

Cttee: 25 February 2015 Item No. 1

Application no: 14/02200/OUT
[For Details and Plans Click Here](#)

Site Address	Burnham Copse Infant School Newchurch Road Tadley Hampshire
Proposal	Outline planning application for the redevelopment of former Burnham Copse Infant School site for up to 36 residential units (use classC3), open space and associated car parking with all matters reserved

Registered:	29 July 2014	Expiry Date:	28 April 2015
Type of Application:	Outline Planning Application	Case Officer:	Patricia Logie 01256 845457
Applicant:	Hampshire County Council	Agent:	Mr Natasha Peach
Ward:	Baughurst And Tadley North	Ward Member(s):	Cllr Michael Bound Cllr Robert Tate
Parish:	TADLEY CP	OS Grid Reference:	459258 162193

Recommendation:	the application be REFUSED for the following reasons:
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Reasons for Refusal

- 1 The application site is situated within the (0-3) km Detailed Emergency Planning Zone (DEPZ) surrounding the Aldermaston Atomic Weapons Establishment (AWE). The use of the DEPZ in this context provides an area for development control consistent with the zone defined originally for emergency planning purposes. The proposed development, if allowed, would as a result of the size of the proposal and associated increase in population, proximity to the centre of the DEPZ and location within one of the most densely populated sectors of the DEPZ and adjacent to 2 other heavily populated sectors have an impact on the Atomic Weapons Establishments Off-Site Plan due to the increased potential for evacuation as opposed to shelter as a result of proximity, in the short term and a longer term potential for significant recovery. As such the proposal would be contrary to the requirements of Policies E1 and D5 of the Basingstoke and Deane Borough Local Plan 1996-2011 and The National Planning Policy Framework.
- 2 In the absence of a suitably completed Section 106 Agreement to secure a contribution towards Affordable Housing, BEST (Basingstoke Environmental Strategy for Transport), community facilities, open space, playing fields, play areas/recreation and allotments, the proposal is contrary to Saved Policies E1, C1, C2, C9 and A2 of the Basingstoke and Deane Borough Local Plan 1996-2011 and the guidance contained within the Council's Section 106 Planning Obligations and Community Infrastructure Guidance Document.

General comments

The application has been called in by Cllr West for the following reasons;

'The infrastructure deficit in Tadley is already well documented with the recent development of 115 homes at the old Boundary Hall site exacerbating the pressure on schools, doctors, water pressure, drainage, roads and other amenities.

A key concern for this site is that of access and I am not satisfied that there is any convenient and safe option to provide vehicular access. Moreover, the residents in central Tadley know from experience that the roads are gridlocked in the morning and early evening already and this new

development would just exacerbate the problem. Traffic from this proposed new development would be pushed onto Newchurch Road creating further congestion and safety risk to the pupils of Burnham Copse Primary School during drop-off and pick-up times.

I am of the view that the numbers of additional people and cars that would be drawn to the area as a result of this development would put too much strain on the already stretched amenities and infrastructure and that such a proposed development would be unsustainable.

Can you please also take my written submission and add that as my consultation response for public viewing as an objection.'

Planning Policy

The site is within the Tadley Settlement Policy Boundary.

National Planning Policy Framework (NPPF) (March 2012)

Section 4 (Promoting sustainable transport)
Section 7 (Requiring Good Design)
Section 8 (Promoting healthy communities)
Section 11 (Conserving and Enhancing the Natural Environment)
NPPG

Adopted Local Plan 1996 - 2011 (saved policies)

Policy E1 (Development Control)
Policy E6 (Landscape Character)
Policy E7 (Nature/Biodiversity Conservation)
Policy A1 (Car Parking)
Policy A2 (Encouraging Walking, Cycling and the Use of Public Transport)
Policy C1 (Section 106 Contributions)
Policy C7 (The Protection, enhancement and replacement of existing leisure and community facilities)
Policy C9 (New leisure facilities and open spaces)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Appendix 5 Design and Sustainability SPD (Construction Statements)
Appendix 6 Design and Sustainability SPD (Waste and Recycling)
Hampshire Parking Standards SPD
Landscape and Biodiversity SPD
S106 Planning Obligations and Community Infrastructure Interim Planning Guidance Note (July 2005, updated April 2013)
Supplementary Planning Document `Basingstoke Environment Strategy for Transport (BEST)

Other material documents

The Community Infrastructure Levy (CIL) Regulations 2010
Hampshire County Council Transport Contributions Policy
Tadley Village Design Statement

Description of Site

The application site sits adjacent to the Tadley community centre located to the east of it. Newchurch Road forms the south and east boundary of the site. The site is that of the former Burnham Copse Infant School, which has been demolished and all materials removed. The playground is still a hardstanding on the site and the area of the foundations of the buildings still appears to remain.

The previous landscaping remains and the site has verdant perimeter which provides a green character and appearance, the inside of the site can only be glimpsed from gaps in the boundary trees and planting. The site appears to be level.

To the north are residential properties off Franklin Avenue, two storey terraced and semi-detached and a car parking area; to the west is the Tadley Community Centre and car park; to the south is the rear boundary garden wall of the residential properties that front Searing Way, which are two storey terraced and semi-detached; and to the east is a mix of frontage and rear elevations of residential properties on Newtown and Newchurch Road which has an established residential character with mature landscaping softening the appearance.

The site is not being used and the vehicular access points are gated and locked. Vehicular access for the school was from Newchurch Road shared with the community centre and on the eastern side opposite the Newtown junction.

Newchurch Road is street lit with parking restrictions in parts ie double yellow lines.

Proposal

This is an outline planning application with all matters reserved. The application is seeking to establish the principle of developing the site for up to 36 dwellings.

