan, and advises that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is “so substantial”, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the “scale, location or phasing” of new development which are being addressed in the policy in the development plan policies.
- 9.3 Paragraph 18 is concerned with schemes which do not fall within those covered by paragraph 17, i.e. those schemes which can be considered in light of the current policies but where it might also be possible to test them against emerging policies. Paragraph 18 states *“Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified”*. This paragraph makes it clear that it is dealing with cases *“Otherwise”* than those already addressed in paragraph 17, and it specifically deals with the question of whether it is appropriate to apply emerging policies before being adopted. The advice in this respect is that the weight that emerging policies should carry depends on the stage and the question of what objections have been made to them. In this case the Council does not suggest that the policies of the emerging Local Plan should be applied or should carry weight but it does consider that there is prejudice to the process of producing the Local Plan. Paragraph 19 requires the Council to clearly demonstrate how the grant of permission would prejudice the outcome of the development plan process.
- 9.4 The Council is currently locating land for between 13,140 and 13,860 within the plan period of 2011 – 2029 or between 730 and 770 per year. Therefore, it may be that the 200 or 450 dwellings permitted on this appeal site would not prejudice the “scale” of development being addressed by the emerging Local Plan, because within the overall “scale” required there would seem to be a need for some larger scale

developments, probably on greenfield sites. Since the current draft Local Plan (as approved by Cabinet) would seem to include the appeal site as land that would contribute to meeting the overall scale of housing required, its release will not lead to any increase in the overall scale of housing being addressed via the Local Plan. However, there are likely to be people who dispute the scale of housing required and therefore their position would be prejudiced if the site was released before the overall scale of development was decided. This is why it is important that the appealed scheme is assessed against the development of the borough as a whole and with all considerations fully assessed by the local plan Inspector.

9.5 The timetable for the Basingstoke & Deane Local Plan is set out in paragraph 8.27 above. Further to the approved Local Development Scheme (which was published in May 2009), and the Manydown Judicial Review ruling (April 2012), the Council has needed to publish an updated timetable for the preparation of the new Local Plan. The reports which have recently been considered by the various committees and cabinets of the Council have been concerned principally with options of the level of growth that was appropriate for the Borough for the period up to 2026 and options for how that growth would be distributed between the various settlements of the Borough. Whilst this site is being put forward by Council officers, it remains to be put considered by an appointed Inspector.

9.6 On 15<sup>th</sup> November 2012 a report to the Planning and Infrastructure Overview and Scrutiny Committee noted that the Neighbourhood Planning Regulations came into force on 6<sup>th</sup> April 2012 following the introduction of Neighbourhood Plans through the Localism Bill (introduced in November 2011) and as set out in paragraph 183 of the NPPF. The Council has set out a protocol, as required by the Localism Act, to provide guidance for communities and in this respect Sherborne St John Parish Council (within which this site is located) have shown interest in producing a neighbourhood plan. In support of the Neighbourhood Plans and relevant to this appeal is a quotation from Greg Clark, Minister for Planning and Decentralisation, who stated in a DCLG press release on 6<sup>th</sup> December 2010:

*“Most people love where they live, yet the planning system has given them almost no say on how their neighbourhood develops. The Coalition Government will revolutionise the planning process by taking power away from officials and putting it into the hands of those who know most about their neighbourhood - local people themselves. This will be a huge opportunity for communities to exercise genuine*

*influence over what their home town should look like in the future. It will create the freedom and incentives for those places that want to grow, to do so, and to reap the benefits. It's a reason to say yes."*

