



Basingstoke
and Deane

Basingstoke and Deane Borough Council
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REF:22/00437/ROC

Planning Potential Ltd.
Magdalen House
148 Tooley Street
London
SE1 2TU

NOTICE OF APPROVAL

Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the abovementioned Act, the Council as Local Planning Authority hereby GRANTS planning permission for the:

- Proposal:** Variation of condition 1 of Planning Permission 19/02956/FUL to allow amendments to the approved plans in relation to the appearance of the proposed barns
- Location** Land At Sungrove Farm Abbey Wells Road East End Newbury Hampshire
- Applicant:** Mr & Mrs von Opel (GvO Monti)

in accordance with your application, plans and particulars unless otherwise agreed in writing with the Local Planning Authority **and subject to compliance with the following conditions:**

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

Site Location Plan - drawing no PP3
Proposed Replacement Accommodation Plans (TRS121_DW_GA_100)
Proposed Replacement Accommodation Elevations (TRS_121_DW_GA_200)
Proposed Main Building Plans (TRS121_MB_GA_100)
Proposed Main Building Elevations (TRS121_MB_GA_200)
Proposed Site Plan (TRS121_SITE_GA_001)
Proposed Plan Horticultural Barn Ground Floor Plan (TRS121_HB_GA_100)
Proposed Horticulture Barn Elevation - Sheet 01 (TRS121_HB_GA_200)
Proposed Horticulture Barn Elevation - Sheet 02 (TRS121_HB_GA_201)
Proposed Livestock Barn Floor Plan (TRS121_LB_GA_100)
Proposed Livestock Barn Elevations - Sheet 01 (TRS121_LB_GA_200)
Proposed Livestock Barn Elevations - Sheet 02 (TRS121_LB_GA_201)
Proposed Acoustic Screen - received 02 September 2020
Landscape Masterplan - drawing no. 3 Rev K

Landscape Context - drawing no. 4 D
External Lighting Plan - drawing no 5 Rev D

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of consent issued for planning application 19/02956/FUL.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
3. The development shall be carried out in accordance with the Construction Environmental Management Plan details approved by the Local Planning Authority on 23/09/2021 under 21/02643/CONDN.
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.
4. The development shall be carried out in accordance with the Construction Method Statement details approved by the Local Planning Authority on 23/09/2021 under 21/02643/CONDN.
REASON: To ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally and in the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.
5. The development shall be carried out in accordance with the Arboricultural Method Statement details approved by the Local Planning Authority on 18/11/2021 under 21/02357/CONDN.
REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework and Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029.
6. The development shall be carried out in accordance with the location of all existing and proposed utility service details approved by the Local Planning Authority on 18/11/2021 under 21/02357/CONDN.
REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework and Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029.
7. The development shall be carried out in accordance with the Tree Planting Plan approved by the Local Planning Authority on 18/11/2021 under 21/02357/CONDN and thereafter maintained in accordance with the details so approved.
REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework and Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029.
8. The development shall be carried out in accordance with the surface water drainage scheme approved by the Local Planning Authority on 18/11/2021 under 21/03448/CONDN and thereafter maintained in accordance with the details so approved.
REASON: To ensure that sustainable drainage systems are used to prevent flooding in in accordance with the National Planning Policy Framework and Policy EM7 of the Basingstoke and Deane Local Plan 2011- 2029.

9. The development shall be carried out in accordance with the maintenance and management plan for the surface water drainage system approved by the Local Planning Authority on 18/11/2021 under 21/03448/CONDN and thereafter maintained in accordance with the details so approved.
REASON: To ensure that sustainable drainage systems are used to prevent flooding in accordance with the National Planning Policy Framework and Policy EM7 of the Basingstoke and Deane Local Plan 2011- 2029.
10. The development shall be carried out in accordance with the Contaminated Land report and Remediation Scheme approved by the Local Planning Authority on 20/01/2022 under 21/02344/CONDN.
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.
11. The replacement dwelling and the mixed-use building hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 10 that any remediation scheme required and approved under the provisions of condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;
- as built drawings of the implemented scheme;
 - photographs of the remediation works in progress;
 - Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

12. The development shall be carried out in accordance with the Biodiversity Management Plan approved by the Local Planning Authority on 18/11/2021 under 21/02357/CONDN and thereafter maintained in accordance with the details so approved.
REASON: In the absence of being submitted to accompany the application, details are required to secure the protection of species protected under The Conservation of Habitats and Species Regulations 2017 and The Wildlife and Countryside Act 1981 and in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

13. The development shall be carried out in accordance with the recommendations and procedures contained within the following:
- Chapter 4 "Evaluation and Recommendations" of the Great Crested Newt Survey by HDA dated September 2019.
 - Chapter 5 "Recommendations" of the Bat Survey Report by HDA dated September 2019.
 - Chapter 5 Recommendations" of the Dormouse Survey Report by HDA dated December 2019.
 - Chapter 5 Recommendations" of the Reptile Survey Report by HDA dated September 2019.