The plans identify an area of land to the north west of the site as transferred to BDBC. This is not part of the application for planning permission but is identifying land that is being offered as the community contribution of any S106 relating to this application. This is discussed further in the report.

Consultations

Tadley Town Council: comments on original plans;

‘Would like to see this site developed for retirement homes to buy and rent, with priority given to Tadley residents. Concerned as to whether there is sufficient parking on the site. If the application is approved, a condition should be imposed to significantly improve the sightlines at the corner opposite the entrance to Searing Way.’

Tadley Town Council: comments on amended plans;

‘We repeat our previous comments on this application.’

Cllr Bound: comments on the original plans;

As Borough Councillor for the ward within which the proposed development comes I am very much in favour that this piece of land should be utilised and much needed housing would seem to be the logical solution. I would make a number of points though:

- We have quite a lot of people in Tadley who contact me about the scarcity of dwellings suitable for the more elderly in the area to downsize to, particularly those who moved here in the 50s and 60s to work at the AWE. These people live in good size family homes but these original occupants, perhaps only one left now, need something smaller and easier to manage but nothing is readily available. So a plea would be that the housing mix should include some dwellings suitable for occupation by the 'elderly', possible bungalows and small blocks of purpose built flats. The houses they had lived in would then be available in the community for other families.
- Secondly, we also have quite a number of people on the housing needs register in the Tadley area so a plea to stick with the Borough requirement of 40% affordable with an element of social.
- Thirdly, Newchurch Road is fairly short in length, has a dentist, a church, a school, community centre and a small housing development along its short length, a difficult entry from a side road from Huntsmoor and a car park; there is also a blind bend at the end

nearest where the development will be sited and close to the exit/entrance for Searing Way - traffic and traffic speed is often a problem - could I make a plea that Hampshire be encouraged, as part of the application, to put in place a 20mph speed limit along the length of this road.

- Lastly, the indicative plan doesn't seem to include a lot of parking - I presume that the number of parking spaces meets the required parking standards for the Borough.

Cllr Bound: comments on the amended plans;

'I am very much in favour of the application going ahead but have my doubts as to whether ONR will support the rise in the 'night time population'. There are things in the submission from the applicants consultant concerning the AWE that seem out of date eg extensions to Burnham Cope - the report seems to suggest that these changes are in the pipeline but in fact they are happening. The other thing is that I believe that these dwellings should be very much for the older residents of Tadley to down size to because the positioning of them is so close to the local facilities and there is that need in the Tadley area so that some of the bigger properties can be released for families.'

Hampshire County Council Emergency Resilience - Due to a potential conflict of interest West Berks will deal with this.

Civil Contingencies Manager (West Berkshire Council) – Objection

Taking into account all the above points the AWE Off-site planning group considered the impact of the application on the AWE Off-Site Plan. As a result due to the impact on responding agencies and the potential impact on the occupants of the proposed development it is recommended that the Planning Authority refuse the application.

Comments on revised plans - Objection

However there is no evidence to allow the AWE Off-Site planning group to change the recommendation of advise against.'

Office of Nuclear Regulation: ONR advises against this development.

Environmental Health – (Original Plans)

Noise – more information required

Contaminated Land - The White Young Green Ground Condition Assessment Report submitted with the application has identified elevated concentrations of a group of contaminants known as poly-aromatic hydrocarbons, some of which are known carcinogens. As recommend in the report further intrusive investigations and chemical testing are required in order to provide a more robust assessment of the risks from contamination to future site users. Some form of remedial works are also likely to be required. We are however happy for this information to be requested via conditions.

(Amended plans) -

Noise - The 24 Acoustics Noise Impact Assessment recently submitted assesses the noise impact from plant located on the adjacent Tadley Community Centre building. The assessment indicates that the level of noise impact at the nearest proposed property will be very low (as defined in BS 4142). The report concludes that the noise impact from the plant at the proposed residential development is considered acceptable. Environmental Health are happy with this assessment and therefore require no further comment or assessment with regards to this off-site source of noise.

Contaminated Land – original comments remain valid.

Environment Agency (Original and amended plans) – No objection

We have **no objection** to the proposal as submitted on protection of controlled waters. The WYG site investigation report, dated 2008 indicates there is some elevated hydrocarbons in the soils. Given the previous uses of the site and the fact the site overlies a secondary aquifer we consider this site as low risk from the perspective of groundwater quality.

Thames Water (Original and amended plans) - No objection, offer advice and informative

Surface Water Drainage - Surface water drainage it is the responsibility of a developer to make proper provision for drainage.

Sewerage Infrastructure Capacity - No objection

Water Infrastructure Capacity – No objection

Drainage - The local land drainage authority has nothing further to add to the comments already made by the other statutory consulters.

Biodiversity (original and amended plans) - Acceptable, subject to conditions relating to habitat enhancement scheme and a Wildlife Protection and Mitigation Plan.

Trees (Original Plans) – Objection

Recommend refusal as the illustrative masterplan and tree survey information does not satisfactorily demonstrate that the site is capable of supporting the required housing density.

(Amended Plans) - Approval in principle, although consideration will need to be given to tree issues at reserved matters.

Highways (Original and Amended Plans) – No objection subject to conditions and reasons

Landscape (Original and Amended Plans) - Acceptable, subject to conditions.

Urban Design (Original Plans) – No objection subject to a scaled illustrative masterplan being submitted which satisfactorily addresses concerns over layout and scale

(Amended Plans) – No objection

Waste (Original Plans) - No objections to this outline plan.