- 9.7 In the near future, therefore, the Council, having worked closely with local communities in considering their aspirations for their neighbourhoods, will be making preliminary decisions in respect of the appropriate level of growth for the Borough, the broad location of that growth and potential sites in individual towns and villages where that growth would be best accommodated. As set out in paragraph 182 of the NPPF, the Council is working towards ensuring that the plan, when submitted for examination, will be sound and that it will be the most appropriate strategy, when considered against the reasonable alternatives. The Council's officers are including the appeal site as one of the sites to be considered for housing development but it is still at a stage when other sites may be considered more favourably. Whilst the Council will be confident that its Local Plan will meet the 'soundness' test, there will be objectors who disagree (as with the previous Local Plan Examination). However, it will be for the Inspector undertaking the examination to assess each site within the context of future development of Basingstoke & Deane as a whole to adjudicate on the competing arguments. This is the right and proper process not one which is undertaken in a piecemeal fashion and out of the plan process. When the Council is planning its settlements and the relationship between settlements, it has to consider that if its major town grows too far north then what would its relationship be with Sherborne St John. Whether 200 or 450 houses are built on this land, it will have an adverse impact on the character of the northern parts of Basingstoke and thus is considered significant in this respect.
- 9.8 In Basingstoke and Deane there are a number of options for the location of growth if additional housing sites are required. The Basingstoke and Deane SHLAA (CD10/5) has looked at a considerable number of potential housing sites in and around Basingstoke. The greenfield sites are identified in Appendix I. The process of deciding which, if any, of these sites are most suitable for development should be undertaken in consultation with the community via the Local Plan process. The granting of permission for the development on this greenfield site on the outskirts of Basingstoke would therefore clearly be prejudicial to the Government's desire for local people to influence the future shape of their area. It would also be prejudicial to decisions regarding the scale of growth that would be appropriate for Basingstoke and the best locations for that growth.

- 9.9 Furthermore, I consider that the proposals constitute development that is “so substantial” that they will prejudice decisions about the “location” of the new development (as prescribed by the General Principles document). The scale is large enough to mean that if 200/450 dwellings are provided here the Local Plan will not have to make provision for that scale of development elsewhere but their 5 year supply will still not be achieved. In this location, as set out by Bettina Kirkham, there is an effect on both the setting of Basingstoke (the main town in the Borough) and on the setting of Sherborne St John, one of the historic smaller settlements in the Borough, and on the relationship between those 2 settlements. Whilst Cabinet is currently of the view that this is a suitable location, that view has not yet been put to the test or verified by independent scrutiny through the examination of the local plan. The previous Local Plan Inspector rejected the site after his scrutiny of the site (CD9/2). There is prejudice to the process of allowing the examination to settle the most appropriate locations for housing development, having regard to reasonable alternatives (in accordance with paragraph 182 of the NPPF).
- 9.10 As set out above, the area of Popley has seen a substantial increase in housing over the past 10 years and hence a significant increase in population size. Whilst this development has been pre-determined through the plan process (allocated in 1998 and 2006), the appeal developments have not been through the formal plan process and therefore this site has not been assessed cumulatively with the Borough’s housing allocations as a whole. I do not consider that the emerging local plan gathers weight until the independent scrutiny has been completed and the Inspector’s report has been issued so the sites put forward are only at consideration stage and benefit from limited weight. As the Manydown decision has proved, other sites could be available and brought forward for housing and therefore it is right and proper that the allocation of this site should be considered as one of many across the whole borough rather than as a piecemeal extension to the neighbouring developments, which were previously considered acceptable.
- 9.11 Furthermore, this site has already been through a Local Plan process and found to be unacceptable as it is more peripheral and less well related to the existing development. The Inspector in 2005 stated this about the land north of Popley Fields (exactly the same site as the outline application):

*This site is agricultural land abutting the northern boundary of allocation D4.2. The site is more peripheral and less well related to existing development than allocations D4.1 and D4.2. Part of the site is on rising ground which would make development more prominent from the countryside to the west than that on the adjoining allocation. The wooded ridge along the eastern boundary of the site is a prominent and attractive feature in the rural landscape; development would interrupt the flow of the landscape up to this ridge. The previous local plan Inspector considered that this site formed an essential part of the Basingstoke-Sherborne St John strategic gap. This Plan no longer designates strategic gaps, but development of the site would adversely affect the character of the countryside between the edge of Basingstoke and the village. There is no reason to allocate this site now.*

