

# **DRAFT STATEMENT OF COMMON GROUND**

**Pale Lane Farm, Fleet**

**LPA Ref: 16/03129/OUT**

**(1) Hart District Council and (2) Carter Jonas LLP on behalf of Wates  
Developments Ltd**

**May 2018**

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## 1 INTRODUCTION

- 1.1 This Draft Statement of Common Ground (“SoCG”) has been prepared jointly by Carter Jonas LLP (“Carter Jonas”) on behalf of Wates Developments Ltd (“the Appellant”) and Hart District Council (“HDC” or “the Council”).
- 1.2 The appeal is against the decision of HDC to refuse to grant planning permission pursuant to planning application (Ref: 16/03129/OUT) (“the Planning Application”) for the development of 700 residential dwellings, site for a primary school and local centre, together with associated vehicular, pedestrian and cycle access, drainage, and provision of general open space and full details of the provision of Suitable Alternative Natural Greenspace and means of access (“the Appeal Scheme”) on land at Pale Lane Farm, Pale Lane, Fleet (“the Appeal Site”).
- 1.3 This SoCG details the following matters:
- The documents comprising the application on determination;
  - A description of the site and the surroundings;
  - The planning history of the site;
  - The relevant national planning policy documentation;
  - The relevant development planning policies;
  - The matters upon which the parties are not agreed; and
  - The matter upon which the parties are agreed.

## 2 APPLICATION DOCUMENTS

2.1 At the point of determination of the application the following documents comprised the planning application:

- Completed Planning Application Form and Certificates (prepared by Carter Jonas);
- Planning Obligations draft s106 HOTs (November 2016) (prepared by Carter Jonas);
- Transport Assessment (ITB11215-006C R) (prepared by i-Transport);
- Superseded Framework Travel Plan (ITB11215-013B R) (prepared by i-Transport);
- Site Wide Drainage Assessment (C85284 RE002-B) (November 2016) (prepared by JNP);
- Flood Risk Assessment (C85284 RE001-C) (November 2016) (prepared by JNP);
- Design and Access Statement (November 2016) (prepared by LDA Design);
- Superseded SANG and Delivery Management Plan (2640-RE-01 Rev P1) (November 2016) (prepared by Allen Pyke Associates);
- Sustainability Statement (28th September 2016) (prepared by Bluesky Unlimited);
- Air Quality Assessment (36057\_3001\_R001\_REV2) (November 2016) (prepared by Peter Brett Associates);
- Noise and Vibration Impact Assessment (36057\_4501\_R001\_REV0) (August 2016) (prepared by Peter Brett Associates);
- Preliminary Utilities Appraisal (36057\_4502\_R001\_REV1) (November 2016) (prepared by Peter Brett Associates);
- Geotechnical and Ground Appraisal Report (GE15056 – GARv2JK160412) (April 2016) (prepared by GESL);
- Heritage Assessment (November 2016) (prepared by Malcolm A Cooper Consulting);
- Ecology Assessment (8550.01\_R\_EcoAssessment\_190916) (prepared by BSG Ecology);
- Archaeological Desk-Based Assessment (prepared by CgMs);
- Arboricultural Implications Report (Ref. SJA air 16017-01a) (November 2016) (prepared by Simon Jones Associates);
- Tree Survey Schedule (SJA tss 16017-01d) (May 2016) (prepared by Simon Jones Associates);
- Education Assessment – note only (28th September 2016) (prepared by Educational Facilities Management);
- Affordable Housing Statement (November 2016) (prepared by Carter Jonas);
- Agricultural Land Classification and Soil Resources (August 2016) (prepared by Reading Agricultural Consultants);
- Retail and Leisure Capacity Assessment (August 2016) (prepared by Carter Jonas);
- Statement of Community Involvement (November 2016) (prepared by Carter Jonas / LDA Design);
- Environmental Statement (Volume I) (November 2016) (prepared by LDA Design) including the following Chapters:
  - Chapter 1 – Introduction;
  - Chapter 2 – EIA Methodology;

