



## Appeal Decision

Hearing Held on 4-5 February 2020

Accompanied site visit made on 5 February 2020

**by David Spencer BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 March 2020**

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### **Appeal Ref: APP/N1730/W/19/3232716**

### **Hawley Park Farm, Hawley Road, Blackwater, Camberley GU17 9EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Crest Nicholson Operations Ltd against the decision of Hart District Council.
- The application Ref 18/00334/FUL, dated 9 February 2018, was refused by notice dated 23 April 2019.
- The development proposed is full permission for the erection of 158 dwellings, vehicular access road from Hawley Road and the provision of SANG, public open space, landscaping and associated works - site layout alterations to re-site the blocks of flats from adjacent to Fernhill Lane to elsewhere in the site.

### **Decision**

1. The appeal is allowed and planning permission is granted for full permission for the erection of 158 dwellings, vehicular access from Hawley Road and the provision of SANG, public open space, landscaping and associated works – site layout alterations to re-site the blocks of flats from adjacent to Fernhill Lane to elsewhere in the site at Hawley Park Farm, Hawley Road, Blackwater, Camberley GU17 9EF in accordance with the terms of the application, Ref 18/00334/FUL, dated 9 February 2018, and subject to the conditions set out in the schedule to this decision.

### **Application for costs**

2. An application for costs was made by Crest Nicholson Operations Ltd against Hart District Council in respect of the appeal. This application is the subject of a separate Decision.

### **Procedural Matters**

3. I have taken the description of the development from the Local Planning Authority's (LPA) decision notice on the basis that it accurately reflects that the appeal proposal no longer includes a pedestrian connection to Fernhill Lane. It also reflects that the scheme was amended after the planning application was submitted and that the LPA made its decision on these amended plans. I too have based my decision on these same amended plans.
4. There is an intricate planning history to the appeal site and adjoining land in the appellant's control, which is set out in Section 3 of the signed Statement of Common Ground between the two main parties. The appeal site is split into two distinct areas and proposed land uses, with the proposed residential element being on the 'western parcel' and the proposed Suitable Alternative Natural

Greenspace (SANG) being on the 'eastern parcel' of the appeal site. The appellant also benefits from controlling land with a separate planning consent for an additional phase of SANG immediately to the north of the appeal site (the Shelley Spears site). Notwithstanding the discussion at the hearing, the long and short of it is that despite ongoing queries about the access road constructed to date, it is agreed that the appellant retains an implementable reserved matters consent for a detailed scheme for 126 homes and SANG provision at the appeal site. The appellant's initial works at the site provide a clear indication of intent to deliver housing at the site. I consider this fall-back position to be an important material consideration.

5. Reasons 2-5 of the LPAs decision stem from the absence of a mechanism to secure sought after planning obligations at the time of determination. The statement of common ground agrees that these reasons for refusal could be overcome through the submission of such a mechanism. At the hearing the appellant submitted various advanced iterations of a Section 106 (S106) Agreement entering into obligations with both Hart District Council (HDC) and Hampshire County Council (HCC). This contained obligations in relation to affordable housing, transport and travel planning, formal on-site play space, the provision and management of the SANG and contributions to monitoring and management of protected habitats. A final signed S106 Agreement was received shortly after the hearing. I return to the planning obligations later in this decision.

### **Main Issues**

6. The main issues in this appeal are as follows:
  - (i) Whether the proposed development would preserve or enhance the character or appearance of the Hawley Park and Green Conservation Area; and
  - (ii) Whether the proposal makes adequate provision for any additional need for infrastructure, services and facilities arising from the development.

### **Reasons**

#### *Development Plan*

7. The extant development plan comprises of those saved policies of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (the HDLP) and saved policy NRM6 of the partially revoked South East Plan. In relation to the LPAs reasons for refusal, on the main issue of heritage, the principal HDLP policies are GEN1 (development management principles) and CON13 (Conservation Areas). Regarding the second main issue, on the various policy requirements, the HDLP policies that apply are CON1 and CON2 on biodiversity (together with saved South East Plan Policy NRM6), GEN1 on infrastructure generally, T14 on transport and ALT GEN 13 regarding 40% affordable housing.
8. In the context of the HDLP the appeal site is also outside of an adopted settlement boundary and therefore in open countryside and as such HDLP Policies RUR1 and RUR2 are of relevance in terms of development in the countryside. Policy RUR1 defines the extent of rural settlements and countryside. Policy RUR2 addresses development in the countryside and only

- permits proposals that are specifically provided for by other policies of the HDLP.
9. The HDLP was adopted in 2002 (with altered policies adopted in 2006) and significantly pre-dates the National Planning Policy Framework (NPPF). Accordingly, the weight to these policies is to be determined having regard to paragraph 213 of the NPPF. Subject to consideration of the S106, it is clear from the statement of common ground that the HDLP policies where there remains disagreement between the two main parties on matters of policy compliance, datedness and weight are Policies GEN1, CON13, RUR1 and RUR2.
  10. The Council is making good progress on putting into place a new Local Plan. The Inspector's report on the emerging Hart Local Plan (eHLP) has been received and the Council is looking to adopt its new plan towards end of March 2020. The eHLP proposed policies of particular relevance are Policy H2 seeking 40% affordable housing, Policy NBE4 on Thames Basin Heaths Special Protection Area (SPA) and Policy NBE9 on Historic Environment. Given the very advanced position of the eHLP, the weight to these policies is to be determined by reference to paragraph 48 of the NPPF.
  11. Furthermore, the eHLP has provided an opportunity to review settlement boundaries in light of recent evidence including the latest development needs. The western parcel of the appeal site is included within a 'New Settlement Policy Boundary adjoining Farnborough' which reflects the extant permission for 126 dwellings. This also fed into the analysis of whether on adoption of the eHLP there would be a deliverable five-year supply of housing land. I consider it significant to this appeal that the western parcel of the appeal site has been purposefully included within the revised settlement boundary, accepting in-principle that the area can accommodate development. This significantly distinguishes the appeal proposal from the various other recent appeal decisions in Hart which have been put before me by both main parties.

#### *Heritage*

12. The appeal site is entirely within the Hawley Park and Green Conservation Area (HPGCA). It is located in the south-east quadrant of the HPGCA where Fernhill Lane forms the southern boundary of the conservation area beyond which is the urban edge of Farnborough. The site occupies an undulating topography such that the SANG would occupy the more exposed landform of the eastern parcel and the proposed residential would be largely nestled within the generally enclosed bowl landform of the western parcel. To the west of the appeal site, the landform rises again with dense woodland and shrub.
13. At the core of the conservation area is the Grade II listed Hawley Park House and separately listed Grade II former stables block to the house, both of generally late Eighteenth Century origin, with the house altered further in the Nineteenth Century. Hawley Park is also identified on HDC's Local List of Historic Parks and Gardens. Whilst there is an overall rural and verdant character to the wider HPGCA, the heritage significance of the conservation area is the small country estate character of Hawley Park House together with a cluster of Nineteenth Century development to the north of the Park including the Holy Trinity Church and almshouses at Hawley Green.
14. In terms of the layout and function of the estate, and notwithstanding the position of peripheral lodges, including the Southern Lodge on Fernhill Lane

adjacent to the appeal site, from the balance of evidence, including historic mapping, the parkland character focuses on those fields immediately surrounding the house rather than the peripheral fields, including the appeal site. There is little in the evidence before me, including the Council's 2012 Character Appraisal and Management Proposals (CAMP) document for the HPGCA, to indicate that the appeal site formed an integral part of any core parkland to the House.