Please refer to the supplementary planning guidance, Appendix 6 to ensure waste and recycling collection requirements are adhered to. Many thanks Joint Waste Client Team

Archaeology – No objection (to original or amended plans)

HCC Highways – Comments should be made by the District’s own engineers given the size of the scheme.

HCC Education – No requirement for a contribution towards primary or secondary school infrastructure.

Public Observations (Original Plans)

Six letters were received in relation to the original scheme raising the following concerns;

- 40 dwellings is too much for the size of the land.
- Increase in traffic on what is an already busy road (especially a school drop off and pick up)
- Road through the site will become a ‘rat run’.
- Danger to children and families that walk to school and other pedestrians
- Parking, not enough shown on the plans, this will create an eyesore with cars parked on the street, pavements etc.
- Junction of Franklin Ave and Newtown is very close to the proposed new access point. This is already a busy area and traffic can be constant. Possible Alternative access to Newton direct on to Franklin or a roundabout on Franklin with access to Newtown and Newchurch
- Increased pressure on amenities such as school places, dentist, doctors, green spaces,

- recreational areas, road quality, parking with no improvements proposed.
- Currently a problem in the evenings and weekends in Southdown Park with teenagers gathering to socialise, bringing alcohol etc. and being rowdy. The seating area in the planned development will only create a further area for teenagers to gather and disrupt residents (even with the proposed development of the Community Centre Youth Club proposal).
 - What is the timescale for development?
 - Currently not overlooked, will be as a result of this development by a number of properties.
 - Area is currently very quiet, changed by the on-going noise once residents move in.
 - Current boundary is a chicken wire fence and difficult to see on plan the fence or which trees will be felled. The loss of trees will open up gardens and there will be a loss of privacy and an increased security risk.
 - Loss of trees will be detrimental to the wooded character of the area.
 - Access is opposite house, increase in noise and disturbance and lights shining into bedrooms, can't the proposal share access with the community centre?
 - 3 storey flats are out of keeping, area is two storey housing and bungalows.
 - Water pressure, currently poor and on occasions only just acceptable, what are the implications of this application?
 - Tree felling would reduce privacy
 - Trees were planted as a buffer between houses and school and are now significant (about 60ft) and cast considerable shadow and dropping leaves in Autumn
 - Minimal maintenance in the last 20 so whole area requires 'refurbishment', if leaving this a landscaped area may it also include a comprehensive maintenance schedule which is implemented and maintained.

No letters were received in relation to the amended plans.

Relevant Planning History

There are a number of planning applications relating to the former use of the site as a school; however none are relevant to this application.

Part of the area outlined in red does have a planning application that is relevant to this application.

14/01822/FUL	Erection of a detached two storey building forming Youth Centre to the rear of the existing Community Centre and associated landscaping	Granted 29.10.14
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Assessment

Outline Planning Application

The outline application seeks to establish the general principle of up to 36 dwellings on the site. Outline planning permission can be granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be 'reserved' for later determination).

In this case it is only the principle of up to 36 dwellings being considered as all other matters are reserved. Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) states;

- (3) Where layout is a reserved matter, the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter, the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.

The National Planning Policy Guidance (NPPG) which supports the NPPF states that outline applications need to provide the following; 'Information about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission.'

Therefore the information provided has to be sufficient to demonstrate that the principle of the development and its use can be considered in relation to the specific constraints of the site, and any adjoining sites / uses.

This application was supported by the following documents when originally submitted;

- Indicative plans
- Planning design and access statement
- Flood risk assessment
- Transport statement
- Tree report
- Ground conditions assessment
- Radiological impact assessment
- Extended phase 1 ecological survey and phase 2 reptile survey report

The amended plans submission included;

- Covering letter (20 November 2014)
- Revised indicative layout plans showing;
 - Number and mix of units
 - House types
 - Parking strategy
 - Tree strategy
- Plan showing site in relation to green spaces and community facilities
- Tree protection plan
- Memorandum in response to AWE consultation responses.
- Noise impact assessment

Originally the description of development was for up to 40 dwellings on the site, but as a result of consultation responses this was amended to be up to 36 dwellings on the site. As the description of development is 'up to 36 dwellings', this means that less units could be applied for with any reserved matters application but the application has to demonstrate that the amount applied for (in this case 36 dwellings) can be accommodated on the site so that it can be demonstrated that the maximum amount proposed can be achieved.

Principle of Development

Planning Law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan for the area is the Basingstoke and Deane Borough Local Plan 1996-2011. Since the adoption of the BDBLP the National Planning Policy Framework (NPPF) has been introduced. The NPPF constitutes guidance, which LPA must have regard to (as advised in Planning and Compulsory Purchase Act 2004).

In determining planning applications the NPPF advises in Para 14 that:

'At the heart of the NPPF is a presumption in favour of sustainable development, which should be

seen as a golden thread running through both plan-making and decision-taking.....

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - any adverse impacts of doing so would be significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
- or
- specific policies in this Framework indicate development should be restricted.'

For the purposes of decision-taking, Paragraph 211 of the NPPF is clear that the policies within the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Paragraph 212 is clear that the policies within the NPPF are material considerations which Local Planning Authorities should take into account from the day of publication (27 March 2012).

Given that the Saved Policies of the Basingstoke and Deane Borough Local Plan 1996-2011 were not adopted in accordance with the Planning and Compulsory Purchase Act 2004 (but were adopted under the transitional arrangements), Paragraph 215 of the NPPF is considered to apply to the current Local Plan. This states: "...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight may be given to them".

This means that full weight cannot be given to the saved policies of the current Local Plan and therefore, in determining applications, consideration needs to be given to the degree of consistency a saved policy has with regard to the NPPF.