- Chapter 3 – Alternatives Site and Design Iterations;
  - Chapter 4 – Description of Proposed Development;
  - Chapter 5 – Landscape and Visual Impact;
  - Chapter 6 – Ecology and Nature Conservation;
  - Chapter 7 – Archaeology and Cultural Heritage;
  - Chapter 8 – Traffic and Transport;
  - Chapter 9 – Socio Economics;
  - Chapter 10 – Soils and Agriculture;
  - Chapter 11 – Cumulative Assessment; and
  - Chapter 12 – Summary of Mitigation.
- Environmental Statement (Volume II) – Appendices including (but not exhaustive):
    - Figure 1.1 – Site Location Plan;
    - Figure 1.2 – Application Site Boundary;
    - Figure 4.1 – Development Framework;
    - Figure 4.2 – Illustrative Landscape Masterplan with SANG detail;
    - Figure 4.3a – Primary Site Access to A323 Fleet Road;
    - Figure 4.3b – Pale Lane improvement – Option A;
    - Figure 4.4 – Land Use Parameter Plan;
    - Figure 4.5 – Building Heights Parameter Plan;
    - Figure 4.6 – Access and Movement Parameter Plan;
    - Figure 4.7 – Landscape Parameter Plan;
    - Figure 4.8 – Building Density Parameter Plan;
    - Figure 4.9 – Construction Phasing Plan;
    - Figure 5.1 – Landscape Context;
    - Figure 5.2 – Topography;
    - Figure 5.3 – Landscape Character;
    - Figure 5.4 – Site Features;
    - Figure 5.5 – Site Character;
    - Figure 5.6 – Zone of Visual Influence and Visual Receptors;
    - Figure 5.7 – Location of Representative Views;
    - Figure 5.8 – View 1;
    - Figure 5.9 – View 2;
    - Figure 5.10 – View 3;
    - Figure 5.11 – View 4;
    - Figure 5.12 – View 5;
    - Figure 5.13 – Views 6 and 7;
    - Figure 5.14 – Views 8 and 9;
    - Figure 5.15 – Views 10 and 11;
    - Figure 5.16 – Views 12 and 13;

- Figure 5.17 – Views 14 and 15;
- Figure 5.18 – Views 16 and 17;
- Figure 5.19 – Views 18 and 19;
- Figure 5.20 – Views 20 and 21;
- Figure 5.21 – View 22;
- Figure 5.22 – Night-Time Assessment Plan;
- Figure 6.1a – Statutory Designated Sites;
- Figure 6.1b – Non-Statutory Designated Sites;
- Figure 6.2 – Phase 1 Habitat Plan;
- Figure 6.3 – Ecology Mitigation;
- Figure 7.1 – Archaeological Heritage Assets;
- Figure 7.2 – Built Heritage Assets;
- Figure 8.1 – Location of Traffic Surveys;
- Figure 8.2 – Location of Road Links; and
- Figure 11.1 – Location of Cumulative Developments.
- Appendix 2.1 – Schedule 4, Part 1 and Part 2 of the Town and Country Planning (EIA Regulations) 2011;
- Appendix 2.2 – EIA Scoping Request Report;
- Appendix 2.3 – EIA Scoping Opinion;
- Appendix 4.1 – Draft Code of Construction Practice;
- Appendix 5.1 – Methodology & Definition of Landscape and Visual Impact Terms;
- Appendix 6.1 – Ecology Baseline Report;
- Appendix 6.2 – Ecology-related Consultation;
- Appendix 7.1 – EIA Record of Consultation;
- Appendix 7.2 – Heritage Assessment;
- Appendix 10.1 – Geotechnical and Environmental Ground Appraisal Report;
- Appendix 10.2 – Agricultural Land Classification and Soil Resources Report; and
- Appendix 11.1 – Analysis of Long List of Cumulative Developments.
- Environmental Statement Non-Technical Summary including:
  - Non-Technical Summary (prepared by LDA Design);
  - NTS Figure 1.1 – Site Location Plan;
  - NTS Figure 1.2 – Application Site Boundary; and
  - NTS Figure 3.1 – Development Framework.
- Plans and Drawings as Existing:
  - Topographical Survey Drawing No Pale3D.200 (Sheets 1 to 33) (prepared by KA Rylance); and
  - Superseded Application Boundary, Drawing No 4231\_001\_A (prepared by LDA Design).
- Plans and Drawings as Proposed:
  - Development Framework Plan, Drawing No 4928\_SK\_03\_M (prepared by LDA Design);
  - Land Use Parameter, Drawing No 4928\_114\_G (prepared by LDA Design);