- 9.12 The Inspector did consider this site within the context of all the other neighbouring housing allocations and still found it to be unacceptable. However, as I demonstrate below, the housing would not be well located in relation to existing facilities and services and is out on a limb as far as being connected to the other housing within Popley/Marnel park. Furthermore, the previous Inspector found that part of the site *“is on rising ground which would make development more prominent from the countryside to the west than that on the adjoining allocation”*. Nothing can change the topography of the site nor the landscape and therefore this scheme would still be on the raised ground which would be visually harmful, as set out by Bettina Kirkham’s evidence. The housing would be an additional 450 on top of the 2100 already approved in this area.
- 9.13 Until the Council has been through the local plan process, no-one will know what the full objectively assessed need is in a robust sense. There may be people/organisations who object to the level of housing provision proposed as there may be debate at the Examination in Public over the different component parts, to test the robustness. Therefore, the Council will not know until the consultation period has been completed what the Inspector will conclude about the proposed sites and the robustness of the proposed housing figures. What the NPPF requires is that the LPA meets the assessed needs, unless for statutory reasons, it is unable to (such as sites protected under the Birds and Habitats Directives, such as these appeal sites which are home to protected newts). Therefore, it will be for the Local Plan inspector to take the overarching approach and to assess how much growth is needed for Basingstoke having had regard to the robust evidence as to what the needs are, what the constraints are and what the alternative sites are. These alternative sites

will not just be those set out by officers but others may still come forward during the local plan process. Whilst it is accepted that the Council have undertaken a significant amount of consultation already for sites to be included within the SHLAA (as set on pages 6-7 of the SHLAA – CD10/5), there still may be sites which are unknown to the Council. To conclude on this point, whatever happens during the local plan process, this site does not have to be realised at this stage until the local plan process has been completed.

- 9.14 Nowhere in the NPPF does it say that just because the LPA does not have a 5 year land supply that a housing development should be approved regardless of other factors. The test is that the housing scheme must be a sustainable development. I will demonstrate below, that even though housing is required within the borough of Basingstoke and Deane, that the building of the proposed appealed schemes would not be sustainable and therefore should be refused as there are overriding factors which outweigh the housing need.

## 10.0 Community impacts

10.1 The aspects of the reason for refusal 6 (Outline) and 2 (Full) relating to public transport and access to local services will be dealt with by Steve Parsons and I will be assessing the impact of the inadequate local facilities and how the location of the site is such that the proposed scheme is unsustainable.

10.2 The Council has issued a document entitled “Pride in Our Place: a Sustainable Community Strategy for Basingstoke and Deane 2011-2026” (Core Document). Whilst not Supplementary Planning Guidance which limits its weight to some extent, it provides a common sense approach to how Basingstoke and Deane as a borough envisages growth to occur and provides a relevant list of requirements for its communities. These include the following:

### Connected and vibrant – where:

- we create inviting places and communities where people want to live, feel they belong, and it is easy to meet every day needs
- we feel and are safe, active, and healthy, and we look out for the needs of the most vulnerable, so that no-one is left isolated
- people can connect, enjoy their lives, and get involved, creating a strong community spirit
- new homes meet local needs, and bring improved and new local facilities.

### Environmentally responsible and distinctive – where:

- we live and work in harmony with the natural elements and systems on which we depend, and are responding to the challenge of climate change
- the local built and natural environments are in tune and continue to provide opportunities for the economy and people’s enjoyment; they are well managed to provide for the future
- we enrich the different characters of and links between towns, villages and the countryside

10.3 The previous version of this document (for period 2006 – 2016) (Core Document) states the following:

An Environment that's good to live in with an outcome that "People have high quality, affordable homes and value our Borough as a clean, attractive and varied place to live". This is to be achieved in the following ways:

- E1 The variety and quality of the built environment is protected, enhanced and well designed
- E2 The diversity and quality of the natural environment is protected and enhanced
- E3 Access to affordable and appropriate housing is improved
- E4 Residents can access the services they need without the use of a car
- E5 We are effectively using our natural resources and minimising waste and pollution
- E6 Access to the countryside and public open space is improved

10.4 Essential services are important to every community and my opinion is that a sustainable community is one where people can walk to their local facilities and services to ensure there is not an emphasis or reliance on a car, especially for those unable to afford a car or unable to drive a car for whatever reason. Paragraph 3.22 of the adopted Local Plan gives the Borough's Retail Hierarchy (see Appendix J). Within this hierarchy, Local Parades are designated as providing *"walk-in access for all residential areas for day-to-day convenience goods shopping needs, complimenting facilities in the defined centres and free-standing foodstores"*. They are generally defined as groupings of three or more Class A1 units. This is supported within the NPPF which sets out in the glossary that primary retail frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods.