On 21 June 2012, a paper went to Planning and Infrastructure Overview and Scrutiny Committee which included a review of saved Local Plan policies in terms of their consistency with the NPPF. This agreed that the Saved Policies listed above in the policy section should be continued to be used, as they are generally in conformity with the NPPF.

Saved policy D5 supports the principle of development within settlement policy boundaries, provided they contribute to social, economic and environmental wellbeing and the reuses of brownfield sites is one of the core principles of the NPPF (Paragraph 17).

With regard to paragraph 14 of the NPPF it needs to be demonstrated that the site can accommodate the amount of development proposed without any adverse impacts of doing so significantly and demonstrably outweigh the benefits.

AWE/Emergency Planning Matters

Developments proposed up to and within 8km of the Aldermaston Atomic Weapons Establishment (AWE) site are subject to consultation with the Health and Safety Executive (HSE) due to their proximity to a hazardous installation. The 8km distance is separated into inner, middle and outer zones and represents the Detailed Emergency Planning Zone (DEPZ) surrounding the AWE.

The size of the proposal (36 homes) which would result in (approx. 86.4 people (calculated by 2.4 x 36); the site is 1.4km from the DEPZ centre, approx 900m from AWE Site Boundary and is in the 4th most dense residential sector and adjacent to the third and most dense residential areas

The West Berkshire Emergency Planning Officer was consulted and has recommended that this application is refused due to the impact on the AWE Off-site Plan and the responders involved.

The revised plans, which reduced the amount of development also included a document to try and address this issue which was considered by the West Berkshire Emergency Planning Officer. The response to this document concluded that;

'In summary the comments from the agents are noted and answers are provided in the feedback column.

In particular it is noted that the agent has a heavy reliance on the frequency of accidents from the site – this is noted and it is hoped it remains the case. However should a radiation accident arise, however low the probability is the impact on the surrounding community could be high – hence the need for the Detailed Emergency Planning Zone as determined by the regulators ONR who determine the extent of the emergency planning zone (REPPiR 9(1)), after consideration of information provided by the site operator.

However there is no evidence to allow the AWE Off-Site planning group to change the recommendation of advise against.'

The Office of Nuclear Regulation has advised as follows:

'Due to the scale and location of the proposed development **ONR advise against this application unless** the emergency planners at West Berkshire Council [which has responsibility for the AWE Aldermaston Off-site Emergency Plan under the Radiation (Emergency Preparedness and Public Information) Regulations 2001] are consulted with regard to this application and that they subsequently provide written confirmation that, in their opinion, the proposed development can be accommodated within their existing off-site emergency planning arrangements (or an amended version of it).'

Under the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001, the multi agencies are required to assess and determine the likely impact of new planning developments upon the off site plan. That assessment will also take into account consultation with the nuclear licensee who also has duties under REPPiR and under other legislation to meet conditions required for their nuclear site licence.

In this case, the multi agencies have advised that the proposed development would have an adverse impact on the ability of the responding agencies to implement the Aldermaston Off-Site Plan in the event of a nuclear emergency. We have seen their assessment and we support that view.

This decision is made without prejudice to the interests of other Divisions and Directorates of the Health and Safety Executive.'

It is therefore considered that the implications of the increase in population would have an adverse impact upon how the existing emergency plan functions and the proposal is therefore unacceptable. As such the proposal would be contrary to the requirements of Policies E1 and D5 of the Basingstoke and Deane Borough Local Plan 1996-2011, and The National Planning Policy Framework.

Housing Land Supply

Section 6 of the NPPF states 'Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.'

The NPPF requires local planning authorities to actively manage their housing land supply, demonstrating that they can identify a supply of specific, developable sites or broad locations for growth for 10 years and, where possible, for 15 years. This includes a five year supply of specific deliverable sites. The NPPF states (in para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development.

On 6 June 2013, the borough council's Cabinet endorsed a revised local housing requirement for the borough of 748 dwelling per annum (dpa). This decision was reiterated by Cabinet at their meeting on 18 February 2014.

The Council's current land supply position (October 2014), which has been partially updated in light of recent major planning appeals (Razors Farm) currently stands at 4.2 years of supply using the Liverpool Method of calculating land supply and 3.8 years using the Sedgfield Method.

The NPPF states (Para 49) that relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. As this is the case here, the presumption in favour of sustainable development comes into play. This does not mean that all housing developments have to be approved, but going back to paragraph 14 of the NPPF in terms of decision making, this means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. Impacts of the development and whether the development is considered to be sustainable are considered further below.

Sustainable Development

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and Local Planning Authorities are encouraged to approach decision-taking in a positive way, to foster the delivery of sustainable development. The three dimensions to achieving sustainable development are defined in the NPPF as: economic, social and environmental. These dimensions are also referenced within the adopted Local Plan at Saved Policy D5, where it is recognised that "Residential ... proposals which contribute to social, economic and environmental well-being will be permitted". Whilst this is set out in relation to existing Settlement Policy Boundaries, rather than greenfield sites, it is clear that these three dimensions are relevant in determining this application.

Under the Core Planning Principles of the NPPF, it is stated that planning should proactively drive and support sustainable development to deliver the homes and thriving places that the country needs. Every effort should be made to objectively identify and then meet the housing and development needs of an area and respond positively to the wider opportunities for growth. The core principles also focus on delivering high quality design, recognising the different roles and characters of different areas, conserving the natural environment and heritage assets, and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing significant development in locations which are or can be made sustainable.

In accordance with Paragraph 14 of the National Planning Policy Framework (NPPF) it is necessary to assess the impact of the proposal in terms of its sustainability. The NPPF defines this as being with regard to Economic, Environmental and Social impacts of the development.