- Building Heights Parameter, Drawing No 4928\_115\_H (prepared by LDA Design);
- Access and Movement Parameter, Drawing No 4928\_116\_J (prepared by LDA Design);
- Landscape Parameter, Drawing No 4928\_117\_H (prepared by LDA Design);
- Building Density Parameter, Drawing No 4928\_118\_G (prepared by LDA Design);
- Construction Phasing Plan, Drawing No 4928\_119\_E (prepared by LDA Design); and
- Illustrative Masterplan, Drawing No 4928\_SK\_20\_B (prepared by LDA Design).
- Proposed Highways Works (prepared by i-Transport):
  - Superseded Fleet Road Access Works, Drawing No ITB11215-GA-023 Rev H; and
  - Superseded Pale Lane Access Works with Footway, Drawing No ITB11215-GA-031 Rev C.
- SANG Plans (prepared by Allen Pyke Associates):
  - Illustrative SANG Proposal, Drawing No 2640-LA-10;
  - SANG General Arrangement, Drawing No 2640-LA-15; and
  - SANG Planting Plan, Drawing No 2640-PP-01.
- Highways Heads of Terms for Section 106 Agreement Technical Note (ITB11215-023) (prepared by i-Transport);
- Transport Assessment Addendum (ITB11215-022) (prepared by i-Transport);
- Community Bus Proposal (ITB11215-015 TN) (prepared by i-Transport);
- Framework Travel Plan (ITB11215-013C) (prepared by i-Transport);
- SANG and Delivery Management Plan (October 2017) (2460-RE-01 Rev P8) (prepared by Allen Pyke Associates);
- Supplementary Noise and Vibration Technical Note (TECH04, July 2017) (prepared by Peter Brett Associates);
- Letter to Hart District Council explaining extension of red line boundary dated 22 November 2017 (prepared by Carter Jonas);
- Completed Certificate B Form to cover land added by extension of red line boundary dated 22 November 2017 (prepared by Carter Jonas);
- Plans and Drawings as Existing:
  - Property Plan Boundary on OS, Drawing No 4231\_001\_B (prepared by Jasplan Services).
  - Proposed Highways Works (prepared by i-Transport):
    - Fleet Road Access Works, Drawing No ITB11215-GA-023 Rev J;
    - Pale Lane Access Works with Footway (Sheet 2 of 2), Drawing No ITB11215-GA-047;
    - Proposed Arrangements – Fleet Road/Elvetham Heath Way/Elvetham Road/A323/Hitches Lane Double Roundabout, Drawing No ITB11215-GA-056 Rev B;
    - Proposed A323/A3013 Junction Improvement Scheme with Cycle Advanced Stop Line, Drawing No ITB11215-SK-011 Rev B;
    - Committed Works – Fleet Road/Elvetham Heath Way/Elvetham Road/A323/Hitches Lane Double Roundabout, Drawing No ITB11215-GA-042;
    - Queuing on Existing Roundabout, Drawing No ITB11215-GA-050; and

- Potential Improvement to A30/A323 Roundabout – Vehicle Swept Path Analysis, Drawing No ITB11215-GA-060 Rev C.
- Financial contributions based on the following (prepared by i-Transport):
  - Toucan Crossing on A3013, Drawing No ITB11215-SK-012 Rev B;
  - Potential Improvement to A30/A323 Roundabout, Drawing No ITB11215-SK-049 Rev D;
  - Pale Lane Arch Improvement, Drawing No ITB11215-GA-031 Rev F; and
  - Pedestrian and Cycle Audit Technical Note.

### 3 SITE AND SURROUNDINGS

- 3.1 The Appeal Site is located in Fleet, extends to 59.3 hectares and is bound to the north by the M3 motorway, to the south by the South Western Mainline railway which is set on an elevated embankment approximately 6m high. To the east the Site is bound by the A323 Fleet Road and to the west by a solar farm. To the east on the opposite side of the A323 is residential development at Elvetham Heath and further south on the opposite side of the railway is Edenbrook Country Park and the Berkeley Homes – Land at Netherhouse Copse residential development extending to approximately 37 hectares. To the west is a solar farm. Pale Lane dissects the Site in a north east to south west direction.
- 3.2 The Appeal Site comprises mainly of gently-sloping pasture and arable fields, some of which are bounded by mature and semi-mature hedgerows. The land is undulating in character, albeit with a gradual slope from a local ridge in the north at approximately 75m AOD (Above Ordnance Datum) to the low lying areas adjacent to the railway line and River Hart valley at 62m AOD in the south and south west. The landform and topographical feature combine to create an enclosed landscape in and around the site, Pale Lane and Fleet Road.
- 3.3 There are three areas of woodland located within the site, including Great Bog Copse, Parkfield Copse and Bushy Hill. Parkfield Copse is designated as both an Ancient Woodland and a Site of Importance for Nature Conservation (SINC) with the Pale Lane Arable Field Margins SINC in the southern part of the Site. Palelane Farmhouse, a Grade II Listed Building is located on the western edge of Pale Lane. Two other buildings, comprising a former dairy and former barn, located in close proximity to Palelane Farmhouse are listed on the County Council's Archaeological and Historic Buildings Record, as is a Second World War pillbox close to the railway bridge over Pale Lane.
- 3.4 Other features within the Site comprise a motocross track, located within the western parcel, extensive road and field boundary hedgerows and a number of mature free-standing trees, including some veteran trees.
- 3.5 The nearest bus stops are located on the A323 Fleet Road approximately less than 50 metres from the junction of Pale Lane with the A323 Fleet Road. The stops are served by routes 7 and 65X two buses per hour during the daytime with less frequent services in the evenings and on Sundays.