15. As agreed by the parties and as I observed on site, there is no inter-visibility between the western parcel of the appeal site and the listed buildings. From the documentary evidence the appellant surmises that appeal site may have formed part of a principally agricultural (pastoral) function in the wider estate. Certainly, the physical evidence on the ground reveals an evident difference between the character and appearance of core estate parkland around the house with its distinctive mature tree specimens and filtered views of the house compared to the more generic countryside character at the peripheral appeal site.
16. The appeal site can be appreciated from the adjacent Fernhill Lane to the south, from Footpath 21 which cuts across the eastern parcel and from Hawley Road. It is notable, however, that the CAMP does not identify any "important views" across the appeal site save for two on Hawley Road which are principally orientated to afford views towards the core parkland setting of the house. These views would remain unaffected by the open character of the proposed SANG on this part of the appeal site. The description of the appeal site in the CAMP is limited with little accentuation of the appeal site's contribution to the significance of the HPGCA other than its rural character.
17. The rural and estate character of the HPGCA remains prominent notwithstanding the recent housing development within it at Hawley Grove. The proposed SANG element of the appeal proposal would retain the verdant openness and would not harm the character or appearance of the HPGCA. In contrast the proposed residential development on the western parcel would result in the direct loss of undulating pastoral land. Whilst the loss of the openness and rural character at the edge of the HPGCA would be contained by the topography and surrounding vegetation it would nonetheless represent a significant built form at the edge of the former estate parkland. As set out above, these peripheral fields make only a limited contribution to the heritage significance of the HPGCA as a whole.
18. In assessing other attributes and qualities of the former estate to be found at or adjacent to the appeal site, I observed that the southern lodge to Hawley Park has been much altered. This is reflected in the CAMP (page 16) which does not identify it as a 'positive building'. Consequently, together with the overgrown nature of the carriage drive at this point, its former status as the entrance to the estate from Fernhill Lane has significantly diminished. The proposed layout gives space to the setting of this building such that it would not be subsumed and would remain to be read as a lodge dwelling in Fernhill Lane.
19. Remnants of the southern carriage drive separate the eastern and western parcels of the site. It is largely overgrown such that only a narrow path remains in places. It is currently experienced in the wider landscape as an indistinct belt of mature trees and holly understorey. The drive would be

largely retained and reinforced as a feature in the landscape and would only be crossed once by the access road (as already consented). The drive is no longer intact being already severed closer to the House thus reducing its heritage value. Overall, having regard to paragraphs 17-19 above, I find the arcadian qualities of the appeal site make only a limited contribution to the heritage significance of the HPGCA.

20. In assessing impact and any harm that would arise, it is relevant to have in mind what should constitute the baseline for assessment. As such there are two material factors which must be considered that are not within the 2012 CAMP document's assessment of the HPGCA. Firstly, the site has an extant planning permission for 126 dwellings which is capable of implementation. As such the assessment of harm should focus on the difference between the consented 126 dwelling scheme and the appeal proposal's 158 dwellings. Secondly, the very advanced eHLP includes the appeal site within a revised settlement boundary as an extension to Farnborough signalling an in-principle acceptance that there will be change from the countryside character of the HPGCA to some form of development at this location. Consequently, I turn to consider the heritage impact arising from the differences between the consented 126 dwellings and the proposed 158 dwellings.
21. The net developable area, the developed area and maximum height of buildings would be broadly comparable between the consented and proposed schemes, albeit the proportion of undeveloped land would reduce marginally. The appeal proposal would be a moderately denser and of a more urban form of development compared to what is already consented.
22. Whilst there is dispute over the description of some buildings as being 3 storey or 2½ storey, the upshot of the appeal proposal is that the tallest buildings proposed would be approximately 1 metre higher than those already consented. Whilst the overall massing of the scheme would increase through a greater number of taller buildings, and to varying degrees taller buildings arranged more closely, the overall visual impact of the scheme would remain similar to that consented. Due to the topography of the site, the proposed height and massing of the proposed buildings would remain contained in the wider landscape, including from other parts of the HPGCA. There would be no interruption of important views identified in the CAMP. Again, due to the topography, the woodland to the west would remain prominent above proposed the development despite the proposed relocation of the play area and the revised design of dwellings along the western boundary of the site.
23. The proposed increase in footprint and volume of development on a broadly similar net developable area, would result in some perceptible differences to the density and grain of development compared to the consented scheme. By any measure it would be a moderately higher density scheme albeit not an uncharacteristic modern density for an edge of settlement location. However, through a markedly revised layout the increases in density would be appropriately absorbed making a more effective and efficient use of the profiles of the site whilst retaining an appropriate set-back from Fernhill Lane. Overall, I do not consider the appeal proposal would manifest itself as "highly urbanised form" of residential development.
24. The appeal proposal would contain a variety of dwelling types and styles including a mix of materials across the scheme on the elevations and roofs.

Accordingly, it would not be a bland, homogenous development and the detail of the materials can be separately secured by condition for assurance. Furthermore, across the HPGCA I observed a wide palette of building materials including a widespread use of brick and render such that I do not consider the design or appearance of the proposal to be incongruous within the HPGCA as a whole.