- Economic Sustainability

This is not an application for economic development; however the construction phase would create a number of jobs and once occupied the residents would be potential employees for businesses in the area, or wishing to relocate and these residents would be consumers in the local economy. It is acknowledged that in this regard the opportunities for employment within the immediately adjoining area are limited.

- Social Sustainability

The proposal is for dwellings which would provide housing for residents; an element of social sustainability.

Saved Local Plan Policy C2 and the Affordable Housing SPD (July 2007) set out the councils affordable housing requirements from new developments in the Borough.

The policy states that the level of affordable housing provision may vary depending on the specifics of the site, however the Council's intended starting point for negotiations will be 40% and that within settlements of at least 3,000 populations outside Basingstoke Town area, the minimum threshold is 15 dwellings or 0.5ha.

The application site is in excess of both 15 dwellings and 0.5 hectares and therefore there is a policy requirement for an element of affordable housing on site and the starting point for such provision is 40%. The application proposes that 40% of the dwellings proposed would be affordable. This complies with Saved Local Plan Policy C2 and the Affordable Housing SPD (July 2007) and could be secured with a S106.

Saved Policy C3 of the Local Plan requires a mix of dwellings both within the development overall and with the market housing, including a substantial proportion of small units (1 and 2 bedrooms, with a 2 bed not exceeding 70m²) as well as a proportion of homes designed to Lifetime Mobility Standards. The 'Housing Mix and Lifetime Mobility Standards SPD' expands on this. The site is beyond 400m from Tadley district Centre and therefore the following applies; '30-35% of market dwellings should be small units (2 bedrooms or fewer) on sites further away from the central areas and public transport routes of the following settlements, but still within their defined settlement policy boundaries'.

The proposal is outline at the moment but the indicative mix demonstrates 4 one beds (flats); 11 x 2 beds (4 flats, 7 houses); 12 x 3 bed (houses) and 9 x 4 bed (houses). The indicative layout does not distinguish between market and affordable housing but this mix demonstrates that 15 (40%) of the units are 1 or 2 bedrooms and the Planning, Design and Access Statement confirms that 35% of the proposed market dwellings would be smaller units. Conditions or S106 could secure compliance with Saved policy C3 and the 'Housing Mix and Lifetime Mobility Standards SPD'.

In addition, Saved Policy C3 encourages developers to include a proportion of homes designed to meet Lifetime Mobility Standards. The Planning, Design and Access Statement makes reference to this policy and states that the development proposal would accord with it, which could be secured through either condition or S106.

As such, with such condition(s) / S106 the scheme is considered to be compliant with Saved Policies C2 and C3 of the Local Plan, the Affordable Housing SPD (July 2007) and the Housing Mix and Lifetime Mobility Standards SPD. The provision of a housing mix and lifetime mobility housing is considered to represent social sustainability as required by the NPPF.

- Environmental Sustainability

Given that the site is within a SPB the location is considered to be a sustainable location.

The application proposes a development of up to 36 dwellings. Since the revocation of Planning Policy Statement 3 (Housing) by the NPPF there is no formal definition of how to calculate density. However Annex B of PPS3 did include a definition of net dwelling density as follows:

'Net dwelling density is calculated by including only those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking area, incidental open space and landscaping and children's play area, where these are provided.'

Given the lack of any new definition it is considered reasonable to apply the definition set out above as a measured way of calculating density on the site. Using the site area given in the application form (1.41 hectares) and taking away the area of land to be transferred as part of any S106 (0.079 hectares), the proposed development would equate to a density of 27 dwellings per hectare. In addition to the density figure the indicative layout states that no building would be higher than 2 storeys in height and the verdant landscaped area that wraps around the south and east of the site is retained, apart from where access is proposed. The Design and Access statement makes reference to some 2.5/ 3 storey development but this was in relation to 40

dwelling, the reduction to 36 has removed the need for 2.5/ 3 storey and the indicative layout plan is annotated to reflect this.

The two storey nature of the development is not out of keeping with the surrounding properties and a density of 27 dwelling per hectare is considered to be acceptable as a starting point for any detailed reserved matters application. Density is only one indication of development quality and given the restriction in height, which can be secured via condition if approved, this density and height restriction would secure an efficient use of land that represents environmental sustainability by achieving the best use of land.

As the application is for 'up to 36 dwellings' the risk that when the detail is developed the impact of 36 units, for example trees, residential amenity, over shadowing, car parking, road requirements, garden size etc, means that 36 can't be accommodated on the site is the developers. In the future any reserved matters application does not have to be approved for 36 if there is a significant and demonstrable harm in doing so.

The remaining elements of the environmental impact of the development are considered in details below.

Highways and Parking

This is an Outline planning application for the redevelopment of former Burnham Copse Infant School site for up to 36 residential units, open space and associated car parking with all matters reserved.

Other than a conceptual site layout and a Planning, Design and Access Statement describing site aspirations, the application has nothing to assess in highway terms other than the broad principle of whether a residential development of up to 36 units should proceed.

The outline application was accompanied by Transport Statement (TS), which considers whether, in the broadest terms, a 40 unit development would or would not adversely impact on the surrounding public highway network, the adjacent existing schools and community centre; the TS also assesses whether the site is sustainable in NPPF highway terms and hypothesises that with two forms of access to Newchurch Road (one east and one south), an internal circuit road layout and parking to BDBC residential parking standards, 40 units could be supported on the site.

The scheme was revised and the indicative layouts show a possible 36 dwelling units, in a range of house types and parking allocation and distribution. In highway terms with all matters reserved, only the principle of a residential development can be considered at the site.