#### **ELVETHAM HEATH**

- 3.6 Elvetham Heath is a planned residential urban extension of recent origins situated to the east of Fleet Road approximately 1km by foot from the Site which provides a number of important local services including The Key Centre, The Church on the Heath, the village green, tennis courts, Morrisons supermarket and petrol station, Elvetham Heath Primary School, Elvetham Heath Day Nursery and the de Havilland Arms.
- 3.7 Extensive areas of open space, woodland and the Elvetham Chase Nature Reserve are located within this area.

- 3.8 The main route through the development is Elvetham Heath Way from which lead a series of smaller residential roads and cul de sacs based around a predominantly residential area
- 3.9 There is an extensive network of cycle paths and footpaths within the estate. Elvetham Heath is served by a number of bus services (65X, 71 and 421) and Fleet railway station is 3.2km away.

## **FLEET**

- 3.10 Fleet is the main town within Hart, located along the M3 corridor between Basingstoke and the Farnborough-Aldershot conurbation. Originally centred on Fleet Pond and the triangle of land bounded by Fleet Road, Reading Road North and Elvetham Road (now a Conservation Area and known locally as the Blue Triangle), it has a busy town centre.
- 3.11 Fleet has excellent transport links and is located within the M3 corridor that includes a number of major urban centres including Basingstoke and Farnborough. Fleet also sits on the Southampton to London mainline railway, offering rail connections to major surrounding centres and to London with a travel time of approximately 40 minutes. A regular bus service runs along Fleet Road (A323) (bus route 7) that connects Fleet with Aldershot to the east and Hartley Wintney and Reading to the north. In addition, a school/college bus (bus route 65X) provides Fleet with connections to Hook to the west and Church Crookham and Alton College to the south.
- 3.12 Beyond the pedestrian catchment and the town centre, the employment areas are located towards the outskirts of the town and include Ancells Business Park, Waterfront Business Park, Redfields Industrial Park, and Fleet Business Park. The combination of exceptional transport links and an active town centre has made Fleet an attractive place to live.

## 4 PLANNING HISTORY

- 4.1 As part of the need to find sites for new homes over the plan period to 2032, within the Refined Options for Delivering New Homes (2016) HDC identified Elvetham Chase as a potential strategic urban extension adjacent to Elvetham Heath on the edge of Fleet, being capable of significantly contributing to the housing need, provision of a primary school as well as on-site SANG (Suitable Alternative Natural Greenspace).
- 4.2 On behalf of the Appellant, the Site has continued to be promoted to each stage of HDC's emerging Local Plan on the basis that it should be allocated because it is available, suitable, achievable and viable for development now, and would provide a logical and sustainable urban extension to Elvetham Heath. Most recent submissions were made in response to the Proposed submission draft (Regulation 19) in March 2018.
- 4.3 Following the draft allocation, discussions began with HDC in late 2015. Following initial discussions, wider feedback was sought as part of the pre-application engagement throughout 2016 leading to the submission of the application on 17<sup>th</sup> November. Whilst the discussions were positive and assisted in shaping the proposals for the Site, following the determination period, consent was refused on 29<sup>th</sup> January 2018 for the following 6 reasons:
- 1) *The proposed development, in a countryside location outside of the defined settlement boundary of Fleet, would represent inappropriate development which would have a detrimental effect on the character and setting of the countryside and the settlement of Fleet by virtue of its siting, size and prominence in the landscape and due to the loss of an important area of undeveloped land. As such the proposal would be contrary to the requirements of saved policies CON22 and RUR2 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 and the advice contained within paragraph 55 of the National Planning Policy Framework.*
  - 2) *The proposed development would impinge on and degrade the setting of Palelane Farmhouse, a Grade II listed building, thereby causing (in the terms of the National Planning Policy Framework) "less than substantial" harm to the significance of the designated heritage asset. The public benefits that would arise from the proposal would not outweigh the harm to the listed building. Consequently, the scheme would not protect or enhance the listed building, contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme would also conflict with the policy of the Secretary of State in paragraphs 132 and 134 of National Planning Policy Framework (2012).*
  - 3) *The site is located within 5 kilometres of the Castle Bottom to Yateley and Hawley Commons Site of Special Scientific Interest (SSSI) which form part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of any evidence that the test of no alternatives under Regulation 64 of The Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with*

