

Our ref – 13/DU09273

Your ref -

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Dear Sirs

23 / 0 3 120 / FUL | Demolition of three dwellings, outbuildings and related structures and construction of storage and distribution units (use class B8) with ancillary offices and gatehouses, associated infrastructure works (including parking and landscaping), and full details of site levels, access, drainage, tree retention and diversion of underground pipeline. (Phased and delivered across separate and self-contained plots) | Land At Oakdown Farm Winchester Road Dummer Basingstoke Hampshire RG23 7LR

We remain instructed by Dummer Parish Council, which filed its objection by letter dated 10 January 2024 (“representation”). This letter is supplemental to, and should be read in association with that representation. For easy cross referencing, where more detail is found in the representation, an asterisk and page numbering appear below.

### Preface

The inspector's decision of 15 December 2022 was subject to the same adopted development local plan ('ALP') policies as now prevail. He took a 'wholistic' approach. He stated the main issues were:

- 1 *the effect of the proposed development on the landscape character and appearance of the area; and*
- 2 *whether or not the scheme includes the infrastructure necessary, directly required and related in scale and kind to the proposed development.*

An emerging local plan can be given no weight given it is at an early stage.

Consistency in decision making is crucial to attempt to maintain confidence in the planning system. Members have been found to be correct in disagreeing with past officer advice, more than once in respect of this site. The planning law position regarding consistency is dealt with later in this letter.

The local MP has written to confirm that the site opposite is 'on the short list of two', and is the 'preferred site', as the location of a new major NHS hospital with acute care facility, catering for hundreds of thousands of people living in North and mid-Hampshire, chosen because of its proximity to junction 7 of M3. Her e-mail of 23 January refers. Put short, there is a 50% prospect of this major development taking place, so weight may be given as a material planning consideration.

She points out the lack of any programmed works to expand the capacity of junction 7, and that a review will not begin until the next government investment strategy review due from 2025. She draws attention to 'blue light' emergency traffic yet the applicant proposes no M3 junction 7 mitigation.

Consequently, this is considered now to be key to main issue 2.

### Discussion

This letter adopts the inspector's wholistic approach, the same breakdown of landscape and visual effects, below. First, there are key points that arise from comparing the appeal scheme to this proposal:

1 the reduced height is suggested to be down to 18m, but appendix 11 at pg 15 (RHS under "current proposal") says 6 units will be 21m at ridge, compared to other applicant documents, including its planning statement and design and access statement<sup>1</sup>. Although the height of Building One has been reduced the building has been moved closer to the A30 and neighbouring properties and the plateau level has been raised, making the perceived height even higher than the dismissed scheme.

2 the section A-A asserts the gaps between the buildings will 'alleviate' the continuous built form so criticised by the Inspector, but when one sees the key vistas, the photomontages demonstrate one will see these structures at oblique angles, the gaps will not be appreciated, and in combination with height and mass, there is little if any material difference between the appeal scheme and this proposal. Moreover, this section drawing may be considered misleading. Put short, no person would see what is shown. It is a very large site (well over 100 acres) and each building when viewed end-on one would see the sides of all the others, not merely their ends. Consequently, the true view would be built form some 800m long and depending on which plateau one used, or standing in the highway e.g. at the new roundabout, would be between at least 21m and 30 high.

### Issue 1 – Landscape effects

*When viewed from both the north and south the site is seen as an integral part of the surrounding landscape. Although it is not distinctive, it is broadly representative of the landscape of the LCA17 of the ALP; the site contributes positively to the 'Open Downs'*

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<sup>1</sup> Pg 34 table

and LCA17. Extensive engineering works will be required to create the development platforms. The scale of changes proposed to the site amount to a high level of change leading to a substantial impact on the existing site. There would be **a total change to the majority of the site with a major/moderate adverse impact on the site at completion.** The scheme would also include the creation of a new vehicular access from the A30 with a new roundabout. This alone would result in the loss of trees both on the site's northern boundary and within the central reservation of the A30 resulting in harm to this characteristic feature of the local landscape. These changes to the site would be of a **high scale of change and would be irreversible.** They would be **major effects.**

The tree belts around Trenchard Lane and the northeastern edge of the site are sufficiently mature as to prevent the erosion of LCA17 at this point.

**The scheme would sit as an outlier within LCA17, distinct from its open and arable character.** It would have adverse impacts on the approach to and from the town. Given the tree belts and copses in the area the scheme could not be regarded as an extension to the town or as a complement to the recent developments at Hounsome Fields or the Golf Course. Its location would detract from the area's landscape qualities and the setting of the town.

