

Fleet Neighbourhood Development Plan 2018-2032

**A report to Hart District Council on the Fleet
Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Hart District Council in January 2019 to carry out the independent examination of the Fleet Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 27 March 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on developing a suite of policies for the future vitality and well-being on the town centre. In addition, the Plan proposes a range of local green spaces and includes a series of design policies for identified character areas. The way in which it addresses these important matters it is both very distinctive and very thorough.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Fleet Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
19 June 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Fleet Neighbourhood Development Plan 2018-2032 (the 'Plan').
- 1.2 The Plan has been submitted to Hart District Council (HDC) by Fleet Town Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of issues within a wider context of setting out a series of policies for the future of the town centre.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HDC, with the consent of the Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both HDC and the Town Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.12 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement, a screening exercise was commissioned on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The resulting report (April 2018) is thorough and well-constructed. On the basis of the screening process it was determined that the Fleet Neighbourhood Plan did not require SEA under the SEA Directive and Environmental Assessment of Plans and Programmes Regulations (2004).
- 2.8 A Habitats Regulations Assessment (HRA) of the Plan was also commissioned in parallel with the work on SEA. The screening assessment concludes that no likely significant effects are likely to occur with regards to the integrity of any European sites and a full HRA is not required. In reaching this conclusion the screening report considered the potential implementation of the policies in the Plan on the Thames Basin Heaths SPA and the Thursley, Ash, Pirbright and Chobham Common SAC either alone or in-combination with other plans and/or projects. Between March and April 2018, a consultation was undertaken on this screening report with Natural England, the Environment Agency and Historic England. Consultation responses were received from all three bodies and on the basis of the information provided, all three consultation bodies agreed with the draft screening report conclusions.
- 2.9 In April 2018 a notable legal judgement, in an unrelated case, centred around the role of mitigation measures when carrying out screening was issued (People Over Wind). People over Wind, Peter Sweetman v Coillte Teorante April 2018 concerns a judgement by the Court of Justice of the European Union (CJEU). The Court held that that Article 6(3) of the Habitats Directive requires that measures which are intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site should not be taken into consideration at the screening stage. Paragraph 1.26 of the Fleet HRA screening report had identified that where significant effects are likely the second step should consider potential mitigation measures. The judgement means that this is no longer the case.
- 2.10 On this basis HDC carried out a review of findings of the original HRA screening determination in November 2018 to explore whether the judgement would have any implications for the Neighbourhood Plan. This is good practice. This review concluded that Habitats Regulations Assessment Screening dated April 2018 remains appropriate and no changes are considered necessary in light of the People Over Wind judgement.
- 2.11 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. The Plan has responded in a positive fashion to the proximity of the neighbourhood area to the Thames Basin Heaths SPA and within the context of the legislative changes to the HRA process in 2018. None of the statutory consultees raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

2.12 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

2.13 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.14 Having addressed the matters identified in paragraph 2.13 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA Environmental Report (April 2018);
- the Habitats Regulations Assessment report (April 2018)
- the HDC update note on the Habitats Regulations Assessment (November 2018)
- the Town Council's responses to my Clarification Note;
- the representations made to the Plan;
- the Hart District Local Plan (Replacement) 1996-2006;
- the First Alterations to the Hart District Local Plan (Replacement) 1996-2006;
- the emerging Hart Local Plan Strategy and Sites 2016-2032;
- the National Planning Policy Framework (March 2012 and February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 27 March 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HDC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. The further updates to the NPPF in 2019 did not affect these transitional arrangements. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. This Statement is appropriately detailed and properly relates to the scale and significance of the Plan itself. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (May to June 2018).
- 4.3 The Statement comments about how it has sought to engage the wider community in the plan-making process. Its aims were:
- to consult many;
 - to consult widely;
 - to consult at the right time;
 - to consult well; and
 - to keep the community informed
- 4.4 The Statement also sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. In particular it comments about the use of information, flyers and press releases and the involvement of businesses through engagement with the Fleet Business Improvement District Board.
- 4.5 Sections 4-6 of the Statement also provide specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. In combination these elements of the Statement identify the principal changes that worked their way through into the submission version (as set out in Appendix 7). They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended in March 2019. This exercise generated comments from a range of organisations and private individuals as follows:

- Highways England
- Richard Rowley
- Church Crookham Parish Council
- Waverley Borough Council
- Natural England
- Thames Water
- Stewart Gray
- Christopher Riley
- Nigel Chapman
- Philip Burton
- Thakenham Homes
- Historic England
- Hartley Wintney Parish Council
- Hart District Council (in its capacity as a landowner)
- Hart District Council (in its capacity as the local planning authority)

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the town of Fleet. It was designated as a neighbourhood area on 15 April 2015. In 2011 it had a population of 21858 persons.
- 5.2 The neighbourhood area is located in the Hart District area to the south of the M3. It is approximately 6 kilometres to the west of Farnborough and 16 kilometres to the east of Basingstoke. It has a railway station on the South Western main line and enjoys regular rail services to London. The town is very much a product of the development of a grid pattern of streets and plots that followed the purchase of land by H.W. Brake in 1878. Fleet Road formed the heart of that grid and continues to be the town's retail and commercial centre.
- 5.3 The neighbourhood area is one of significant contrasts. The principal built up area lies in the west of the neighbourhood area. Whilst the town is densely-developed in places it has retained its attractive and sylvan setting. The North Fleet Conservation Area is a particularly attractive part of the town, and a specific policy for the area is included within the Plan. The retail core is based on Fleet Road and adjacent roads. It also includes the Hart shopping centre. The town is also the civic hub of the wider Hart District. The identified Civic Quarter in the Plan includes the District Council's administrative offices, the Library and the Town Councils offices, including The Hartlington.

Development Plan Context

- 5.4 The Hart District Local Plan (Replacement) 1996-2006 was adopted in December 2002. The First Alterations to the Hart District Local Plan (Replacement) 1996-2006 was adopted in June 2006. It is this Local Plan against which I am required to examine the submitted Neighbourhood Plan. A significant element of these policies remains saved until the adoption of the emerging local plan. For completeness the development plan consists of the following documents:
- Hart Local Plan 1996 - 2006 (Saved Policies)
 - Policy NRM6: Thames Basin Heaths Special Protection Area of the South East Plan
 - Hampshire Minerals and Waste Plan 2013
- 5.5 The Basic Conditions Statement has very helpfully listed the policies in the adopted local plan. Within this context it highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 The following policies in the existing local plan are particularly relevant to the submitted neighbourhood plan:

GEN1 General Policy for development

GEN4	General Design Policy
CON13	Conservation Areas
CON22	Setting of settlements and recreation
URB1	Definition of areas covered by URB policies
URB8	Shopping in urban areas and rural centres
URB11	Shop fronts
F1-F11	Fleet town centre policies

5.7 The District Council is well-advanced within the process of preparing a new Local Plan. Once adopted it will replace the existing Local Plan. The Hart Local Plan Strategy and Sites 2016-2032 was submitted for examination in June 2018. The hearing sessions have now taken place and the Council is working towards the publication of a schedule of Main Modifications. Insofar as it was able to do so the submitted neighbourhood plan has sought to take account of this emerging strategic planning context.

5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the strategic planning context and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

5.9 I made an unaccompanied visit to the neighbourhood area on 27 March 2019. The weather was unseasonably warm and sunny. It made for a very pleasant day.

5.10 I drove into the neighbourhood area along Fleet Road from the north-west. This gave me an initial impression of its setting and its sylvan character. I took the opportunity to look around the North Fleet Conservation Area off Reading Road North.

5.11 I looked initially at that part of the neighbourhood area around the Basingstoke Canal Wharf and the Dinorben Character Area. I saw the way in which it related to the town centre to its north and to wider transport network in this part of the town.