*other plans or projects, would be likely to have a significant adverse effect on the SPA. As such, the proposal is contrary to South East Plan policy NRM6 and 'saved' policies CON1 and CON2 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.*

- 4) *In the absence of any legally binding obligation to secure the provision of an appropriate level of affordable housing, any provision or financial contribution to mitigate the impact of the development on the provision of primary and secondary schooling, any provision of community based transport initiatives, cycling and pedestrian links and public transport, any provision of off-site highways improvements reasonably necessary to make the development acceptable nor any provision to mitigate the impact of the development on health services provision, the proposed development would conflict with the requirements of saved policies GEN1, ALTGEN13, RUR35 and T14 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006.*
- 5) *The proposed development is premature. It would compromise the effective operation of the plan-led system in Hart District Council's area and undermine the spatial vision for the area and wider policy objectives contained within the emerging Local Plan Strategy and Sites document. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.*
- 6) *The proposal would result in the unnecessary loss of approximately 32 hectares of the best and most versatile agricultural land. The loss of that land is not justified by the economic or social benefits of the scheme. The proposal would therefore conflict with the policy of the Secretary of State in paragraph 112 of the National Planning Policy Framework (2012).*

## 5 NATIONAL PLANNING POLICY

- 5.1 Policies in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) will be referred to by the parties in their evidence. The NPPF and NPPG are material considerations.
- 5.2 The Ministry for Housing, Communities and Local Government (MHCLG) has recently published a revised version of the NPPF and as set out at paragraph 207, *“the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication”*.
- 5.3 The draft NPPF is a material consideration and indicates the changes in planning policy contemplated by the Government.
- 5.4 It is anticipated that, by the time that a decision is made on this appeal, the revised NPPF will have been published and will replace the 2012 version.
- 5.5 In March 2014 the Government published the NPPG to support the NPPF and make it more accessible. The relevance of the Guidance will be reflected in the parties' evidence.

## 6 DEVELOPMENT PLAN POLICIES

6.1 The Development Plan comprises the “saved policies” of the Hart District Local Plan (Replacement) adopted in December 2002 and its first alterations adopted in June 2006. The development plan also includes saved Policy NRM6 of the South East Plan adopted in May 2009.

6.2 The following Development Plan policies are agreed to be relevant and may be referred to by the parties in their evidence:

- Policy GEN1 – General policy for development;
- Policy GEN3 – General Policy for Landscape Character Areas;
- Policy GEN4 – General Design Policy;
- Policy GEN6 – Policy for Noisy/Un-neighbourly Developments;
- Policy GEN7 – Policy for Noise Sensitive Development;
- Policy GEN8 – Pollution;
- Policy GEN11 – Areas affected by Flooding or Poor Drainage;
- Policy GEN12 – Design Against Crime;
- Policy ALTGEN 13 – Affordable Housing;
- Policy CON1 – European Designations;
- Policy CON2 – National Designations;
- Policy CON3 – Local Designations;
- Policy CON4 – Replacement and Habitats;
- Policy CON5 – Species Protected by Law;
- Policy CON8 – Trees, Woodland & Hedgerow: Amenity Value;
- Policy CON11 – Archaeological Sites & Scheduled Monuments;
- Policy CON12 – Historic Parks and Gardens;
- Policy CON13 – Conservation Areas – general policy;
- Policy CON17 – Listed Buildings and Buildings of Local Interest – extension or alteration;
- Policy RUR1 – Definition of areas covered by RUR policies;
- Policy RUR2 – Development in the Open Countryside – general;
- Policy RUR3 – Development in the Open Countryside – control;
- Policy URB23 – Open space requirements with new developments;
- Policy T1 – Land Use and Transport;
- Policy T2 – Public Transport – general;
- Policy T14 – Transport and Development;
- Policy T15 – Development requiring New or Improved Access; and
- Policy T16 – Improvements made necessary by Development.

6.3 Policy NRM6 of the South East Plan is also relevant to the determination of the Appeal.

## **EMERGING DEVELOPMENT PLAN**

- 6.4 A new Local Plan Strategy and Sites is being prepared (“the Emerging Plan”). Consultations in respect of the emerging Local Plan took place in 2014, 2016, 2017 and most recently in March 2018.
- 6.5 As of April 2018, the emerging Local Plan has not yet been submitted to the Secretary and be subject of public scrutiny at Examination in Public and therefore, its development strategy and its policies including the following in respect of the Appeal Scheme can only carry limited weight:
- Policy SD1 – Sustainable Development;
  - Policy SS1 – Spatial Strategy and Distribution of Growth;
  - Policy H1 – Housing Mix: Market Housing;
  - Policy H2 – Affordable Housing;
  - Policy NBE1 – Development in the Countryside;
  - Policy NBE4 – Thames Basin Heaths Special Protection Area;
  - Policy NBE9 – Historic Environment;
  - Policy I1 – Infrastructure;
  - Policy I2 – Green Infrastructure;
  - Policy I3 – Transport; and
  - Policy I4 – Open Space, Sport and Recreation.