25. Consequently, any heritage harm arising from the proposed residential element of the appeal scheme would be comparable to the consented scheme in terms of the impacts arising from the loss of the pastoral, rural qualities at the periphery of the Hawley Park estate. In considering the 'net' harm, I have also had regard to paragraph 200 of the NPPF in terms of treating favourably those proposals that make a positive contribution to the asset (or which better reveal its significance).
26. The CAMP identifies that public access and appreciation of the HPGCA is limited to the short section of Footpath 21. The proposed 5.6ha of SANG on the eastern parcel of the appeal site offers a notable opportunity to retain the openness and provide for public access to this part of HPGCA. Additionally, through a legal agreement, the appeal proposal would bring forward an additional 11ha of SANG on the adjoining Shelley Spears site that would enable public access into the "inner" estate area enabling a better appreciation of the setting of the House including remnant parkland features. The proposed SANG would enable a large area of the HPGCA to be managed for a land use which would be sympathetic to the character and appearance of the asset. I consider that these aspects of the appeal proposal would deliver an appreciable heritage benefit.
27. Overall, and notwithstanding the heritage benefits identified in paragraph 26, I nonetheless find the 'net' position to be one of harm to the heritage significance of the HPGCA due to scale of development and the resultant loss of characteristic rural, openness that defines the peripheral character of the historic Hawley Park Estate. By the appellant's own figures<sup>1</sup> the extent of undeveloped land would reduce further, albeit marginally, compared to the consented scheme. The harm would be less than substantial and when looking at heritage impacts in the round across the whole appeal site, I find that the harm would be at the lower end of any spectrum of less than substantial.
28. I therefore find that the appeal proposal would harm the character and appearance of the HPGCA. On this basis it would be contrary to Policies GEN1(criteria (i) and (v)) and CON13 of the HDLP and proposed Policy NBE9 of the eHLP. Accordingly, it would also conflict with the objective of the NPPF to conserve heritage assets in a manner appropriate to their significance.
29. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. As such it is incumbent that I attach considerable importance and weight to the harm that has been identified. The harm to the setting of the listed buildings and the appearance of the HPGCA would be less substantial and therefore paragraph 196 of the NPPF requires such harm to be balanced against the public benefits. I deal with this in a final balancing and conclusion section.

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<sup>1</sup> Document H1 – Quantification Table

*Planning Obligations – affordable housing and infrastructure*

30. The signed and executed S106 agreement seeks to address the LPAs reasons for refusal Nos. 2 to 5. These relate to policy requirements that the proposal makes adequate provision for affordable housing and any additional need for infrastructure and facilities arising from the development. I deal with those specific elements of S106 relating to the SANG and Strategic Access Management and Monitoring (SAMM) separately under the consideration of the Thames Basin Heaths Special Protection Area (SPA) below.
31. The S106 is expressed as a deed and clearly identifies the land to which the obligations would be charged. The agreement is constructed in such a way that should I find the obligations not to meet the 3 lawful tests at Regulation 122 of the CIL Regulations 2010 (as amended) then they would not be enforceable (a “blue pencil” clause). The fact that similar obligations were secured on recent planning consents at the appeal site does not discharge my responsibility to separately scrutinise the lawfulness of those obligations that are before me.
32. The completed and executed S106 agreement at Clauses 20, 21 and 22 would secure the provision of 40% affordable housing as required by HDLP Policy ALT.GEN13. The 40% requirement on 158 dwellings would translate as 63.2 dwellings. The S106 makes appropriate on-site provision for 63 dwellings as either rented affordable units or intermediate housing units, applying reasonable trigger points for delivery and a recognisable cascade approach to providing the units, including by reference to the Council’s approved registered provider list. The balance of the 0.2 unit would be secured by way of a financial contribution (£14,002.52) for off-site delivery. Overall, I find the provisions to secure affordable housing to be demonstrably necessary, directly related and fairly and reasonably related in scale and kind to the development and so I have taken them into account.
33. The S106 in Clause 12 would require a financial contribution towards off-site transport improvements. The transport contribution is £502,000 and seeks to fund the following: (1) A30 Corridor improvements between A327 and A331; (2) Hawley to Farnborough pedestrian and cycle route; and (3) a pedestrian and cycle scheme for Fernhill Road to Hawley Green. I note the same transport contributions were secured in the S106 accompanying the extant permission for 126 dwellings to the value of £400,000 such that the £502,000 has been described to me as a proportional increase reflecting the proposed additional 32 dwellings.
34. There is very little before me which explains why this contribution would be necessary to make the development acceptable in planning terms or why it would be directly related to the appeal proposal. Whilst the appellant’s transport assessment (TA) sets out adjusted mode splits to improve the proportion of journeys by foot and cycle there is negligible evidence that the pedestrian and cycle projects listed above are necessary to achieve this. There are no details of these schemes, the extent to which they are already funded and that they are deliverable. Nor are there any details of the A30 corridor project in terms of what it is, where the planned improvements are in relation to the appeal site and again the extent to which they are already funded. There is little evidence of the harm that would arise were the transport contribution not secured.

35. I was directed to the HCC representations on the application dated 11 April 2018 and 22 June 2018. These advise that mitigation would be necessary and refers back to the existing S106 (£400,000). It identifies the 3 schemes listed above are from the 'District Statement' and assures that this would be CIL Regulation compliant. As the principal evidence before me (repeated in the Council's statement of case), the representations do not provide the required assurance that the transport contribution would be lawful in light of the necessary tests. Consequently, I have not taken the obligation into account.
36. Clauses 12 and 19 would require a school travel plan and a wider travel plan for site respectively. The School Travel Plan involves a contribution of £42,000 and relates to producing and monitoring travel plans for nearby Hawley Primary School and Fernhill Secondary School. HCC has submitted an explanatory statement<sup>2</sup> to the hearing which sets out the basis for the contribution. Given the two schools are a moderate distance from the appeal site but within the bounds of reasonable walking and cycling distances I find the obligation to be consistent with the need to improve mode splits in line with the appellant's TA. It would broadly align with the objectives sought in HDLP Policy T14 and therefore I have taken the School Travel Plan contribution into account.
37. Turning to the wider travel plan, this would comprise the production of a travel plan, a £1,500 fee for HCC to approve the travel plan, a £15,000 monitoring fee for HCC to monitor the effectiveness of the travel plan over a five year period and a sum (as yet unspecified) to serve as a bond to facilitate the implementation and compliance with the travel plan. Whilst the site is sustainably located on the edge of Farnborough the appellant's TA outlines at Section 7 the need for travel planning to manage trip generation and promote sustainable modes of transport. I am satisfied that the obligation and the sums involved meet the lawful tests. This would accord with HDLP Policies GEN1 and T14 and in particular with NPPF paragraphs 108 and 111.
38. Clause 17 would secure on-site formal open space, its maintenance for a reasonable period until a point of transfer and then a recognisable cascade mechanism for its ongoing responsibility together with a maintenance contribution. I find this aspect of the obligation would accord with HDLP Policy GEN.1 on securing necessary infrastructure and have taken it into account.
39. Clauses 13 and 14 would provide financial contributions for district and parish leisure provision respectively. The LPA cites paragraph 4.6.1 of the HDLP which refers in general terms to off-site infrastructure where it is necessary to support sustainable growth. Additionally, the LPA has provided a copy of the August 2014 Cabinet report (Paper F) in support of its approach to S106 agreements and district-wide leisure projects. The district provision sought would be for Frogmore Leisure Centre in nearby Yateley. A number of improvements are identified at Appendix 1 of Paper F due to of capacity issues at Frogmore Leisure Centre and are costed at £420,000 (as at 2014).
40. There is no evidence as to whether these capacity issues have subsequently been addressed or to what extent they are being (or have been) remedied by the Council's capital programme and any other S106 monies accumulated since 2014. The per property contribution formula in Appendix 2 of Paper F is a simple division of total district-wide capital costs as of 2014 divided by remaining pipeline of planned dwellings. On this basis I cannot conclude that

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<sup>2</sup> Document H6



the contribution as sought for the appeal proposal would be necessary, directly related or fairly and reasonably related and so I have not taken it into account.