5.12 Thereafter I walked into the town centre. Due to its compact nature I was able to complete the majority of the remainder of the visit on foot. I looked initially at the Civic Quarter (Zone 1). I saw the various civic and administrative buildings and the relationships between them including their wider contributions to the public realm. I took the opportunity to look at The Views, an attractive open space within this part of the town centre. I saw that the skateboard ramp was being well-used in the late afternoon sunshine.

5.13 I took time to look at the areas affected by the various town centre policies. In Zone 1C I saw the way in which the existing buildings turned the corner and presented an interesting and strong design feature. In Zone 1D I saw Admiral House and Flagship House and the way in which they offered a gateway into the car parking areas to their

east. In Zone 1B I saw a range of traditional buildings which, in their different ways, had been adapted to modern commercial use. The Prezzo building was a significant example of this approach.

- 5.14 I then walked around the other parts of the town centre. I paid particular attention to Zone 3 (the core shopping centre) and Zone 4 (between 151 Fleet Road and the Kings Road junction). In the former I saw the wide range of retail and associated commercial uses. In the latter I saw way in which former office blocks were either being refurbished (Principle House) or redeveloped (Kings Place) for residential uses. I also looked at Albert Street so that I could see its relationship with Fleet Road and understand Policy 8 in detail.
- 5.15 I then walked into and around Calthorpe Park. Its significance to the wider community was immediately obvious. I saw that it was well-maintained.
- 5.16 I finished my visit by driving around those parts of the neighbourhood area more remote from the town centre. In particular I drove to the railway station and then to that part of the area to the north of the railway line. I saw the Ancells Road area and Bramshot Farm. I then drove to the south so that I could better understand the relationship between the town and Church Crookham and Crookham village.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 and 2019 versions of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Fleet Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Hart Local Plan;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its position in the settlement hierarchy. In particular it

positively proposes a package of new development opportunities for important town centre sites. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and designates a package of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for employment development in and around the town centre (Policies 1-9). In the social role, it includes a policy on the cycle network (Policy 18) and to safeguard the existing stock of bungalows (Policy 11). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy 10), on its conservation areas (Policies 14 and 16) and on local green spaces (Policy 13). The Town Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Hart District area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. Indeed, it positively seeks to consolidate and extend the strategic role, vitality and viability of Fleet town centre.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Town Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Pages 5-19)

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a professional way. It is colourful and makes a very effective use of tables, maps and photographs. A very clear distinction is made between its policies and the supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they provide a context for the subsequent policies.
- 7.10 The Introduction provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve. It provides interesting information about the history and the current nature of the neighbourhood area. Paragraphs 1.20 to 1.51 provide a very clear picture of the context to which the submitted Plan is responding.
- 7.11 This part of the Plan also provides information about the community engagement that underpinned the production of the Plan. It provides a helpful introduction to the more detailed Consultation Statement.

7.12 Section 2 of the Plan addresses its vision, objectives and aims. It is well-developed around a vision to ‘create an accessible, sustainable, green town with an active population and a vibrant business, cultural and community focus’. It then details what its policies are seeking to achieve within this context.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 – Fleet Civic Quarter (Zone 1)

7.14 This policy addresses the potential for the redevelopment of the Civic Quarter. The parcels of land concerned include the HDC offices, The Hartlington and the Fleet Library buildings. The Quarter is primarily in public ownership - Fleet Town Council, HDC and Hampshire County Council are the principal landowners.

7.15 The policy supports the comprehensive redevelopment of the site for a performance/civic centre, a library, facilities to accommodate HDC and Fleet Town Council functions and a pedestrianised public space. It also comments that the development should not cause an overall loss of public parking provision and the provision of open space.

7.16 The supporting text helpfully comments that this policy is effectively a core policy which could be applied on a standalone basis. However the policy makes reference to adjoining parcels of land and their associated policies (Policies 2/3/4). Those policies also cross-reference back to Policy 1.