10.5 Paragraph 4.25 of the adopted Local Plan, the supporting text of the 'Protection, Development and Enhancement of Facilities, Services and Open Space' section states *"local and neighbourhood facilities such as shops, community and leisure facilities, play an important role in meeting the needs of local communities, reducing the need to travel, enhancing community spirit and promoting social inclusion. These centres are an important part of a community and can provide a focus for new/improved facilities to serve a local area."*

10.6 Furthermore, paragraph 4.26 of the adopted Local Plan sets out that careful planning reduces the need to travel, by mixing different uses in existing and new

developments. The Local Plan aims to provide local job opportunities, shops and health facilities as an integral part of new housing developments, and introduce these facilities into existing housing and employment areas.

- 10.7 Policy C8 'Protection of Essential Services' within the adopted Local Plan (CD9/1) places the importance of local services and facilities by ensuring that planning permission is not granted for development which would result in the loss of essential local services and facilities which are considered to be important to the local community. These include local shops, post offices, public houses and nursing/care homes. This policy demonstrates how important essential services are to existing communities and are thus important to future communities.
- 10.8 Section 8 of the NPPF 'Promoting healthy communities' under paragraph 70 requires that "To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."
- 10.9 The social dimension to sustainable development as set out in Paragraph 7 of the NPPF requires that development should create "a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being". Due to the limited accessible services in the existing area and the fact that Appeal A makes only limited proposals for new provision and Appeal B has no services proposed, the proposal is considered to fail to meet this requirement of the NPPF as they fail to meet the needs of the proposed community and of those within the existing community. This is particularly for the full planning

application (for 200 houses) where there are no services proposed. With the larger outline scheme (for 450 houses) the provision for land for a primary school and community centre is welcomed. However, with the abundance of community centres within close proximity of the site, as shown on plan in Appendix A, the need, in my opinion, is for local shops, post offices, hairdressers, chemists and other essential services.

10.10 The plan at Appendix A shows where all the existing facilities are within Popley. It is very clear that the nearest shop to the site is the Tesco Express and Young's Fish and Chip and Chinese food shop, located on Carpenter's Down. This is a limited range of local services and is approximately 1km away from the northern part of the outline site, a distance which is too far to expect someone to walk to this shop and food takeaway for their day-to-day needs. The newly constructed development known as Marnel Park (constructed by David Wilson Homes) does not provide any shops or local services. The Phase (2) of the Merton Rise development which proposed the local shopping parade remains to be constructed (by another developer to the appellant). There is on known date for when this will be forthcoming as reserved matters have not been submitted to the Council's planning department for this part of the scheme. Therefore, the majority of residents of Marnel Park (750 dwellings) and Merton Rise (166 dwellings) have no local shops or facilities within walking distance. The NPPF sets out in its glossary that the definition of 'edge of centre' for retail purposes is a location that is well connected and up to 300 metres of the primary shopping area. The existing shop and food takeaway shop are well in excess of this benchmark distance from the proposed site and thus a serious flaw in the proposed development.

10.11 The NPPF encourages people to minimise journey lengths for employment, shopping, leisure, education and other activities and so for large scale residential developments key facilities such as primary schools and local shops should be located within walking distance of most properties. It is accepted that the site is within a suitable distance from the main centre of Basingstoke where employment opportunities are located where greater distances are expected to be travelled and hence would not be by foot or bike. The major concern with this proposal is the severe lack of local shops so that anyone living in the new development will be a significant distance from the existing facilities within Popley.