The principle of a residential development for up to 40 units is probably demonstrated by the TS; albeit any commentary and conclusions provided by the TS about the internal site traffic movements, suitable points of access, internal servicing arrangements, emergency access and expectations for residential parking requirements, remain questionable without a definitive site layout.

With regard to the revised 36 dwellings scheme comments are made on the indicative layout.

- The main through road appears accessible and conventional. A road design could benefit from some traffic calming features to encourage lower traffic speeds and for the road to be a less attractive alternative to through traffic.
- Four culs-de-sac shared driveways are indicated. In addition to pedestrian and car access; space for emergency and delivery vehicle manoeuvring and service access will need to be ensured.
- The indicated main access points are roughly at the locations of the school pedestrian gateways. The locations of the accesses appear cognisant of design speeds and visibility splays. The eastern example is incorporated into the existing lay-by. The lay-by is shown

substantially smaller which could be due to the sketch nature of the layout as no specific use is indicated for the land that could be gained.

- The existing east vehicle access is not shown and is off the edge of the layout drawing. Only access to a potential block of flats is apparent in the north east corner of the site.
- Pathways are shown following the road way and as pedestrian only routes.
- One path is shown merging at the community centre access. The existing footway would need to be extended to join to there.
- The former bellmouth on the south east side is shown also with footways extended around it which join to a path that cuts the corner of the site.
- The indicative car parking mix of allocated and unallocated is in accordance with the Parking SPD, in quantity and proportion. Provision for cycles also is required by the SPD.

However, the Highway Authority would not wish to raise an objection to the outline application for up to 36 residential units subject to Conditions and Informatives. The conditions would relate to the following topics; Phasing Scheme, Phasing Details, Principles of Design & Access Statement, Construction Traffic Management Plan, Hours of Work, Deliveries, Means of Access / Emergency Access, Surface Water Drainage, External & Street Lighting, Footway / Cycleway, Highway Improvements, Infrastructure Upgrades, Lifetime Homes C3, Soft & Hard Landscaping, Survey, Dust; Informative(s): Local Highway Authority & Local Flood Authority

Impact on the character of the area/ design

There is a mix of uses in the surrounding area, although the character of the area is predominantly residential with a mix of dwelling types and ages in evidence. The residential dwellings to the area do not exceed two storeys and there are single storey dwellings opposite the site to the east. The community centre is a larger non domestic building but its design, with a large footprint but a stepping of the roof up to one higher area does not dominate the area and the planting around it softens the impact.

Planning permission was granted for 'Erection of a detached two storey building forming Youth Centre to the rear of the existing Community Centre and associated landscaping' (14/01822/FUL refers) on 29 October 2014. The area outlined in red for this application includes the land for the approved application and the design of this new youth centre considered the possibility of residential development on this site. As a result windows at first floor were kept to a minimum and were high level.

The landscape team reviewed the revised scheme and considered there was some work still needs doing to make the indicative layout successful. However as this is an outline with all matters reserved they found it to be acceptable subject to conditions relating to the following

- Proposals for hard and soft landscape, including means of enclosure, surfacing materials and street furniture must be submitted with any RM application
- Proposals for the implementation of the soft landscape works, including a schedule of implementation and maintenance arrangements to ensure establishment.
- Management plan, detailing the short medium and long term design objectives for the public realm, i.e. open spaces and highways, and how those objectives will be achieved through a program of maintenance.

The indicative layout provides for the retention of the landscaping around the frontage of the site facing Newchurch Road, which could be secured by condition if the application were to be approved. Planting within the site, on the boundary with the properties and is also shown retained on the indicative plans, on the boundary with the car parking area to the rear of Franklin Avenue.

The urban design officer also commented that the revised illustrative layout has made several improvements to the streetscene, to how the character of the development complements the surrounding area and to residential amenity compared with the illustrative masterplan originally submitted. There are still a number of areas within the revised layout which could be improved in the event of a reserved matters application. For example, the north western corner of the site appears cramped. Also the detached house on the western side of the right angled junction of the main street through the site has a poor outlook to the rear which is dominated at a short distance by the side of the semi-detached houses to the south. However, the comments conclude that they are satisfied that the illustrative revised layout does demonstrate satisfactorily that up to 36 dwellings can be achieved on this site.

There are no tree preservation orders relating to the site and trees are not protected by virtue of growing within a conservation area. However the verdant character of this site is important and any scheme needs to retain this character and appearance both for existing and future residents. The tree officer has commented as follows; 'In particular, there is a thicket area to the southeast adjacent to the Newchurch Road and a large thicket area to the west of the site. A tree survey has been prepared in accordance with the British Standard 5837: 2012 to support the development proposal. This has identified the crown and root constraints associated with the existing trees.'

In order to facilitate the development, much of the thicket to the west will need to be cleared. Given that these trees are relatively young, they have limited value in the wider landscape and their loss is acceptable subject to a suitable landscape scheme to soften the proposed development. The loss of trees behind 57-61 Franklin Avenue will be noticeable from these properties, and strong replacement boundary vegetation along this line will be necessary to mitigate for this. To the east of the site, some of the trees adjacent to Newchurch Road will be removed which will provide a more formal residential eastern front to the site.

Within the site there are two groups of silver birch trees which are to be removed under the indicative layout. These trees would make attractive mature tree features within the site and will need to be integrated into the final layout. Whilst this detail has not yet been developed, I am satisfied that with the proposed density, this can be accommodated. Therefore, there are no objections to the outline aspect of the development. A number of trees with limited life expectancy currently retained may be removed to provide additional space to achieve this, for example, T56-T58.'

If the application were to be approved the conditions could be imposed that required tree protection during construction and also the retention and integration of trees when submitting any reserved matters application.