41. Similar applies in connection to the parish leisure contribution sought in connection with the Hawley Memorial Hall and Hawley Leisure Centre. Whilst the LPAs statement of case refers to potential projects (sports field drainage and a youth shelter) there are no details and no evidence as to whether these projects are existing deficiencies or additional demands arising due to the appeal proposal. Again, Appendix 2 of Paper F in the August 2014 Cabinet Report takes an aggregate district-wide capital figure for local leisure and divides by the remaining pipeline of housing supply at that time. For the same opaqueness I cannot find that the obligation would be lawful and so I have not taken it into account.

*Conclusions on the planning obligation on affordable housing and infrastructure*

42. Overall, by taking into account those obligations which accord with Regulation 122 of the CIL Regulations 2010 (as amended), I have arrived at the following conclusions in relation to the LPAs reasons for refusal nos. 3, 4 and 5 (essentially the second main issue for this appeal identified above).
43. The proposed affordable housing contributions would ensure the scheme accords with HDLP Policy ALT.GEN13 and eHLP Policy H2. It would also mean the scheme would accord with the NPPF at paragraphs 59 and 62 to deliver a sufficient amount and variety of homes to meet specific housing requirements including those who require affordable housing.
44. Those obligations necessary to maintain a safe access onto Hawley Road and secure a school travel plan and wider site travel plan would ensure that the appeal proposal would provide appropriate opportunities to promote sustainable transport modes and that there would be safe and suitable access for all users. Accordingly, I conclude, with the obligations in Clauses 12, 16 and 19, there would be no conflict with HDLP policies GEN1 and T14 insofar as they relate to highways safety or more widely with the objectives of the NPPF on promoting sustainable transport at paragraphs 102, 103 and 108-111. Nor would there be a conflict with eHLP Policies I1 and I3.
45. More generally in relation to social infrastructure (such as open space), again I am satisfied that the S106 agreement makes adequate provision for any additional need arising from the development. Consequently, the proposal would not conflict with paragraph 4.6.1 of the HDLP and would accord with the provisions of HDLP Policy GEN1 and URB23 on infrastructure and eHLP Policy I4.

*Thames Basin Heaths SPA*

46. The appeal site is within the 5 kilometre (km) zone of influence for the Thames Basin Heaths Special Protection Area (SPA). The SPA supports important breeding populations of a number of bird species including the Nightjar (*Caprimulgus europaeus*), the Woodlark (*Lullula arborea*) and the Dartford Warbler (*Sylvia undata*). Potential adverse effects on the SPA include urbanisation, atmospheric pollution, water abstraction and recreational pressure and disturbance. From everything that is before me, including the Interim Avoidance Strategy for the Thames Basin Heaths SPA (2010) and Natural England (NE) correspondence on the application, the likely significant

effect of the appeal proposal, in combination with other plans and projects, would be recreational pressure and disturbance. Having regard to recent applicable case law<sup>3</sup>, having screened-in that there would be a likely significant effect, it is necessary for me to carry out an appropriate assessment (AA) as part of this decision.

47. As part of the AA, it is necessary to consider whether any proposed mitigation measures would provide necessary certainty in ensuring no likely significant effect arising from recreational impacts. The two principal mitigation measures identified are the provision of Suitable Alternative Natural Greenspace (SANG) and the provision of Strategic Access Management and Monitoring (SAMM) as per the Interim Avoidance Strategy. NE have been engaged during the application process and have reaffirmed as part of this appeal<sup>4</sup> that they have no objection provided mitigation being secured.
48. The appeal proposal would directly provide 5.6 hectares of SANG on the eastern parcel. The submitted S106 agreement would link this area of SANG with the delivery and implementation of the approved SANG on the Shelley Spears site to the north thus providing an overall SANG area of some 16.4 hectares. This wider area would provide for a circular walk in excess of 2.3km which would meet NEs guidelines on SANG. There is agreement<sup>5</sup> that the overall quantum of SANG being provided would be sufficient to meet some 855 homes overall, leaving a balance of c.700 once the appeal proposal is taken into account. Importantly, Clause 15 of the S106 requires the SANG to be in place prior to the occupation of any housing.
49. There is some local concern that the inclusion of a children's play area and the access road within the SANG are incompatible with its function, but these are peripherally located and would not diminish the overall scale and quality of the SANG proposed. The proposed scale and layout of the SANG would be an attractive area for dog-walking, informal recreation and general biodiversity enhancement. There is no substantive evidence that the proposed SANG would be ineffectual. In terms of securing the SANG in perpetuity, the S106 agreement provides for the transfer of the wider SANG to HDC. The Council confirmed at the hearing that it would take on the responsibility for this SANG given its strategic scale. The S106 also provides for a management and maintenance payment of £1,116,991 and a separate SANG monitoring fee of £44,215.16. Having regard to the Interim Avoidance Strategy I find these contributions would meet the tests of CIL Regulation 122.
50. My attention was brought to the proximity of the Hawley Meadows and River Blackwater SANG a short distance to the east of the appeal site, partly as an indication that the proposed additional SANG at the appeal was not justified. I am mindful that the Interim Avoidance Strategy is a starting point, developed some 10 years ago. There is no evidence that there is capacity in this nearby SANG to accommodate the appeal proposal. Overall, the ability to secure another meaningful area of SANG within Hart, proximate to both Rushmoor and Surrey Heath, should be regarded positively in terms of supporting growth and reducing pressure on sensitive, protected habitats.

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<sup>3</sup> People over Wind, Peter Sweetman v Coillte Teoranta

<sup>4</sup> Letter dated 5 June, Appellant Statement of Case, Appendix 36

<sup>5</sup> Statement of Common Ground paragraph 3.10

51. Clause 28 of the S106 agreement would also secure a SAMP, contribution prior to the occupation of any housing, to assist with measures to better manage and monitor visitors to the SPA. Again, the Interim Avoidance Strategy provides the justification for the SAMP contribution. Additionally, to ensure the SANG is properly operational at an early stage, the timely implementation of signage and interpretation boards can be secured separately by condition. This would further assist in terms of mitigation. Again, having regard to the Interim Avoidance Strategy I find the SAMP contribution proposed would be lawful.
52. Overall, I am satisfied that based on the above mitigation measures, the appeal proposal would not result in a significant effect on the SPA. Therefore, it would accord with Policy NRM6 of the South East Plan which requires that adequate measures are put in place to avoid or mitigate any potential adverse effects on the SPA. There would also be no conflict with HDLP Policies CON1 and CON2 and eHLP Policy NBE9 which seek to safeguard European and national nature conservation designations.