- 10.12 The day-to-day shopping needs of all the residents within both the full and outline applications would not be supported by local shops so it would be difficult and an effort to buy a loaf of bread, milk, eggs, tobacco, newspapers, magazines etc. Due to the significant distance the new residents would be forced to travel to the nearest shop, being the Tesco Express on Carpenters Down, it is likely that the distance will deter people to walk for these basic needs and would therefore drive to buy these basics. This amounts to poor planning which does not reduce the need to travel by non-car modes of transport but positively encourages travel by car. Furthermore, the site is poorly located due to its out of settlement setting and its peripheral setting being a significant distance to existing established community centres (1km), Scout Hut (1.2km), churches (1.3km), chemists (1.6km), doctors (1.6km), dentists (1.6km) and pubs (1.4km). The residents of the proposed development schemes would not be able to travel by bus to any of these services and if they owned a car would be tempted to use them due to the significant distance. This is poor planning and is unsustainable and not acceptable in 2013.
- 10.13 For the reasons given above, I have demonstrated that the proposed scheme is unsustainable by virtue of its distance to existing local facilities and the lack of shops and other basic day-to-day needs which would be required by residents of a major housing development.
- 10.14 Other adverse effects to the amenities of the local residents is from increased traffic, upheaval from all the building works and the loss of the open countryside as a place of enjoyment, as set out below. The Committee report for the full application accepts that there would be harm to the existing residents of Popley/Marnel Park, in particular from increased traffic. At page 74 the report states the following: *“It is recognised that increased traffic along existing routes through the Marnel Park development, would impact the residential amenity of the recently developed properties here, and it is clear that this harm could not be mitigated by planning condition. Therefore, an impact of this proposal will be the additional traffic generated, in terms of causing noise and disturbance to existing residents of Marnel Park. Whilst the harm is acknowledged, it is clear that there are no alternative access points which would cause less harm. It is also clear that the traffic generated by the proposed development would be split between the two proposed accesses [sic] points.”*
- 10.15 The loss of the existing accessible countryside and natural habitat will adversely affect the amenity of existing residents of Marnel Park and Popley. It will harm

residential amenities by removing an important amenity given the recreational role of the countryside which provides an immediately adjacent area which can be used for walking dogs, walking generally, running, taking children to observe wildlife etc. The provision of play space within the two schemes would just about meet the needs of the proposed residents but would not cater for the residents of Popley and Marnel Park who currently use the open country land for recreational purposes. The local population currently benefit from an amenity comprising accessible countryside across footpaths which link to other footpaths within the wider countryside. Locals can currently go for a countryside walk from their doorstep across the appeal sites but with the development of the appeal proposals, this will disappear and suffer a diminution as one will walk through a housing estate rather than open countryside. This in turn will significantly harm their residential amenity contrary to section 8 of the NPPF.

- 10.16 Residents were aware of the proposed housing as set out in the Local Plan but this scheme could not have been planned for by residents. There is a natural arc which follows around this north part of Basingstoke which includes those housing sites included within planned development of North Basingstoke. However, this site goes too far within the landscape and juts up above the existing housing sites (as concluded by the adopted Local Plan Inspector).
- 10.17 A significant number of objections were received from residents of Sherborne St John and Popley. Of those who live in Popley, I have provided a selection (in Appendix K) to demonstrate how adversely affected the residents who live within the original housing estate of Popley and for those who live within the recently constructed estate. One particular concern is the loss of the open space, the countryside which is clearly an important amenity to the local population. The loss of 21.09ha of open countryside will therefore be a major loss of amenity and is set out in the letters below. Whilst the public footpath will be retained it will not provide the same 'countryside feeling' that now exists and will provide a limited space for dogs to run around on. On the three site visits I have undertaken I have noticed how well trodden the public footpaths are (and this was during the cold winter months) and I met and saw a number of dog walkers, ramblers and one runner.

'Old Popley' such as the Islands and the Poets areas

10.18 Byron Close – “I have lived in Popley 1 for 42 years...we used to be able to go for walks into the countryside but now there are fewer and fewer places to go. There are very few places for children to play in...and I feel that the children need somewhere to “let off steam”

Marnel Park

10.19 Charlbury Lane – the two green fields are home to a wide range of animals and wild species and are used by a wide variety of people for recreation purposes...we regularly see deer, birds of prey etc. in these fields whilst walking our dog.”

10.20 Cleeve Road - “Children today have few opportunities to enjoy the freedom of the countryside and building on this land will take away one of the few remaining accessible areas in which to play and ride bikes in complete safety. The area is also used extensively by local residents of all ages for walking, exercising their dogs etc.... Local amenities are already stretched to the limit. There does not appear to be any provision made for doctors, dentists or even shops.”