REASON: In order to undertake a precautionary approach to site clearance, to provide mitigation and enhancements for protected species and ensure the delivery of measurable net gains for biodiversity, in accordance with the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework and Policy EM4 of the Basingstoke and Deane Local Plan 2011- 2029.

14. The development shall be carried out in accordance with the Reptile Mitigation Method Statement approved by the Local Planning Authority on 18/11/2021 under 21/02357/CONDN.

REASON: In order to undertake a precautionary approach to vegetation clearance with regard to reptiles prior to works commencing and in order to present enhancements for reptiles, a key species, in accordance with the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework and Policy EM4 of the Basingstoke and Deane Local Plan 2011- 2029.

15. The development shall be carried out in accordance with the of the types and colours of external materials to be used approved by the Local Planning Authority on 23/09/2021 under 21/02395/CONDN and thereafter maintained in accordance with the details so approved.

REASON: In the interests of the visual amenities of the area and in accordance with Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029.

16. The development shall be carried out in accordance with the hard and soft landscaping plans approved by the Local Planning Authority on 18/11/2021 under 21/02357/CONDN and thereafter maintained in accordance with the details so approved.

REASON: To ensure the provision, establishment and maintenance of a high standard of landscape in accordance with the approved landscape masterplan and in accordance with Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan 2011- 2029.

17. The development shall be carried out in accordance with the landscape management and maintenance scheme approved by the Local Planning Authority on 18/11/2021 under 21/02357/CONDN and thereafter maintained in accordance with the details so approved.

REASON: To ensure that the landscaping is appropriately implemented to allow the successful establishment of planting and is maintained in perpetuity in the interests of the character and appearance of the area and to maintain an enhanced level of biodiversity in accordance with Policies EM1 and EM4 of the Basingstoke and Deane Local Plan 2011-2029.

18. The development shall be carried out in accordance with all recommendations outlined in the:

- Air Quality Statement - Revision E;
- Lighting Impact Assessment 1401-DFL-LIA-001;
- Noise Impact Assessment - Revision F.

REASON: To ensure that the buildings, structures and plant are adequately sound proofed in the interests of the amenities of the occupants of nearby premises and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

19. The development shall be carried out in accordance with the scheme for the arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, and external plant and machinery for heating, cooling and ventilation approved by the Local Planning Authority on 25/01/2022 under 21/03733/CONDN and thereafter maintained in accordance with the details so approved.

REASON: To protect the residential amenity of nearby receptors and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

20. The rating level of sound emitted from any fixed plant, machinery or deliveries associated with the mixed-use building shall not exceed background sound levels between the hours of 0700-2200 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall be no greater than 5dB below the background sound level between 2200-0700 (taken as a 15 minute LA90 at the nearest noise sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

REASON: To ensure that acceptable noise levels within the dwellings and amenity areas are not exceeded in the interests of residential amenity and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

21. The mixed-use building hereby approved shall not commence until visibility splays of 2.4m x 36m to the south and 2.4m x 41m to the north of the site access have been provided including the clearance of any structure and vegetation between 1m and 3m above the level of the adjacent carriageway. These splays shall be maintained in accordance with these requirements at all times thereafter.

REASON: In the interests of highway safety, in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

22. The mixed-use building hereby approved shall not commence until any gates or other obstruction to the passage of vehicles have been set back a minimum of 12m as measured from the nearside edge of the adjacent highway. Any gates shall remain in this position at all times thereafter.