*Other matters*

53. The site is adjacent to the urban edge of Farnborough and is within reasonable walking and cycling distance of a range of facilities including shops and schools. Whilst Blackwater train station is some distance to the north (c.1500 metres), it is not so distant that some future occupiers of the appeal scheme would reasonably walk or cycle to it. There is a good standard of footway with lighting along the B3272 Hawley Road for pedestrians. Whilst I observed appreciable volumes of traffic at peak periods it is nonetheless a suitable road of reasonable alignment and visibility within a 40mph speed limit for people to conveniently cycle along.
54. Whilst local bus services may have altered, including a reduction to those using Hawley Road closest to the appeal site, I observed that there are frequent bus services plying Chapel Lane a short distance to the south. Overall, the appeal proposal would be sustainably located, reflecting its inclusion with the revised settlement boundary in the eHLP. There is no substantive evidence before me that local schools and health services would not be able to accommodate any net additional demand generated by the appeal proposal. Nor is there any evidence that site drainage (foul or surface) cannot be appropriately managed, having regard to the appellant's detailed Flood Risk Assessment, and that any necessary detailed measures could be secured by condition.
55. The appeal proposal would provide 381 parking spaces<sup>6</sup> comprising of 342 allocated spaces (253 parking spaces and 89 garage spaces) and 39 visitor spaces. Given the site is adjacent to Farnborough it is appropriate to consider parking in the context of Rushmoor's latest parking standards rather than Hart's older 2008 standards which place the appeal site in Zone 3 (the least accessible from a Hart perspective). In quantitative terms Rushmoor's standards would require 320 residents' parking spaces and 35 visitor spaces. The Rushmoor standards count garage spaces such that the appeal proposal would result in a small surplus of parking spaces on this basis.
56. It is recognised that there can be a tendency for garages to be converted for additional residential accommodation. To countenance this a condition is proposed to restrict the conversion of garages. I note the local concerns that

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<sup>6</sup> Agreed Statement of Common Ground, paragraph 8.27

on-street parking could be displaced along the access road and into the surrounding road network. The appeal proposal would provide on average 2 parking spaces per property at a sustainable location and no longer includes a pedestrian link to Fernhill Lane. Together, with the general predilection for people wanting to park as close as possible to where they live, I am satisfied there would not be any harm to the safety or capacity of local road network arising from the level of parking proposed. Consequently, the appeal proposal would accord with HDLP Policies GEN1 and T14 in this regard.

### **Balances and Conclusion**

57. There is no dispute that HDC can demonstrate a deliverable supply of housing land considerably in excess of a 5-year requirement and is also performing very positively against the Housing Delivery Test. There is also agreement that the most important policies against which to determine the development include HDLP Policies GEN1 and CON13. There would be conflict with the policies because of the less than substantial harm to the character and appearance of the HPGCA. The datedness and weight of these policies is disputed. There is also disagreement as to whether NPPF paragraph 11(d) would be engaged because the degree of heritage harm could be outweighed by public benefits.
58. Matters are more balanced in respect of whether Policies RUR1, RUR2 and RUR3 (the policy framework for development in the countryside) are also most important for this appeal proposal. The statement of common ground accepts the policies are relevant (paragraph 8.4) but the statement also confirms that the principle of residential development at the appeal site is established, and the site is sustainably located (paragraphs 8.2 and 8.3 respectively).
59. The appeal site is outside of a settlement boundary in the extant development plan but as set out elsewhere in this decision it is important to note that the site is proposed within a revised settlement boundary. The eHLP is very advanced emerging Local Plan and the Council determined in April 2019 that it would give great weight to it. Furthermore, the Council has already accepted the principle of residential development at the appeal site in approving both the outline and reserved matters proposals for 126 dwellings. Whilst policies RUR1, RUR2 and RUR3 are relevant they did not underpin a reason for refusal. The appeal proposal principally hinges on specific impacts arising from the proposed development rather than its spatial location. Consequently, the Council's contention that an additional 32 dwellings at the appeal location would result in an unbalancing of the emerging spatial strategy, as referred to the eHLP Inspector's 2019 interim findings, is misplaced.
60. Consequently, there are material differences here to the recent Netherhouse Copse and Crondall appeals where the planning context is less blurred than that at the appeal site. Whilst the appeal proposal would be contrary to Policies RUR1, RUR2, RUR3 I do not consider them to be amongst the most important policies for determining the appeal. That said, recent approvals since 2015 for major residential development on the appeal site (and elsewhere in Hart) illustrate that the extant settlement boundaries do not reflect the more up-to-date housing requirements. It is notable, that whilst the Council can demonstrate a five-year supply, that is in part because of provision such as the appeal site. Whilst Policy RUR2 offers some partial consistency with the NPPF on protecting the character and setting of the countryside, I nonetheless find Policies RUR1 and RUR2 to be out of date for the reasons

given. That does not mean they have no weight in the decision-making process but given matters have moved on significantly since they were adopted in 2002 I only give them only modest weight in any final planning balance.

61. I therefore turn to consider whether policies GEN1 and CON13, as the most important policies, are out of date. Matters therefore focus on paragraph 213 of the NPPF which states that policies are not to be considered out of date simply due to their age, but due weight should be given to them based on their consistency with the NPPF. As set out above, these policies of the HDLP were adopted in 2002 and so significantly pre-date a number of principles to decision-making embedded in the original 2012 NPPF and now reinforced in the revised 2019 NPPF.
62. The LPA submit that the thrust of Policies GEN1 (criteria (i) & (v)) and CON13 remain consistent with the NPPFs objective of conserving and enhancing the historic environment. Policy GEN1 requires more generally at criterion (i) that proposals are keeping with the local character and at criterion (v) permits development that conserves or enhances, amongst other things the District's historic heritage. Policy CON13 applies to conservation areas and states that proposals for development which fail to meet the objectives of conserving or enhancing the character or appearance of a designated conservation area will not be permitted.
63. Whilst Policy GEN1 provides some partial consistency with the NPPF on general matters of character and appearance neither policy fully reflects the wording or tests now set out in national policy at paragraphs 192-202 of the NPPF. Importantly, this includes the more nuanced approach allowing for a weighing of less than substantial harm to the significance of a designated heritage asset against public benefits. When taken together, as the most important policies, HDLP Policies GEN1 and CON13 are out of date. The tilted balance at NPPF paragraph 11(d) would be engaged on this basis.
64. In undertaking an appropriate assessment, I have concluded that the proposal would not adversely affect the integrity of protected sites and so, in accordance with paragraph 177 of the NPPF, the presumption in favour of sustainable development would still apply. This is materially different to the Warbrook Lane, Eversley appeal decision cited by the LPA (Appendix 6 to Statement of Case). Matters therefore turn to footnote 6 to paragraph 11 of the NPPF as to whether the identified heritage harm in this case disengages the application of the tilted balance.