## 7 MATTERS OF AGREEMENT

7.1 The following matters are agreed.

### HIGHWAYS

7.2 The Council has no objection to the Appeal Scheme on highway grounds subject to the Appellant entering into a planning obligation to secure the following matters: It is agreed the Appeal Scheme accords with Policy GEN1, T14 and T15 of the Local Plan and with paragraph 32 of the NPPF

7.3 The agreed improvements, works and matters are as follows:

#### 1. A323/A30 Hartley Wintney Mini-Roundabout

7.4 It is agreed that a contribution of £650,000 is to be secured to cover the costs of the works shown in drawing ITB11215-GA-049 to allow for further works to take place.

#### 2. A323 Fleet Road/Elvetham Heath Way and A323 Reading Road North/Elvetham Road/Hitches Lane Double Roundabout

7.5 It is agreed that the terms of the planning obligation or other agreement or condition should ensure that an improvement scheme consistent with that shown on drawing ITB11215-GA-056 is carried out.

7.6 Should the Appeal Scheme be approved and come forward prior to the implementation of application 16/01651/OUT, it is agreed that the terms of the planning obligation or other agreement or condition should ensure that further works shown on drawing ITB11215-GA-042 are carried out.

#### 3. Fleet Rail Station/High Street/Elvetham Road Junction

7.7 It is agreed that the scheme shown in drawing ITB11215-SK-012 is broadly acceptable.

7.8 It is agreed that the terms of the planning obligation or other agreement or condition should ensure that a contribution is made towards the cost of carrying out improvement works at this junction whether in the form shown on drawing ITB11215-SK-012 or some other similar form.

#### 4. Reading Road/Fleet High Street/Crookham Road (Oatsheaf) Junction

7.9 The mitigation scheme, as shown on drawing ITB11215-SK-011 Rev B, is considered acceptable in principle; it is agreed that that the mitigation scheme is to be delivered by the Appellant via S278 works.

#### 5. Canal Bridge Signalised Junction

7.10 It is agreed that there will be not be any material impact on the functioning of this junction as a result of the Appeal Scheme.

## 6. Elvetham Heath Way

7.11 It is agreed that no traffic would be likely to route through Elvetham Heath Way.

## 7. Travel Plan

7.12 The Framework Travel Plan and set of costed measures is agreed and will be secured by a s106 legal agreement.

## 8. Highway Improvement Works to be secured by the Appellant entering into a section 278 Highways Act 1980 agreement:

- Site access roundabout onto Fleet Road with shared footway and cycleway on Fleet Road with associated uncontrolled crossing, as shown indicatively on drawing ITB11215-GA-023 Rev J to be implemented prior to 1<sup>st</sup> occupation;
- Improvements to the junction of Fleet Road and Pale Lane as shown indicatively on drawing ITB11215-GA-023 Rev J to be implemented prior to 1st occupation;
- Site access priority junction with Pale Lane, which includes the closure of a small section of Pale Lane, as shown indicatively on drawing ITB11215-GA-047 to be delivered prior to 1st occupation of any dwelling to the west of Pale Lane or prior to the completion of the spine road whichever comes the sooner;
- Improvements to A323 Fleet Road/Elvetham Heath Way and A323 Reading Road North/Elvetham Road/Hitches Lane Double Roundabout and associated footway/cycleway works as shown indicatively on drawing ITB11215-GA-056 to be delivered prior to 200th occupation;
- Should this development be approved and trigger for delivering the full works is reached prior to Grove Farm coming forward, the improvement scheme shown on ITB11215-GA-042 should be delivered alongside the additional highway works; and
- Improvements to the Reading Road South/Fleet High Street/Crookham Road (known as the Oatsheaf) junction as shown indicatively in drawing ITB11215-SK-011 to be delivered prior to 450th occupation.