**The site has a medium landscape value given that it contains many features which are characteristic of the LCA17. Whilst the site does not lie in a valued landscape, the significance of the scheme's landscape effects are derived from its scale, massing and the extent of ground works required which introduce a form of development at complete variance with its established pattern.**

The extent of ground works required to create the development platforms<sup>2</sup> is evidence that **the site is highly susceptible to the scale of development proposed by the scheme; these works would have a high magnitude of landscape effect. These would be major effects.**

**Overall, the extent of change would be major.** These changes would have the greatest impacts on LCA17 and the site's 'Open Downs' character.

### Visual effects

The representation set out detailed analysis [\*5].

**The indicated reduction in height compared with the appeal scheme will result in an overall impression the scheme will dominate the horizon resulting in major adverse effects.** The montages are misleading at a glance, using colours to match the earth of the brown

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<sup>2</sup> The purple development areas shown on the LHS on DAS pg 37 are little less than 100 acres

bare fields in the foreground, and deciduous trees i.e. brown, in the background, whereas in Spring/Summer/Autumn, all that contextual colour will strongly contrast.

*The breaks between each of the buildings will be insufficient to reduce the impact of the scheme as dominant in the landscape. Mitigation planting would only partially reduce its impact with the result that the user would still experience **major adverse effects at Y15**. The impact to the Dummer conservation area would be **highly visible and mitigation by Y15 would not sufficiently reduce these impacts**. Given that this is a stand-alone view and there is no kinetic experience compared to walks along footpaths, the **impacts on users would be major adverse even by Y15**.*

*The impact of the scheme on occupants of properties along the north side of Up Street and Tower Hill whose rear gardens and rooms face the site are receptors of high value. These properties currently enjoy an open rural vista across the fields which extends towards the ridge hedgerows beyond the site mean the scheme will intrude into this view and the extent of mitigation proposed would be insufficient to fully address its impacts. The scheme would remain the dominant landscape feature even after Y15 resulting in a major adverse visual effect on occupants of these properties. Towards the western end of the village there will be views of the southern and western elevations of the scheme. Proposed mitigation would only partially address these impacts by Y15. Whilst the visibility of parts of the scheme would be reduced by mitigation a large part of the site would still be visible above the skyline. This would still have a **major adverse impact** on users.*

*Users of FPD2 and FPD3 would experience major adverse impacts which would gradually diminish on the approach to the M3 as the site recedes from view. In particular, the site would gradually emerge into views from along FP0728, the Wayfarer's Walk, a designated long distance footpath. The point where Dummer's landscape context within the dry valley comes into full view on the Wayfarer's Way19 is an important location the inspector accorded high value. Similar effects would be experienced by users of FPNW1.*

From the A30 roundabout despite the extent of mitigation proposed, by Y15 the scheme would still be highly visible as demonstrated by photomontages vpC which show the elevation at that point 30m above main road level - the assertion there would not be a high magnitude of effect is untenable.

*Overall, the visual effects will be **acute and adverse**.*

#### Dark skies

*Beyond Basingstoke the wider area, including the A30, M3 and Dummer Village are unlit at night. Lighting is required throughout the site in order to maintain 24/7 operations. A lighting strategy includes controls to reduce luminosity during periods of low activity, with no lights above horizontal to reduce impacts. Notwithstanding these measures, given the height of the buildings and the extent of its visibility within the surrounding area, the*

*scheme will emit light to the surrounding areas in breach of the area's existing dark skies [\*6]. No condition could adequately address this matter and it will conflict with policy EM1f.*

### Conclusions on main issue 1

*Policies EM1 and EP1g) are consistent in seeking a wholistic response to the integration of design and landscape for new development.*

*Despite the measures proposed, the site's character and contribution to the LCA17 would be irreversibly diminished due to the proposed extensive changes to landform. There remains conflict with Policy EP1g. This scheme fails to mitigate landscape impact despite the amendments made to the dismissed appeal scheme. The possible community benefit areas may not transpire. In any event, such cannot be afforded weight in the planning balance, nor can landscaped areas for recreation, given they are needed anyway. The ecological net benefit is also a requirement, not something that tips in favour.*

*The scale of works will still undermine the contribution of the site to its existing landscape character, thereby severely reducing the site's contribution to the LCA. The elevational treatment involving colour fading in intensity from the base to the top of each building is not materially different to the dismissed appeal scheme to address visual harm resulting from scale and bulk. There would be **major adverse visual impacts even after Y15**. Consequently, the scheme **would again adversely impact on the landscape character and appearance of the area and conflicts with Policies EM1 and EP1g, no change from the appeal scheme, having failed to adhere to the principles underpinning the adopted SPD relating to the integration of landscape with development.***

### Main issue 2

The applicant's Transport Statement and Travel Plan do not refer to the NHS hospital site and its probable impacts. This is not the only concern.

The applicant has assumed all goods traffic to and from the site will use the M3 junction 7. This is a fundamental flaw because to entirely exclude the probability of site traffic using the A30 to the southwest is unjustified, there is no evidence to support it. Given navigation systems used by goods vehicle drivers select the route that is shortest and/or least congested/fastest. The M3 is heavily trafficked, it has accidents/road works/closures, such that navigation systems are more than likely to result in drivers using Stockbridge Road joining the A30 just South of the Wheatsheaf Inn.