7.17 HDC has made representations to the policy in its capacity as a landowner. On the one hand it supports the concept of a comprehensive development to an agreed masterplan. On the other hand, it identifies that the policy should not stifle development or raise unrealistic expectations. It goes on to comment that the Council has no immediate intentions to release or to redevelop its interest in the land subject to this policy. Finally, it comments that if it were to review its position the package of measures included in the third part of the policy are considered to be very prescriptive.

7.18 I have considered the policy and its implications very carefully. In addition, I looked at the parcels of land in detail when I visited the neighbourhood area. It is clear that the ambitions of the policy are well-intentioned and would assist in reinforcing the role of Fleet as a key civic and retail centre both in the District and its wider surrounding area. However, the policy is very specific in its requirements both for the package of new development to be supported and in the retention of existing facilities. There is no evidence that the very specific proposals have been tested for their impact on the potential viability of the redevelopment or have the full support of the landowners concerned.

7.19 To remedy these issues I recommend that the policy is recast so that it takes on a more general format. The recommended modifications do not detract from the overall sense of purpose, direction or ambition of the policy. They reflect the outcome of the positive meeting between HDC and the Town Council that took place during the examination.

- 7.20 The recommended modification does not include any direct reference to the scale of new buildings of a similar nature to that included in section 6 of the submitted policy. That section of the policy attracted comments from Historic England about the potential impact of taller buildings on the character and appearance of Fleet Town centre. Nevertheless, the recommended modifications to the policy continue to draw attention to the design principles in Policy 10 of the submitted Plan. That policy makes appropriate reference to the matter (Policy 10 Sections i, ii and iii)

Replace the policy with:

‘Development proposals within Zone 1a will be supported where:

- 1. They are consistent with a comprehensive regeneration plan for the whole site;**
- 2. They will not result in an overall loss of public parking provision within the town centre;**
- 3. Building uses and layout have regard to the general design principles set out in Policy 10 and are designed to provide positive enclosure and oversight of the public realm with active frontages which contribute to the vibrancy of the area;**
- 4. Development proposals that provide for the following uses will be supported:**
 - **a performance/community facility;**
 - **a library;**
 - **facilities to accommodate Hart District Council and Fleet Town Council civic functions;**
 - **a pedestrianised public space connecting to the high street.**
- 5. Development proposals which depart from the uses identified in part 4 of this policy will only be supported where:**
 - **the non-customer facing services can be practically and more economically provided elsewhere, or**
 - **the existing premises/uses are no longer required.**

Alternative town centre uses will be supported where it can be demonstrated that they support the vitality of the town centre, and are justified to ensure the viable redevelopment of the site.’

Policy 2 – Land between Victoria Road and Gurkha Square (Zone 1b)

- 7.21 This is the first of a series of policies which follow on from the Plan’s approach to the Civic Quarter. In this case the policy applies to a parcel of land to the immediate north and east of the Civic Quarter. It lies along Fleet Road between its junction with Victoria Road and Gurkha Square. As the Plan comments it is in multiple ownership which may prevent it coming forward as a comprehensive development. The area affected by the policy has active commercial frontages facing onto Fleet Road.

- 7.22 The policy supports suitable town centre uses. In addition, it comments that any developments should contribute to the function, use and environment of the Civic Quarter as proposed in Policy 1.
- 7.23 The relationship of proposed development in this Zone to that in the Civic Quarter has attracted a representation from HDC. It comments that the policy fails to establish any direct relationship between the two areas in general, and how proposals in Zone 1b could reasonably be expected to contribute to the function, use and environment of the Civic Quarter as proposed in Policy 1.
- 7.24 To remedy this issue I recommend that the policy is simplified so that it takes on a more general role. In particular the reference to the Civic Quarter is deleted. The recommended modifications do not detract from the overall sense of purpose, direction or ambition of the policy. The recommended modifications reflect the outcome of the positive meeting between HDC and the Town Council.