## 9. Financial contributions

It is agreed that the following financial contributions will be secured by the Appellant entering into a legal agreement/s

Financial Contribution of £1,225,000 (which includes the £650,000 referred to at paragraph 7.4 above) towards;

- The Fleet Station / Elvetham Road junction, as shown in principle on i-Transport drawing ITB11215-SK-012 or alternative improvement scheme proposed by HCC;
- A30 / A323 Hartley Wintney junction as shown in principle on i-Transport drawing ITB11215-GA-49 or alternative improvement scheme proposed by HCC;
- The Pale Lane rail arch works as shown in principle on i-Transport drawing ITB11215-GA-031; or other highway improvements on Pale Lane and the rural network affected by the development traffic;
- Provision of a signalised crossing on Fleet Road between the proposed site access roundabout and the Elvetham Heat double roundabout;

- Improved pedestrian and cycling facilities on the route between the Elvetham Road / Church Road junction and Fleet town centre; and
- Improved pedestrian and cycle facilities on four routes between the site and Elvetham Heath Centre (two routes), the site and Calthorpe School and the site and Fleet Town Centre as set out in principle in i-Transport document ITB11215-005A TN.

The financial contribution payments will be staged as the following;

- 10% paid prior to 1st occupation;
- 45% paid prior to occupation of 200<sup>th</sup> dwelling; and
- 45% paid prior to occupation of 400<sup>th</sup> dwelling.

#### Bus Infrastructure

- A contribution towards bus infrastructure which may serve the development in the future. The cost should be calculated based on the actual cost of the bus infrastructure; it is agreed that the Appellant will put forward the figure for agreement with the Council.

#### Community Bus Service

- A 10 year Community Bus service to be funded by the developer from the site to Fleet Station via Elvetham Heath as set out in document ITB11215-015 TN.

#### Travel Plan

- Framework Travel Plan and associated bond, approval fee and monitoring fees. A Full Travel Plan should be agreed and ready to implement prior to the 1<sup>st</sup> occupation.

### **ARCHAEOLOGY**

- 7.13 It is agreed that, subject to the imposition of appropriate conditions, the Council has no objection on grounds relating to archaeology and that policy CON 11 (Archaeological Sites and Scheduled Monuments) is complied with

### **NETWORK RAIL SAFEGUARDING**

- 7.14 It is agreed that the Appeal Scheme accords with the requirements of Policies GEN1 and GEN4.

### **OPEN SPACE & ITS MAINTENANCE**

- 7.15 It is agreed that, subject to the Appellant entering into appropriate agreements on the management of the SANG, the Council has no objection to the proposal based on grounds relating to open space and that the Appeal Scheme satisfies the requirements of policies GEN1, GEN4, and URB23.

## **NOISE, AIR QUALITY, CONTAMINATED LAND AND CONSTRUCTION**

- 7.16 It is agreed that subject to the imposition of appropriate conditions the Appeal Scheme complies with the requirements of Policies GEN1, GEN4, GEN7 and GEN8.

## **IMPACT ON THAMES BASIN HEATH SPA**

- 7.17 Substantial areas of green infrastructure, woodlands and hedgerows are retained within the proposed scheme layout that are designed to protect existing landscape and ecological features as well as provide sufficient public open space to cater for the amenity and informal recreational requirements of future households. It is agreed that subject to the provision of onsite SANG as part of the Appeal Scheme and adoption of an agreed SANG Management Plan and the securing of a SAMM contribution in the sum of £439,210 prior to the occupation of any house the Appeal Scheme satisfies the requirements of Policies CON1, CON2, CON3, CON4, CON5 and CON8 and South East Plan policy NRM6..

## **FLOODING & DRAINAGE**

- 7.18 It is agreed that the Council has no objection to the Appeal Scheme on the grounds of surface water drainage and sewerage infrastructure capacity.
- 7.19 It is agreed that the general principles of the drainage strategy provided are acceptable and that the Council has no objection on this ground.
- 7.20 It is agreed that the Appeal Scheme complies with the requirements of Policies GEN1 and GEN4.

## **EDUCATION**

- 7.21 It is agreed that subject to the Appellant entering into a s106 agreement to secure a contribution towards new on-site 1.5fe primary school provision and additional secondary school places in the vicinity in order to mitigate the impact on educational infrastructure and ensure that sufficient school places are provided to accommodate the additional children expected to be generated by the Appeal Scheme, the Appeal Scheme will cause no unacceptable impact on educational infrastructure.
- 7.22 It is agreed that the Appeal Scheme complies with the requirements of Policies GEN1 and GEN4.

## **WASTE MANAGEMENT**

- 7.23 It is agreed that matters relating to waste management do not give rise to grounds to object to the application.

## **AFFORDABLE HOUSING**

- 7.24 It is agreed that the Appeal Scheme complies with saved Policy ALT GEN 13 of the Local Plan.

## **ECOLOGY & BIODIVERSITY**

- 7.25 It is agreed that the Appeal Scheme complies with Policy CON4 - Replacement and Habitats and Policy CON5 – Species Protected by Law and Policy NRM6 – Thames Basin Heaths Special Protection Area.