#### *The Heritage Balance*

65. As identified under the first main issue considered above, the appeal proposal would result in less than substantial harm to the character and appearance of the HPGCA. I have considered carefully the benefits arising the extensive proposed SANG (both phases being secured by the S106) and the ability of the SANG to preserve the openness of the HPGCA and to enable public access to better appreciate the heritage asset. However, because the appeal proposal would moderately intensify and reduce the area of undeveloped land that was once part of the wider rural Hawley Park Estate I find the net position remains one of less than substantial harm albeit at the lower end of any spectrum of such harm.

66. In arriving at this view, I give significant weight to the established fall-back position of an implementable scheme for 126 dwellings, meaning that the character of this part of the HGPCA has a strong likelihood of changing irreversibly in the near future. Nevertheless, even the small degree of heritage harm identified from the appeal proposal requires clear and convincing justification bearing in mind that great weight should be given to conserving heritage assets (NPPF paragraph 193).
67. There is dispute about the public benefits of the appeal scheme and the weight to be given to them, principally because of the housing land supply position in Hart. It was confirmed to me that the housing requirement should be regarded as a minimum. This accords with the tenet of the NPPF to significantly boost the supply of homes so as to ensure that the housing needs of various groups are met. Given the District has a deliverable housing land supply and is very positively performing against the HDT I give the social benefit from the 19 net additional market homes (out of the net additional 32 homes) arising from the appeal proposal on this site moderate weight. This is consistent with my colleague in the very recent Crondall appeal (paragraph 69).
68. In terms of the proposed affordable housing, the scheme would yield a net additional 13 affordable units. The LPA intimated at the hearing that the need for affordable housing was so significant in the District that the 13 units would have a negligible impact. The LPA invited only moderate weight be given in part because of the eHLP Inspector's interim findings that seeking to deliver more affordable need through a proportion of market housing would result in an imbalanced strategy and unsustainable commuting patterns. That would not arise here given the appeal site is accepted as a sustainable location. I therefore find to the contrary in that the 13 additional affordable units and commuted sum would make a moderate but nonetheless valuable contribution to those in important housing need. As such I attach substantial weight to the social benefit that would arise.
69. In respect of other associated social benefits arising from the appeal proposal the proposed scale of the SANG would enable an additional 697 homes to come forward with suitable habitats mitigation. The net additional 32 dwellings would not appreciably dent the surplus SANG capacity. Given the sensitive environmental context of the wider housing market area I ascribe significant weight to this benefit.
70. The proposed SANG, whilst necessary to enable the likely significant effects of the appeal proposal to be satisfactorily mitigated nonetheless presents appreciable wider public benefits in terms of heritage and the environment. This includes enabling public access to a significant part of the HPGCA whilst preserving and enhancing the parkland setting. It would provide for net benefits in terms of biodiversity arising from the landscape management proposals of the SANG. The increased scale of development on the net developable area of the western parcel would also make for more efficient and effective use of land as a finite resource in accordance with NPPF paragraph 122. I give appreciable weight to these environmental benefits.
71. Economically, the appeal proposal would generate appreciable employment during the construction phase, new homes bonus, additional council tax and additional expenditure into the local economy. I give moderate weight to these benefits.

72. Cumulatively, the various public benefits arising from the appeal proposal would be significant. Therefore, in respect of the heritage balance I find that the less than substantial harm identified to the significance of the heritage asset would be demonstrably outweighed by the public benefits so as to amount to clear and convincing justification. Consequently, footnote 6 to paragraph 11(d) of the NPPF is not engaged and the tilted balance applies.

#### *The Tilted Balance*

73. As set out above, there are a number of social, environmental, economic benefits which range from moderate to substantial. The appeal proposal also benefits from being sustainably located as reflected by its incorporation within the very advanced emerging revised settlement boundary. The proposed housing would be proximate to the services and facilities in both Farnborough and Hawley/Blackwater and would make a positive contribution to the deliverable supply of housing in the District, especially affordable housing. The proposed extent of the SANG would provide benefits to the HGPCA as well as preserving openness between Farnborough and Hawley/Blackwater.
74. Through the S106 agreement a number of obligations meet the relevant tests and whilst these are necessary to mitigate the impacts of the scheme and so are neutral in the balance, they nonetheless mean that there would be no conflict with HDLP Policies GEN1, T14 and ALTGEN13 and paragraph 4.6.1. The effect on the SPA can be mitigated such that there would be no conflict with Policy NRM6 of the South East Plan, Policies CON1 and CON2 of the HDLP and draft Policy NBE2 of the eHLP.
75. With regard to the adverse impacts, the development would result in less than substantial harm to the heritage significance of the HPGCA in conflict with HDLP Policies GEN1 (criteria (i) and (v)) and CON13 as well as eHLP Policy NBE9. However, the harm would be outweighed by the public benefits arising from the proposed development. Due to the outdatedness of the HDLP policies I only give moderate weight to this conflict. I give similar moderate weight to the conflict with eHLP NBE9 recognising the principle of the proposed development is already established (reflected in amended proposed settlement boundary) and the fact the appellant's robust fall-back position which would generate a comparable degree of harm and has every prospect of being implemented.
76. As the site is outside of an adopted settlement boundary it would conflict with HDLP Policies RUR1 and RUR2 but given the outdatedness of these policies, the only partial conformity of RUR2 with the NPPF, the extant permission and the imminent proposed settlement boundary amendment I give this conflict only limited weight.
77. In conclusion, and taking it account all other material considerations, the adverse impacts of the appeal proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Therefore, the presumption in favour of sustainable development would apply. On this basis a decision, other than in accordance with the development plan is justified and consequently the appeal should be allowed.

## Conditions

78. The statement of common ground has a number of proposed conditions which were considered necessary in the event the appeal was allowed. I have considered these in light of the content of the PPG on the use of conditions and the guidance at paragraph 55 of the NPPF and where necessary amended the wording slightly for comprehension.
79. In addition to the standard time limit condition (1), a condition (2) requiring the development is carried out in accordance with the approved plans and a separate condition (8) requiring cross-sections showing finished floor and ridge heights of buildings relative to ground level are both needed in the interests of proper planning and for avoidance of doubt. The approved plans are taken from the revised list provided by the appellant on 30 January 2020 and agreed by both main parties at the hearing. Notwithstanding the approved plans and details a further condition (10) requiring details of external finished surfaces would be necessary in terms of securing good design.
80. A condition (3) requiring that any contamination on the site would be adequately dealt with is necessary in the interests of public safety and environmental protection. Given the history and character of the site the risk is likely to be low and so I have imposed a proportionate standard condition which ultimately achieves a similar outcome to the lengthy condition suggested. For similar safety and environmental reasons conditions (5) and (6) requiring details of foul and surface water drainage schemes are both necessary. I am mindful that the appellant has provided a very detailed flood risk assessment (466 pages) which deals with infiltration, flood event modelling and sustainable drainage solutions. I have therefore amended condition 6 to remove the detail and to leave it between the parties to determine what additional information is needed in respect of surface water.
81. A condition (4) requiring a construction traffic management plan (CTMP) would be necessary to ensure highway safety and to protect the amenities of adjacent residents. A separate condition (11) specifying construction access is to be taken from Hawley Road and not Fernhill Lane is also necessary given Fernhill Lane is narrow, of poor alignment and visibility and unsuitable for heavy goods vehicles. In the interests of good design and accessibility of all users a condition (9) requiring details of internal road and footway network is also necessary as is a condition (14) requiring parking and bin storage facilities to be maintained for that purpose. In terms of the wider amenity of adjacent residents, it would be justified to impose a condition (13) limiting the times for construction and deliveries.
82. Notwithstanding the details approved in the plans in condition 2, a further condition (7) on securing appropriate boundary treatment to Fernhill Lane is necessary in terms of protecting the local character in accordance with HDLP Policy GEN1. For similar reasons of local character and good design a set of conditions (16), (17), (18) and (19) are necessary to ensure the scheme is landscaped in accordance with the approved details, that tree pits within the highway are implemented to an acceptable standard and that retained trees, hedges and shrubs are appropriately protected (and if necessary replaced) during construction.