In conclusion the development of this site for up to 36 dwellings, restricted in height to 2 storey would only be acceptable providing the verdant character of the area is protected by condition and new landscaping is allowed space to grow and develop and is maintained, this would be through the imposition of conditions and S106 if necessary. The description of development for 'up to' gives some flexibility to the LPA so that if when any reserved matters application is submitted and highway requirements, tree protection issues and garden sizes etc are provided and there isn't room for 36 dwellings then that is the developers risk. With the imposition of relevant conditions and S106 the development would comply with Saved Policies E1 and E6, and the requirements of the NPPF.

Impact on residential amenities

The proposed development would result in a change to the character of the activity that can take place at the site, from educational (school) to residential. The current proposals would result in different traffic patterns, a residential ebb and flow as opposed to high activity twice a day that is more normally associated with a school. However it is not considered that this change in activity would be so detrimental to the amenity of existing residents that would warrant refusal of the application.

There are residential properties on the opposite site of Newchurch Road to the east and south, both front and rear elevations facing towards the site. The distance between the proposed dwellings and these existing properties will be generous given the presence of Newchurch Road and the retained landscaping. With conditions to secure no more than two storey development the relationship between the proposed and existing is considered acceptable.

The relationship with the properties to the north is more sensitive. The properties on Franklin Avenue have a rear / side relationship with the site and in certain areas they abut the development site. The car parking area to the rear of the properties creates a buffer between the site and some of these properties and it is also the area where trees are proposed to be retained. It is considered that that this relationship due to distance and tree coverage would be acceptable.

The more sensitive area, where there are no retained trees and the properties abut will need careful consideration at the detailed design stage; the perception or actual overlooking can be reduced by the internal arrangement of rooms and the need for windows on certain elevations, length of rear garden. The site is large enough for this relationship to be considered carefully to minimise impact. However well designed there will be an impact from the development as currently there is no development to the rear and there is peace and privacy, but with careful consideration it is considered that the impact could be minimised and a residential use, although different in activity patterns to a school is not considered an inappropriate neighbour in terms of noise and disturbance, therefore the impact of the proposed development on does not warrant refusal of the application.

To the west there is the existing and proposed community uses. The design of any future scheme would have to consider the impact of this on future residents. Our Environmental Health team requested more information on noise and this was received with the amended plans and they confirmed that they were satisfied with the noise assessment and therefore required no further comment or assessment with regards to this off-site source of noise.

In conclusion the development of this site for up to 36 dwellings, restricted in height to 2 storey, retained and enhanced planting and careful design could be acceptable in relation to the residential amenity of the existing and proposed residents. The description of development for 'up to' gives some flexibility to the LPA so that if when a worked up scheme is developed and highway requirements, tree protection issues and garden sizes etc are provided and there isn't room of 36 dwellings then that is the developers risk. This is a good sized site and there are a number of ways that layout and scale can be developed to allow for residential amenity of existing and proposed residents, tree protection, car parking etc therefore it is considered that the maximum can be achieved with thoughtful consideration of the reserved matters and creating a scale of development in character with the established residential area. With the imposition of relevant conditions and S106 the development would comply with Saved Policies E1 and the requirements of the NPPF.

Biodiversity

The application was accompanied by a comprehensive report and the Biodiversity team are satisfied with the conclusions drawn regarding the scope and scale of any impacts upon biodiversity. The report notes potential impacts upon slow worms, breeding birds and foraging badgers, however, it is likely that mitigation based on the suggestions in the report will avoid any impacts.

The Biodiversity team would expect to see greater detail submitted with any full / reserved matters application regarding exactly how these identified biodiversity interests will be protected. They would also seek biodiversity enhancements with the goal of achieving 'net gain' as specified by the NPPF and again detail of how this will be achieved should be submitted with any full application.

In conclusion the application is considered acceptable, subject to conditions relating to habitat enhancement scheme and a Wildlife Protection and Mitigation Plan. With the provision of such conditions the application is considered to comply with Saved Policy E7 and the requirements of the NPPF.

Green Space Standards

The amount of green space required with any development is determined by the Adopted Green Space Standards (dated July 2013) and the Community Infrastructure Interim Planning Guidance. The amount of green space required is calculated by a formula that is based on the number of additional residents calculated from the council's occupancy rates and the number of dwellings.

The layout of the site is not being considered at this stage and ultimately will be determined at the detailed design stage taking into account a number of factors such as the housing mix policy, constraints of the site, drainage and the detailed design of the dwellings (overlooking, car parking, safety, garden space etc). The Council's Interim Planning Guidance "Section 106 Planning Obligations and Community Infrastructure", states that where the housing mix is not known an average occupancy rate of 2.4 persons per dwelling will be used.

- Indicative Layout

The NPPF states, at Paragraph 73, that "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities". It is clear that well planned and designed community infrastructure provides places for people to meet and interact as well as meeting specific needs to support healthy communities. Community facilities and open spaces can help to create a vibrant community, with a sense of place, and will minimise the need to travel elsewhere for leisure and recreation.

Green Space Standards for provision of open space and play areas require the following provision based on the proposed number of dwellings: 2,764.8 sqm of Multifunctional Green Space (MFGS) and 43.2 sq.m equipped play. The equipped play is being sought as an off-site contribution towards enhancement of the play area at Southdown Road.

The indicative plans show some open space and our community team have reviewed this and accepts a proportion as counting towards the requirement for MFGS, as the proposed on site green space is made up of existing trees belts to be retained plus relatively small areas of "amenity green space" indicated as suitable for informal play and relaxation. The areas indicated as green space will have limited function as multi-functional green space because of their size and their proximity to housing and New Church Road. Although they will have a contribution to make in terms of accessible natural green space and informal green space they will not meet the need for kickabout space/space for robust play or equipped play space, and this is sought as an off site contribution to the enhancement of facilities at Southdown Road.