Replace the policy with:

‘The development of the land fronting onto Fleet Road between Victoria Road and Gurkha Square, as identified in the Zone 1 Policies Areas map, for suitable town centre uses will be supported.’

Policy 3 – Land on the corner of Reading Road North and Fleet Road (Zone 1c)

- 7.25 This is a further policy in the series which follow on from the Plan’s approach to the Civic Quarter. In this case the policy applies to a parcel of land to the immediate south of the Civic Quarter. In particular it is located at the junction of Reading Road North and Fleet Road. It is a visually significant three storey curved block with retail uses at ground floor level and with residential and commercial uses on the upper floors.
- 7.26 The policy supports the development of retail uses with residential or commercial uses above together with improved pedestrian access and connections in general, and to a Town Square in particular.
- 7.27 The relationship of proposed development in this Zone to that in the Civic Quarter has attracted a representation from HDC. It comments that the policy fails to establish any direct relationship between the two areas in general, and how proposals in Zone 1c could reasonably be expected to contribute to the function, use and environment of the Civic Quarter as proposed in Policy 1.
- 7.28 To remedy this issue I recommend that the policy is simplified so that it takes on a more general role. In particular the reference to the Civic Quarter is deleted. The recommended modifications do not detract from the overall sense of purpose, direction or ambition of the policy. The recommended modifications reflect the outcome of the positive meeting between HDC and the Town Council.

Replace the policy with:

‘The comprehensive redevelopment of land on the junction of Reading Road North and Fleet Road, as identified as Zone 1c on the policies area map, will be supported provided that:

- **the built form, massing and scale create a strong corner that contributes to the function of this area as key gateway to the town (up to a maximum of four storeys for new development);**
- **town centre uses are proposed which include retail at ground level (predominantly A1 and A2) with residential or commercial above; and**
- **the resulting layout improves pedestrian access and connections to the town centre, with consideration given to traffic flow and safe pedestrian crossings at road junctions**

Policy 4 – Land off Harlington Way (Zone 1d)

- 7.29 This is a further policy in the series which follow on from the Plan's approach to the Civic Quarter. In this case the policy applies to a parcel of land to the immediate west of the Civic Quarter. It is located at the junction of Reading Road North and Harlington Way. It is occupied by two office buildings.
- 7.30 The policy requires that the scale and massing of any new development should be an appropriate gateway to the Civic Quarter. In particular it comments that uses that contribute to the commercial, civic and cultural activities of the Civic Quarter will be supported. It also sets out the ability of ancillary retail uses on the ground floors within any redevelopment proposals.
- 7.31 HDC make representations about the relationship of the policy to its approach in the Local Plan in general, and Fleet Primary Shopping Area in particular. I recommend a modification to address this matter. I also recommend consequential modifications to the supporting text. Otherwise the policy meets the basic conditions

Replace the final paragraph of the policy with: 'Subject to being in compliance with HLPSS Policies ED4 and ED5, retail at ground floor level (predominately A1 and A2 with residential or commercial above) will be supported.'

At the end of paragraph 2.43 add: 'The policy also highlights the potential for ancillary retail uses at ground floor level where such development would be complementary to the wider ambitions of the policy. Any such retail floorspace will need to be assessed against wider development plan policies in general, and their potential impact on the Fleet Core Shopping Area in particular'

Policy 5 – Leisure and Night Time Economy Fleet Road between Upper Street and the Oatsheaf crossroads (Zone 2)

- 7.32 This policy relates to Fleet Road between Upper Street and the Oatsheaf crossroads. It is a vibrant area to the immediate south-east of the Civic Quarter. It is otherwise identified as Zone 2 in the map on page 20 of the Plan.
- 7.33 The policy has two ambitions. The first is to support new town centre uses (A1-A5). The second is to encourage residential use above the retail/commercial uses.
- 7.34 I recommend a modification to the first part of the policy to ensure that it is in general conformity with local plan policies. The modification also clarifies the way in which changes between the various Use Classes could take place. Otherwise the policy meets the basic conditions.