10.21 Warner Close – “building right up to the existing tree line will not only destroy this ‘breathing space’, but also drive the wild life further into the forest area. In addition, the site is on rising ground, higher than Marnel Park and further development will have a considerable visual impact on the surrounding area.... I have lived in Marnel Park since 2006 and for most of this time construction work has continued as the development was expanded. This brought a large volume of construction traffic with the noise, dust and safety concerns associated with construction activities. It is only the very recent past that this traffic has stopped, and the residents of the area have been able to fully enjoy their surroundings.

10.22 Wheeler Way “The residents of these developments have had their fair share of construction work...it can’t be right to continually allow new developments to keep being built on subjecting everyone to another 2 years or more of construction, noise, dust, dirt and not to mention the environmental impact on the countryside and fields that so many people currently enjoy”

- 10.23 Hewitt Road – “the development would cause significant disruption during its constructions which, in addition to future development work at Merton rise, would cause intolerable noise, dirt and traffic disruption to the residents of the area.”
- 10.24 Mr Karlake of the Basingstoke Air Scouts states that *“This site has also been used many times over the past few years by some of our younger members of Basingstoke Air Scouts for their Nature Badges, as it is well known for the abundance of various types of wild life including two species of deer, badgers, rabbits and bats. I believe that the local Cadet group also has used the site on occasions for their activities too...As a resident of Popley now for some twenty years, I think we have seen enough development in the area now. We have had to put up with road closures, noise, dust for some five years now.”*
- 10.25 I have also been forwarded by ex-Councillor McCormick emails dating back to 2008 and 2009 from residents who have been disgruntled by the on-going building works within the Popley area. Whilst these developments were not by the applicant, it gives an insight into how the local community has been hampered by development and undermines their quality of life. One such email (Appendix K) states *“we have ten wheeled lorries coming up and down Dryden Close reaching 30mph. the road is too small and the amount of kids that cross it is an accident waiting to happen”*. Another resident in 2008 complained about the lorries at 7.55am one October morning *“there has been a CPI euromix lorry parked outside by house since 7.21 and it is still out there now, with the engine ticking over, more than half an hour.”*
- 10.26 Another harm to amenity which the local residents have experienced is from the number of road closures, road works, lorries, dust, mud and inconvenience caused from the significant number of housing developments (as set out in Section 3 above). Below is a sample list of 5 jobs to give an indication as to how long local residents were disrupted in the Popley area from road closures which that directly link to the new estates in the area (provided by Hampshire County Highways department):
- Carpenters Down. From Shetland Road junction to Carpenters Down roundabout. There was footway reconstruction for proposed shared footway and cycleway. This required two way traffic signals. Work took place from 6<sup>th</sup> June 2011 to 25<sup>th</sup> November 2011 (16 weeks).

- Carpenters Down. A new pedestrian refuge island and associated shared footway/cycleway works. These works required two way traffic signals. Work took place from 16<sup>th</sup> August 2010 until 28<sup>th</sup> January 2011 (24 weeks).
- Carpenters Down. There were works for signalisation of Popley Way/Carpenters Down Junction incorporating additional fourth arm for access to new housing development - From the junction with Popley Way to just above Malya Close. These works required multi way traffic signals. Work took place from 10<sup>th</sup> January 2011 to 22<sup>nd</sup> July 2011 (6 months).
- Popley Way, new footway construction for proposed shared footway/cycleway. From side of no 11 Byron Close to A33 Reading Road Junction. These works required two way traffic lights. Work took place from 6<sup>th</sup> June 2011 to 25<sup>th</sup> November 2011 (16 weeks).
- Popley Way, From Aldermaston Road - Open Space park entrance to rear of no.35 Tobago Close: these works required two way traffic signals. Work took place from 06<sup>th</sup> June 2011 to 25<sup>th</sup> November 2011 (16 weeks).

10.27 As shown in the photographs in Appendix K from ex-Councillor McCormack, the disruption is very prevalent. To support these photographs are emails from local residents complaining about the disruption to their amenity and quality of life.