The appeal scheme had a marshalling yard, but this proposal has none. The risk of queuing onto A30 will be much greater [\*3.] It takes little imagination to see there is also risk of site traffic queuing beyond the site itself and regularly using surrounding roads and villages as holding areas due to early arrival, logistical error/Systems breakdowns etc.

It is not proven that staff will live locally. On the contrary, the very low level of locals employed in this sector suggests extensive M3 usage [\*8-11]. The applicant's arguments in the travel plan and transport assessment are unrealistic. It is improbable that a large proportion of site staff will walk or use a bus.

The applicant does not propose financial contributions to improve junction 7. It is not unreasonable to conclude that the absence of such contributions would leave the council unable to be satisfied the development will comply with NPPF 115.

The council is urged to conclude it is not satisfied on the second main issue.

#### Other matters

The applicants' submissions indicate peak noise significantly above background levels [\*2]. This renders the proposal in conflict with EP1h and unsustainable having regard to noise harm to residents, contrary to NPPF section 12.

The Framework provides as follows:

NPPF 131 requires the *creation of high quality beautiful and sustainable buildings and places, **fundamental** to what the planning process should achieve. Good design is a key aspect of sustainable development, creating **better places in which to live** to make development acceptable to communities.*

NPPF 135 states that decisions must ensure *development will function well, add to the overall quality of the area for its lifetime, be visually attractive because of good architecture, layout; be sympathetic to local character, including surrounding built environment and landscape setting; maintain a strong sense of place; create places which promote health and well-being with a high standard of amenity; and not undermine the quality of life or community cohesion and resilience.*

NPPF 139 states *development that is not well designed should be refused.*

It will fail the **fundamental** test of creating high quality places, it will not make this place a **better** place for residents of Ganderdown Cottages and the community of Dummer, but significantly worse. The word *fundamental* does not appear anywhere else in NPPF. It is there to stress the highest degree of protection the Minister expects to be afforded to, inter alia, existing home occupiers well-being and amenities and those of existing communities.

There is no analysis by the applicant to demonstrate a wider than ALP area 'need'. Demand for this amount of B8 floorspace is duplication of that found in neighbouring areas that are also considering vast new B8 proposals. The applicant that maintains this need can only be met by this scheme in this LP area, but its entire case is predicated upon it being a 'regional distribution centre'. It has not demonstrated the other sites being considered [see \*9/10] outside the ALP area will fail to meet that demand.

### Consistency

Consistency in planning decision taking is critical to maintain public confidence. Caselaw is long established<sup>3</sup>, such that when considering a proposal for the same land, for the same use, under the same policies, not only is a previous decision highly material, but consistency with that previous decision is expected unless there is exceptionally good reason. Recent review of the caselaw can be found in *Baroness Cumberlege and v SSCLG*<sup>4</sup> (upheld on appeal) and *R(Davison) v Elmbridge*<sup>5</sup>.

Members decision to refuse was recently upheld on appeal following a public inquiry, which extensively analysed the position. The Inspector set out the key material planning considerations in the planning balance. The analysis set out above, carefully considers what the Inspector found. We have applied his analysis to the facts. We have applied his actual words shown in *italics* above.

The applicant argues the proposal overcomes all the reasons given for dismissing that appeal, but the simple fact is, on careful examination, that assertion lacks substance. The same major adverse impacts still apply. The maxim "like cases should be decided in a like manner" (as it was put North Wilts in 1993) is engaged here as no good reason exists to warrant reaching a different conclusion.

Section 38(6) PCPA 2004 requires planning decisions to be determined in accordance with the ALP unless there are material considerations otherwise. There are no material considerations that outweigh the policy conflicts set out above, they remain the same as found by the Inspector. The development is also 'unsustainable' as defined by the Framework, which copper bottoms the conclusion permission must be refused.

Yours faithfully,

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<sup>3</sup> *North Wiltshire District Council v Secretary of State for the Environment* (1992) 65 P & CR 137; *R (Baber) v Secretary of State for the Environment*; *JJ Gallagher Limited v Secretary of State for Local Government Transport and the Regions*; *Dunster Properties Limited v First Secretary of State* [2007] EWCA Civ 236, [2007] 2 P&CR 26; *R (Fox Strategic Land and Property Limited) v Secretary of State for Communities and Local Government*, *Pertemps Investments Limited v Secretary of State for Communities and Local Government* [2015] EWHC 2308 (Admin); and *Moulton Parish Council v Secretary of State for Communities and Local Government*.

<sup>4</sup> [2017] EWHC 2057 (Admin)

<sup>5</sup> [2019] EWHC 1409

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