The design of the green spaces proposed on site will be critical to the approval of future applications as there is a need to maximise their functionality whilst at the same time ensuring the safety of users and the quality of life of adjacent residents. Any not provided on site would be sought as an off site contribution towards Southdown Road open space.

Section 106 agreement - need and compliance with statutory tests

In addition to the Green Space issues (Play Areas/Recreation and Open Space) and Community Facilities discussed above contributions towards local infrastructure improvements and community facilities (including BEST, community facilities, playing fields, and allotments) are required to mitigate the impacts of development and to ensure adequate provision exists to meet the needs of users of the development in the locality, in line with current local and national policy.

The Council's Interim Planning Guidance Note 'S106 Planning Obligations and Community Infrastructure', and the Community Infrastructure Levy (CIL) Regulations 2010 with regard to planning obligations in the context of a development. The CIL regulations in particular, now make it unlawful if the obligation sought does not meet the following three tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development, and;
- (c) fairly and reasonably related in scale and kind to the development.

In respect of this application, it has been identified that contributions are required towards BEST (Basingstoke Environmental Strategy for Transport), community facilities, affordable housing, landscape management plan, playing fields and allotments.

The contribution towards community facilities has been proposed as the transfer of land which is in the applicant ownership and included in the area outlined in red to BDBC so that the approved youth centre can be implemented. This has been accepted by our community team and no cash contribution is sought.

At this time there is no legal agreement in place as the application is recommended for refusal, although there has been agreement on principles of contributions. The lack of a completed legal agreement would therefore form a reason for refusal.

Flood Risk

The proposed development is located in Flood Zone 1 (low probability) based on the Environment Agency (EA) Flood Zone map. Whilst development may be appropriate in Flood Zone 1, Paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. A FRA has been submitted in support of the proposed development. However the EA have not provided a bespoke response as the site lies in Flood Zone 1 and is between 1 and 5 hectares.

A flood risk assessment was submitted with the application and concludes that as the development is identified as 'more vulnerable' to flooding in Table 2 of the NPPF Technical Guidance on Flooding, and that Table 3 of the same document states that 'more vulnerable' development is appropriate in Zone 1 (low risk). The FRA also reviews the feasibility of potential drainage systems and concludes that the FRA has demonstrated that the development would be safe and would not increase flood risk elsewhere. The local land drainage authority has nothing further to add to the comments already made by the other statutory consulters.

Thames Water have confirmed that surface water drainage is the responsibility of the developer and further advised that with regard to sewerage infrastructure capacity, they would not have any objection to the above planning application. They offer advice to the applicant

If the application were recommended for approval it would be appropriate to impose conditions relating to drainage.

Other Matters

Comments were made about the scheme using different access points, or road junctions changing to accommodate the proposal. We have to determine the application before us and that has been considered acceptable in highway terms.

Conclusion

The proposal is for the erection of up to 36 dwellings within the settlement policy boundary for Tadley. Whilst the site lies in a sustainable location and the proposal would provide up to 36 additional dwellings there are significant concerns with regard to the proximity of the site to the AWE site and likely impact the proposal could have on the AWE Off Site Plan.

In making a balanced decision consideration also needs to be given to the fact that the Council are unable to demonstrate a 5 year housing supply. In this respect paragraph 14 of the NPPF is of particular relevance which advised that in decision-taking planning permission should be granted unless the adverse impacts of approving development would be significant and demonstrable so as to outweigh the benefits of doing so or that specific policies in the Framework indicate that development should be restricted.

The site lies within an existing built-up area and is sustainably located in relation to services and facilities. The site is considered a large windfall site (more than 10) and the proposal would make a modest contribution towards the current housing deficit, set against the national objective to

boost significantly the supply of housing. It would also bring a brownfield site back into use. These factors all weigh in favour of the proposal.

In this case as demonstrated in the report above and the reasons for refusal the disbenefits of the scheme are limited to the significant concerns with regard to the proximity of the site to the AWE site and likely impact the proposal could have on the AWE Off Site Plan. There is a lack of a S106 reason for refusal but there is broad agreement from the applicant on the requirements that the council would want to include.

In a recent appeal decision in Tadley (10 December 2014) for a scheme resulting in a net gain of 4 dwellings (30 Mount Pleasant) the Planning Inspector considered this situation and concluded;

'The benefits of the proposal must be balanced against the risk to human health.

Given the potentially serious consequences of a radiation emergency, however remote that possibility, I am minded to give substantial weight to the health issues. In the final balance these are sufficient to significantly and demonstrably outweigh the relatively modest benefits identified above. As such, the proposal would not constitute a sustainable form of development.

The proposal would therefore conflict with saved Policy E1 of the LP and paragraph 120 of the Framework which requires planning decisions to ensure that new development is appropriate for its location, taking into account the effects of pollution on health. It would also be contrary to saved Policy D5 of the LP in that it would fail to contribute to the social wellbeing of future occupants of the development or the wider community which would be indirectly affected by the increase in population density in the event of a radiation emergency.'

This application is for up to 36 dwellings which is net gain of 36 and not 4 as considered by the appeal Inspector which has more weight when considering the positive aspects of the scheme in the planning balance. However it is considered that this amount of development is not sufficient when weighed up against the disbenefits of the scheme, and it is considered that in this case the adverse impacts would be significantly and demonstrably outweigh the benefits therefore in line with NPPF and the Development Plan for the area the proposal is on balance considered to be unacceptable.