10.28 The housing sites at Marnel Park, John Hunt of Everest School site, North of Popley Way/Merton Rise, Maldive/Faroe Close and Prewitt Park Village were allocated sites and within the adopted Local Plan and North Basingstoke Action Plan 2003. Therefore, the local residents would have been aware that these housing sites were to come forward and be built out within the local plan period. However, only a small section of Merton Rise has been completed with linking roads and development sites having been left in a state of un-finish for some while now. Whilst this is not a concern for the developer of this site as they have only been involved with the development of Marnel Park, it does demonstrate how the local residents are having to live within an environment which is sub-standard as there are no shops and a 'abandoned' housing site in very close proximity to them.

10.29 Meanwhile, this site has not been allocated for development within the adopted local plan (having been previously rejected) and has not been through the process of being allocated within the emerging local plan. Therefore, in the event that this application is permitted, the local residents will have to endure more disruption, a

loss of amenity associated with the building of a green field site and noise and disturbance associated with house building, which was not planned for within the development of north Basingstoke. The community which needs to establish itself has been very vocal that it feels that the existing development needs to settle down and as required by the NPPF (paragraph 70), decisions by LPAs should *“plan positively for the provision and use of community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”*. In this case, a valuable piece of open countryside land will be removed for the enjoyment of local residents of a wider area than would be catered for under the proposed open space. The timing of the proposal has failed to ensure that established shops, facilities and services are able to develop in a way that is sustainable, and retained for the benefit of the community as very few facilities exist at present and none are proposed other than another community centre to add to the plethora of community centres within the vicinity. Nor has the proposal ensured that an integrated approach to considering the location of housing and community facilities and services has occurred. The proposal fails to accord with Section 8 of the NPPF and should be dismissed on this ground.

## 11.0 Summary and Conclusions

- 11.1 The site comprises two agricultural fields, totalling 21.09ha which is bisected by a Public Right of Way and a ditch. The site is located to the north of Basingstoke and lies within the countryside, adjoining the Settlement Policy Boundary of Basingstoke Town at the eastern and southern boundaries of the site.
- 11.2 To the immediate north of the site is Spier's Copse, a Site of Importance for Nature Conservation (SINC), and further to the north and to the west is agricultural land. Basing Forest, also a SINC, lies to the north east of the site. The site is bounded to the south and east by existing residential development. Marnel Park lies to the south of the site and comprises a recent development of 2-3 storey detached, semi-detached, terraced and flatted housing. To the east of the site is Jersey Close and Guernsey Close, a residential development of modest two storey terraced housing dating from the mid-20th Century.
- 11.3 The site lies within open countryside which is apparent on the ground in function and appearance. The fact that the recently constructed housing is visible beyond the site does not alter this and the policies which protect such areas from development such as that proposed should be complied with. Adopted Local Plan policy seeks to restrict the development of land outside of Settlement boundaries and as such the appeal proposals are contrary to the development plan.
- 11.4 The site juts significantly north of the established settlement boundary line penetrating into the countryside and the natural gap which exists between the historic village of Sherborne St John and the northern extension of Basingstoke. The previous Local Plan Inspector (in 2005) concluded that this land should not be built on and the same conclusion should be reached today. This land should be retained as agricultural/open countryside to prevent the coalescence of settlements as it is desirable to keep them separate for townscape and landscape reasons.
- 11.5 The appeals relate to two schemes, both of which were refused by the Council's Development Control Committee in the summer of 2012. The full application seeks permission for 200 dwellings comprising 66 x 2 bed houses, 18 x 2 bed flats, 69 x 3 bed houses and 47 x 4 bed houses with associated access, open space and landscaping (ref. BDB/75762). The outline planning application comprises means of access for up to 450 dwellings, with land designated for a community centre, a 1 form

entry primary school and associated access, open space and landscaping (ref. BDB/75761).