REASON: In the interests of highway safety, in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

23. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use permitted by Classes A, C, D, G, H, J, M, Q, R, S and V of Part 3 of Schedule 2 of the Order shall take place on the application site. REASON: The change of use permitted by Classes A, C, D, G, H, J, M, Q, R, S and V may not be acceptable to the Local Planning Authority, having regard to the site's location and in accordance with Policies EM1, EM10, EM11, EM12 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.
24. The occupation of the replacement dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or a widow or widower of such a person, and to any resident dependants. REASON: The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry in accordance with the advice contained within the National Planning Policy Framework (July 2021) and Policy SS6 of the Basingstoke and Deane Local Plan 2011-2029.
25. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays. REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029
26. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays. REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.
27. The development shall be carried out in accordance with the scheme for the storage (prior to disposal) and collection of refuse and recycling, provided within the curtilage of the site, for the dwelling and mixed-use building approved by the Local Planning Authority on 18/11/2021 under 21/02549/CONDN and thereafter maintained in accordance with the details so approved. REASON: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policy CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
28. The development shall be carried out in accordance with the details of the long and short stay cycle store facilities approved by the Local Planning Authority on 18/11/2021 under 21/02549/CONDN and thereafter maintained in accordance with the details so approved. REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of promoting sustainable modes of transport in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

29. The mixed-use building shall not open for trade until the proposed car parking facilities have been laid out in accordance with the site plan approved under 19/02956/FUL (drawing no 6 C). The car parking provided shall thereafter be kept available at all times for the intended use.
REASON: To ensure the permanent availability of sufficient parking and manoeuvring area within the development in the interests of highway safety and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.
30. The development shall be carried out in accordance with the Construction Statement detailing how the replacement dwelling shall meet a water efficiency standard approved by the Local Planning Authority on 20/07/2021 under 21/02345/CONDN and thereafter maintained in accordance with the details so approved.
REASON: To ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.
31. The mixed-use building shall not open for trade before 08:00 hours or remain open after 19:00 hours on Mondays to Thursdays, and 08:00 hours to 21:00 hours on Fridays; and 09:00 hours to 21:00 hours on Saturdays; and 10:00 hours to 16:00 hours on Sundays. The external terrace shall not open before 08:00 hours or remain open after 19:00 hours on any day.
REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
32. No deliveries to the mixed-use building shall take place before 07:00 hours or after 19:00 hours Monday to Thursday; and 07:00 hours Friday to Saturday. There shall be no deliveries on a Sunday.
REASON: To protect the amenities of the occupiers of nearby properties in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
33. The mixed-use building shall not open for trade until a Delivery and Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail how deliveries to the site and the servicing of the mixed-use building (e.g. routing, timings and vehicle sizes) would be managed to minimise as far as reasonably practicable the impact of the delivery and servicing activities. The approved Delivery and Service Management Plan shall be fully implemented prior to the commencement of the use and shall thereafter be carried out and retained in accordance with the approved details.
REASON: In the absence of full details being provided, details are required in order to ensure that the servicing of the site will operate without adverse interference to the highway network and would minimise noise impacts in accordance with Policies CN9, EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

Notes to Applicant

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - proactively offering a pre-application advice (in accordance with paragraphs 39 - 46);
 - considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 54-57).

In this instance:

- the applicant was updated of any issues after the initial site visit;
- was provided with pre-application advice.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application> . For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency> .
4. Clearance of onsite vegetation should ideally be undertaken outside of bird nesting season (March to August) inclusive. However due to other ecological constraints on site posed by other protected species this may not be possible. In such a situation areas should first be checked by a suitably qualified ecologist and should evidence of nesting be found then works should cease in that area until nesting has finished and fledglings have left the nest.
5. The applicant is advised to HCC website <http://www3.hants.gov.uk/flooding/hampshireflooding/drainagesystems.htm> for further information on recommended surface water drainage techniques.

6. Before undertaking any work which affects a public highway you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway such as clearance of vegetation and removing of frontage walls. For further information, please contact highways.development.control@hants.gov.uk .
7. Basingstoke and Deane Borough Council encourages all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment.
8. The applicant is advised that this approval does not give any indication of any consent necessary under the Town and Country Planning (Control of Advertisements) Regulations 1992 which may or may not be required nor any indication that such consent will be forthcoming. The applicant is advised to contact the Planning and Development Manager in this regard.
9. If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email gmsteam@basingstoke.gov.uk to commence the process. Details can be found on the council's website.

The officer's report can be viewed on the council's website www.basingstoke.gov.uk



Ruth Ormella MRTPI
Head of Planning Sustainability and Infrastructure

Date: 8 April 2022

It is important that you read the notes overleaf

NOTIFICATION - APPEALS TO THE SECRETARY OF STATE

22/00437/ROC

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if

(i) this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or,

(ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:

28 days of the date of service of the enforcement notice, *or*
within 6 months of the date of this notice, whichever period expires earlier

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.