83. Given the representations from Hampshire County Council archaeology it would be justified to impose a condition (12) requiring an agreed programme of archaeological work.
84. A condition requiring a separate ecological management plan would not be necessary given the evidence in the appellant's ecological assessment (February 2018) and the various management plans for the proposed SANG in condition 2 and further measures for the management of the SANG in the S106 agreement. A further condition (15) requiring the early implementation of signage is necessary to ensure the effectiveness of the SANG and I impose it accordingly.

*David Spencer*

Inspector.

#### APPEARANCES

##### FOR THE APPELLANT:

Christopher Boyle QC – Landmark Chambers  
Michelle Quan – Boyer Planning  
Dr Timur Tatiloglu – Montagu Evans (for heritage matters)  
Radek Chanas – Pegasus Group (for landscape matters)  
Andrew Morgan – DAC Beechcroft LLP (for S106 matters)  
Alastair Pott MRTPI – Crest Nicholson (discussion on conditions)

##### FOR THE LOCAL PLANNING AUTHORITY:

Peter Lee BA(Hons) DipGeog MRTPI – Planning Team Leader  
Cllr Graham Cockarill  
Maxine Lewis – Enforcement Team Leader

##### INTERESTED PERSONS:

Paul Brett – Local Resident / HALT (Hawley Area Land Threat)  
Steve Carpenter – Local Resident / HALT  
John Pattison – Local Resident  
Cllr Adrian Collett – Blackwater & Hawley Town Councillor  
Cllr Brian Blewett – District and Town Councillor

##### DOCUMENTS ACCEPTED AT THE HEARING

- H1 Appellant's 'Quantification Table' – comparing the previously permitted 126 dwelling scheme with the appeal scheme  
H2 Bloor Homes v SSCLG & Hinckley and Bosworth Borough Council [2014] EWHC 754 (Admin)  
H3 Eastleigh Borough Council v. SSHCLG et al. [2019] EWHC 1862 (Admin)  
H4 Revised Draft S106 Agreement with SAMM optional amendments as of 5 February 2020

- H5 Statement from Hampshire County Council on School Travel Planning contributions
- H6 Hart District Council Cabinet Agenda Papers 7 August 2014 – Planning Obligations Update

#### DOCUMENTS ACCEPTED POST HEARING

- PH1 Signed and dated S106 Agreement – received 13 February 2020
- PH2 Crondall Appeal decision (3185513) – issued 14 February 2020
- PH3 LPA submissions on the Crondall Appeal Decision – 25 February 2020

#### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) Unless otherwise agreed in writing by the local planning authority, the development shall be carried out, retained and completed in accordance with the following approved drawings and documents:

FD17-1483-50 Rev A Site Location Plan; FD17-1483-51 Existing Site Layout; FD17-1483-52 Existing Site Sections; FD17-1483-60 Rev G Proposed Layout; FD17-1483-65 Rev C Proposed Layout - Affordable Housing Mix; FD17-1483-68 Proposed Layout - Refuse Strategy; FD17-1483-70 Rev D Proposed Material Plan; FD17-1483-71 Rev D Proposed Material Schedule; FD17-1483 Sheet 6b Issue Sheet; FD17-1483-200 Rev A Plots 01-03 & 33-35 Plans & Elevations; FD17-1483-205 Rev B Plots 04-05, 132-133, 134-135 & 136-137 Plans & Elevations; FD17-1483-210 Rev B Plots 06-07 Plans & Elevations; FD17-1483-215 Rev A Plots 08-13,14-19 & 71-76 Plans & Elevations; FD17-1483-220 Rev A Plots 20-25 Plans & Elevations; FD17-1483-225 Rev A Plots 26-29 Plans & Elevations; FD17-1483-230 Rev A Plots 30-32 Plans & Elevations; FD17-1483-235 Rev A Plots 36 & 57 Plans & Elevations; FD17-1483-240 Rev A Plots 37-38 Plans & Elevations; FD17-1483-245 Rev B Plots 39-40 Plans & Elevations; FD17-1483-250 Rev A Plots 41-42 Plans & Elevations; FD17-1483-255 Rev A Plots 43-44 Plans & Elevations; FD17-1483-260 Rev A Plot 45 Plans & Elevations; FD17-1483-265 Rev A Plot 46 Plans & Elevations; FD17-1483-270 Rev C Plots 47-48 Plans & Elevations; FD17-1483-275 Rev B Plots 49-56 & 113-116 Plans & Elevations; FD17-1483-280 Rev A Plots 58 & 164 Plans & Elevations; FD17-1483-285 Rev A Plots 59 & 60 Plans & Elevations; FD17-1483-290 Rev A Plot 61 Plans & Elevations; FD17-1483-295 Rev A Plot 62 Plans & Elevations; FD17-1483-300 Rev A Plots 63-64 Plans & Elevations; FD17-1483-305 Rev A Plots 65-70 Plans & Elevations; FD17-1483-310 Rev B Plot 77 Plans & Elevations; FD17-1483-315 Rev A Plots 78-79 & 80-81 Plans & Elevations; FD17-1483-320 Rev A Plot 82 Plans & Elevations; FD17-1483-325 Rev B Plots 101-104 & 109-112 Plans & Elevations; FD17-1483-330 Rev A Plots 105-108 Plans & Elevations; FD17-1483-335 Rev B Plot 117 Plans & Elevations; FD17-1483-340 Rev B Plots 118-119 Plans & Elevations; FD17-1483-345 Rev B Plots 120-122, 148-150 & 151-153 Plans & Elevations; FD17-1483-350 Rev A Plots 123-124 Plans & Elevations; FD17-1483-355 Rev A Plot 125 Plans & Elevations; FD17-1483-360 Rev A Plots 126 & 127 Plans & Elevations; FD17-1483-365 Rev A Plots 128-129 & 130-131 Plans &