## **TREES**

- 7.26 It is agreed that the Appeal Scheme complies with the requirements of Policy CON 8 – Trees, Woodland & Hedgerow: Amenity Value.

## **SUMMARY**

- 7.27 It is agreed that there are no unresolved technical issues.

## **OTHER AGREED MATTERS**

- 7.28 Reason 3 – it is agreed that subject to the provision of onsite SANG as part of the Appeal Scheme and adoption of an agreed SANG Management Plan and the securing of a SANG contribution in the sum of £439,210 prior to the occupation of any house the Appeal Scheme satisfies the requirements of Policies CON1, CON2, CON3, CON4, CON5 and CON8 and South East Plan policy NRM6.. Accordingly it is agreed that there is no probability or risk that the proposal will have a significant effect on the Thames Basin Heaths SPA or the Castle Bottom to Yateley and Hawley Commons SSSI and the Council no longer rely on reason for refusal 3.
- 7.29 Reason 4 – it is agreed that that, subject to the Appellant entering into an appropriate planning obligation to secure a financial contribution towards the following this reason for refusal is no longer relied upon by the Council:
- educational infrastructure including a financial contribution of £5,274,105 towards a Primary School or such other sum calculated in accordance with the provisions of [clause 24.1 of the s106] towards the provision of a new Primary School on the Site and a financial contribution of £5,257,874 towards Calthorpe Secondary School expansion to meet the education needs of the application;
  - the provision of community transport, cycling and pedestrian links and public transport, the provision of off-site highway improvements (as set out above); and
  - health infrastructure - £360,000 to North East Hampshire and Farnham CCG towards the improvement and expansion of facilities to accommodate additional patient places at Elvetham Heath to meet the healthcare needs of the Development, and £840,000 towards the improvement and expansion of facilities to accommodate additional patient places at Hartley Witney to meet the healthcare needs of the Development.
- 7.30 The Appellant will continue to work with the Council, in advance of the Inquiry, in order to produce an agreed Section 106 legal agreement, which subject to the Appeal being allowed, will be signed promptly between all necessary parties. As such, it will be demonstrated that the Appeal Scheme satisfies the requirements of Policies GEN1, ALTGEN13, RUR35 and T14.

7.31 It is therefore considered that there will be no adverse impacts on those matters as set out above such as to justify refusal of planning permission and reasons for refusal 3 and 4 will not be relied upon by the Council.

7.32 The Appellant and the Council will seek to agree Conditions as part of the Inquiry.

## **AGREED BENEFITS OF THE DEVELOPMENT**

7.33 It is agreed that the appeal proposals would provide for the following economic, social and environmental benefits:

- Local expenditure during the construction phase;
- Construction employment opportunities;
- Economic output generated by future residents;
- Local commercial expenditure by future residents;
- New Homes Bonus;
- Other financial benefits, i.e. resultant Council Tax;
- Provision of up to 700 homes including 40% (280) Affordable dwellings;
- Provision of a SANG of approx. 14ha for use by both existing and future residents;
- Approximately 14.5ha of publicly accessible open space for use as outdoor recreation and informal play space;
- New 2FE primary school on site and appropriate contribution for secondary provision;
- Early years site (safeguarded) as part of the proposed local centre;
- Local centre including up to 5 retail units extending to approximately 350sqm;
- Contributions to health care provision in Hartley Witney and Elvetham Heath;
- Off-site highway works, including highways improvements agreed with HCC;
- Contributions to local public transport measures;
- Sustainable Drainage Systems and works to existing surrounding culverts and culverts to improve drainage in local area;
- Retention and long-term protection and management of otherwise ephemeral habitats of value of plants and invertebrates in western area of Site;
- Habitat creation (e.g. wet woodland and ponds) along the southern boundary of the Site, enhancing the value of adjacent railway line as a habitat corridor; and
- Site-wide provision of wildlife structures, including reptile hibernation sites, and bird and bat boxed incorporated into new buildings and (where appropriate) existing woodland.

## 8 MATTERS IN DISPUTE

8.1 The Appellant and Council disagree about the following:

- Whether the relevant development plan policies are out of date, and as a result the 'tilted balance' set out in paragraph 14 of the NPPF is engaged.
- Whether the proposed development would have a significant detrimental effect on the character and setting of the countryside and/or have a serious adverse effect on the character or setting of the settlement of Fleet;
- Whether any less than substantial harm to the significance of the listed Palelane Farmhouse is outweighed by the public benefits of the Appeal scheme;
- Whether the development proposed is so substantial that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale or location of new development which are central to the emerging Local Plan;
- Whether the loss of best and most versatile agricultural land would justify refusal to grant planning permission; and
- Whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.