- 11.6 The north part of Basingstoke has been developed heavily for a significant amount of housing, with permission granted for 2100 dwellings in this part of the Borough over the past 10 years. Whilst not all this housing has been constructed, the local community has been hampered by an almost continuous introduction to new development over the past ten years. Whilst much of this development has been approved and formed part of the Local Plan up to 2011, this appeal site has not formed part of the Local Plan housing allocations.
- 11.7 The Borough Council is in the process of putting into place the relevant section of the emerging Local Plan for the allocation of housing land for the period up to 2029. The policy allows for the release for housing of suitable greenfield sites around Basingstoke but development will be prioritised on appropriately located brownfield sites, including making the best use of regeneration opportunities in the urban area. Whilst this site is being promoted by the Council officers, it forms one of many sites being considered to be taken forward for assessment as a whole against the other Borough sites.
- 11.8 The process of deciding which sites at Basingstoke are most suitable for development should be undertaken in consultation with the community via the Local Plan process. The granting of permission for the development on a greenfield site on the edge of Basingstoke, between the village of Sherborne St John, would be prejudicial to the Government's desire for local people to influence the future shape of their area via neighbourhood planning. It would also be prejudicial to decisions regarding the scale of growth that would be appropriate for this part of Basingstoke and the best locations for that growth taking into consideration the nature of the development and the comments received from the wider public on what the scale of housing should be over the next plan period.
- 11.9 The three mutually dependant roles within the planning system to ensure sustainable development as set out in paragraph 7 of the NPPF are economic, social and environmental. The benefits of providing needed market and affordable housing and the contribution of the construction upon the local economy would weigh in favour of the scheme. However, there would not be ready access to local facilities or to decent public transport for future residents and there would be very substantial harm on the

distinctive character of the open countryside between the two settlements of Basingstoke and Sherborne St John and also the development represents a significant risk to the Great Crested Newt populations in the area. Therefore, on balance the proposed development would not be sustainable development in the terms set out in the NPPF and would not accord with policies within the adopted Local Plan. Whilst the S106 undertakings put forward would go some way in mitigating against some of the harm identified above, no payment could prevent the harm to the landscape and countryside (as identified in Bettina Kirkham's proof of evidence) and for this reason alone the undertakings would not be sufficient to outweigh the harm set out above.

11.10 The Council accepts that it cannot demonstrate a five year supply of housing land (only able to demonstrate 3.4years) but considers that the appeal proposals are unacceptable because they do not benefit from its presumption in favour of sustainable development and therefore conflicts with paragraph 14 of the NPPF. The proposals would not amount to sustainable development, as defined in paragraphs 18-219 of the NPPF, that the balance in paragraph 7 weighs heavily against the scheme, and that the adverse impacts would significantly and demonstrably outweigh the benefits. Even though this proposal could provide market and affordable housing, this is unlikely to be completed until at least 2020 (assuming that development is at a similar timetable to that constructed for the first 227 houses at Marnel Park). Therefore, this would not add to the immediate shortfall of housing within the borough and should be assessed as part of the emerging Local Plan. In any event, on balance this appeal should fail as the proposals do not accord with NPPF or development plan as a whole.

11.11 As demonstrated by the detailed evidence I have seen from the other Council witnesses, there are detrimental impacts of developing this site in the scale and form as proposed and I therefore consider that the local plan examination Inspector will not endorse the site. Therefore, by granting planning permission now through this appeal process, the option of not releasing the site is in practice precluded and whatever the examination Inspector thinks the site will have been granted permission. Thus the process of producing the Local Plan and settling the locations for development via that process will have been prejudiced.

11.12 For these reasons, the Inspector is respectfully requested to recommend to the Secretary of State that the appeal be dismissed and that the Council's reasons for refusal be upheld.

## Appendices

- A** – Plan showing all facilities in Popley and aerial photograph of Popley developments
- B** – Development at Marnel Park
- C** – Merton Rise outline plan ref 56462
- D** – Report to Planning and Infrastructure Overview and Scrutiny Committee report dated 18<sup>th</sup> October on the Housing land supply position
- E** – Report to Cabinet on 30th October 2012
- F** – 28<sup>th</sup> February 2013 report to the Cabinet
- G** – 12<sup>th</sup> March 2013: Critical Friend Assessment (CFA) of the Council's Local Plan Housing Numbers report
- H** – January 2012: report to Cabinet
- I** – SHLAA greenfield sites
- J** – Retail Hierarchy from Local Plan
- K** – Objection letters, emails and photographs