Elevations; FD17-1483-370 Rev A Plots 138-139, 140-141 & 144-145 Plans & Elevations; FD17-1483-375 Rev A Plots 142-143, 146-147 & 167-168 Plans & Elevations; FD17-1483-380 Rev A Plots 154-156 Plans & Elevations; FD17-1483-385 Rev B Plots 157-161 Plans & Elevations; FD17-1483-390 Rev A Plots 162 & 163 Plans & Elevations; FD17-1483-395 Plots 165 & 166 Plans & Elevations; FD17-1483-400 Plots 169-172 Plans & Elevations; FD17-1483-405 Plots 173, 174, 175 & 176 Plans & Elevations; FD17-1483-600 Single Garage Plans & Elevations; FD17-1483-605 Double Garage Plans & Elevations; FD17-1483-610 Triple Garage Plans & Elevations; FD17-1483-615 Rev B Plots 08-19 Bin Store; FD17-1483-620 Rev A Plots 08-19 Cycle Store; FD17-1483-625 Rev B Plots 20-25, 65-70 & 157-161 Bin & Cycle Store; FD17-1483-630 Rev B Plots 71-76 Bin & Cycle Store; FD17-1483-750 Rev A Proposed Street Scenes - Sheet 1; FD17-1483-751 Rev B Proposed Street Scenes - Sheet 2; FD17-1483-752 Rev A Proposed Street Scenes - Sheet 3; FD17-1483-753 Rev A Proposed Street Scenes - Sheet 4; FD17-1483-754 Rev C Proposed Street Scenes - Sheet 5; FD17-1483-755 Rev A Proposed Street Scenes - Sheet 6; FD17-1483-756 Proposed Street Scenes - Sheet 7; FD17-1483-760 Rev A Proposed Sections - Sheet 1; FD17-1483-761 Rev A Proposed Sections - Sheet 2; FD17-1483-762 Rev C Proposed Sections - Sheet 3; FD17-1483-800 Indicative 3D Views; D6326.001 Rev 02 Illustrative Masterplan; D6326.002 Rev 02 Landscape GA Plan; D6326.101 - D6326.107 Rev 03 Hardworks Plan Sheets 1 - 7; D6326.201 - D6326.207 Rev 03 Planting Plans Sheets 1 - 7; D6326.400 Rev 01 Landscape Details; D6326.410 Rev 00 Play Equipment; D6326.430 Rev 00 Play Equipment w/in Residential Area; D6326.500 SANGS Phase 1 - Illustrative Masterplan; D6326.501 SANGS Phase 1 - Key Plan; D6326.511/ D6326.512 / D6326.513 SANGS Phase 1 - Landscape Plans Sheets 1 - 3; D6326.700 Landscape Details - SANGS Phase 1; D6326.710 Play Equipment - SANGS Phase 1; Planning Statement; 17-1483-10 Rev D Parts 1-3 Design and Access Statement; DFA18012V3 Ecological Assessment; 30969/D01 Transport Statement; TN02 Transport Statement Addendum; 170271-03 Noise Impact Assessment; 170271-005-P6 Drainage Strategy; Sh21985(170271-01) Rev A Flood Risk Assessment; 9558 Heritage Impact Assessment; MMA 14427 Outdoor Lighting Report; MMA14427/001 Street Lighting Design; C.2111 Arboricultural Impact Assessment and Tree Protection Plan; and BHA\_C.2111\_AIA Addendum to Arboricultural Impact Assessment.

- 3) No development excepting formation of the approved access shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures

for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.

- 4) No development excepting formation of the approved access shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
- i. the parking and turning arrangements of vehicles of site operatives and visitors;
  - ii. construction traffic routes;
  - iii. the loading and unloading arrangements of plant and materials; and
  - iv. measures to prevent mud being deposited on the highway

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

- 5) No development excepting formation of the approved access shall take place until a drainage strategy including details of connection to the off-site foul sewers and increase in capacity where necessary have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied on the site until the drainage works have been completed.
- 6) No development excepting formation of the approved access shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied on the site until the approved details have been implemented.
- 7) Notwithstanding the approved details in condition 2, no development above slab level of any dwelling hereby approved shall take place until a scheme for the boundary treatment along the Fernhill Lane boundary to the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for fencing and for the existing landscaping / hedging to be reinforced and shall be designed so as to prevent pedestrian access to Fernhill Lane. The approved boundary treatment shall be implemented prior to the first occupation of any dwelling and shall be thereafter retained and maintained in accordance with the approved details.
- 8) No development excepting formation of the approved access shall take place until drawings including cross-sections through the site showing the finished floor level and finished ridge heights of buildings in relation to the existing ground level of the site have been submitted to and approved in writing by the Local Planning Authority. The submitted plans shall also show the Ordnance datum levels of the site as existing and as proposed. The dwellings shall not be constructed other than in accordance with the approved levels details.
- 9) No development excepting formation of the approved access shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and

proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for making up of the roads and footways has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before any building or use hereby approved is occupied.

- 10) Details and samples of all external finished surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall only be carried out in accordance with the approved details.
- 11) The access road from Hawley Road shall be of a formation and capable of beneficial use prior to the commencement of construction of any dwellings at the site. No construction traffic and vehicles of site operatives or visitors shall enter the site from Fernhill Lane.
- 12) No development excepting formation of the approved access shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation as submitted to and approved in writing by the Local Planning Authority.
- 13) No development or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours on Mondays to Fridays or 08:00 hours to 13:00 hours on Saturdays. No development or deliveries of materials shall take place on Sundays or Bank Holidays.
- 14) The approved parking and bin storage facilities shall not be used for any other purpose other than for what they have been designed for and access shall be maintained at all times to allow them to be used as such.
- 15) Details of the required signage and interpretation boards for the SANG shall be submitted to and approved in writing by the Local Planning Authority. The approved signage and interpretation boards shall be installed prior to the SANG site first being made available to be used by the public including the completed circular paths.
- 16) Hard and soft landscaping works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 17) Notwithstanding the submitted landscape details (D6326.400 Rev 01), no development excepting the formation of the approved access shall take place until and unless full details of proposed tree pits are submitted and approved in writing by the Local Planning Authority. The details shall include cross-section drawings, the use of guards or other protective and irrigation

measures. The details shall be provided in accordance with BS8545:2014 (with reference to Figures F.1 and F.2 on Tree Pit Design). The tree pits shall be implemented in accordance with the approved details.

- 18) No development excepting the formation of the approved access shall take place until a scheme for the protection of the retained trees, hedges, hedgerows and shrubs (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 19) If during construction any retained tree, hedge, hedgerow or shrub is cut down, uprooted or destroyed or dies another specimen(s) shall be planted at the same place and that specimen(s) shall be of such size and species and shall be planted, in accordance with condition 18, at such time as may be specified in writing by the local planning authority.
- 20) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Schedule ends.