- 7.35 I also recommend modifications to the supporting text in paragraph 2.46. This will ensure that the approach has regards to national policy and a recent ministerial statement. It will also ensure consistency with the approach that I have recommended towards other policies.

Replace the first part of the policy with: ‘Proposals for development within Use Classes A1-A5 or uses within Class C1, D2 and D3 will be supported. The loss of ground floor A1-A5 Use Class uses will not be supported.’

In paragraph 2.46 add ‘subject to appropriate traffic studies, the preparation of an equalities impact assessment, and acceptance by the Local Highways Authority after ‘supported’

Policy 6 – Fleet Core Shopping Zone (Zone 3)

- 7.36 This policy is specifically focused on the Core Shopping Zone (Zone 3). It consists both of the shops and other uses fronting directly onto Fleet Road and the indoor Hart Shopping Centre.
- 7.37 Its overall ambition is to support proposals for new or extended retail development. In particular it supports the development of the vacant land to the south east of Church Road car park.
- 7.38 I recommend a series of modifications. The first deletes the second criterion that relates to changes of use from A1 retail uses to other uses. This matter is already addressed in the adopted Local Plan and in any event does not directly relate to the principle of the policy supporting new or extended retail uses (rather than their loss). The second reconfigures the third criterion so that it has the clarity required by the NPPF and provides appropriate guidance to HDC as it administers its development management responsibilities. Two others relate to very detailed aspects of the wording in the policy. Otherwise the policy meets the basic conditions.

In the opening part of the policy replace ‘primary’ with ‘Core’

In the first criterion replace ‘aligned’ with ‘in conformity’

Delete the second criterion

Replace the third criterion with: ‘They do not harm the retail character of the zone, are for a main town centre use which retains or provides an active frontage, have no significant adverse impact on surrounding amenity (by virtue of noise, odour, waste collection, highways and parking) and enhance the character of the street scene.’

Policy 7 – Fleet Road between 151 Fleet Road and Kings Road junction (Zone 4)

- 7.39 This policy relates to land between Fleet Road and its junction with Kings Road. It is a transitional area between the retail core of the town to the south west and the residential areas to the north. It is otherwise identified as Zone 4 in the map on page 20 of the Plan.

- 7.40 The supporting text refers to the recent changes which have taken place in the Zone. It highlights the way in which the area is shifting from office to residential use. The supporting text at paragraph 2.58 comments that the policy supports development which would add to the character of the town as an important gateway to the town centre.
- 7.41 The policy's opening component is less than clear. It refers to a future redevelopment of the recently-completed office to residential conversion schemes without directly identifying the types of development which would be supported. To some extent this matter is clarified in the criteria associated with the policy. However, the overall effect is that the policy fails to provide any detailed guidance either to HDC or to the development industry.
- 7.42 To remedy this matter I recommend modifications. In general terms they provide a supporting context to the type of development identified in the supporting text. In more specific ways they clarify the criteria already included in the policy.

Replace the opening part of the policy with: 'Redevelopment proposals in Zone 4 that enhance its role as a gateway to the town centre will be supported provided that:'

In the first criterion add at the beginning 'Where proposals include residential uses'

In the fourth criterion add at the beginning 'Where appropriate to the proposal concerned'

Policy 8 – Land at Albert Street

- 7.43 This policy relates to land at Albert Street. It is an interesting street which runs parallel to Fleet Road and to its immediate south-east. It is otherwise identified as Zone 5 in the map on page 20 of the Plan. It relates specifically to land on the north west side of Albert Street
- 7.44 It has a particular focus on improving access available to the associated Fleet Road properties and in safeguarding residential amenities.
- 7.45 The policy is well-developed. It meets the basic conditions.

Policy 9 – Fleet Road Public Realm (Zone 6)

- 7.46 This policy relates to the development or the redevelopment of the public realm in the Town Centre. It does so to good effect. It offers support to proposals which would improve pedestrian movements, promote accessibility to the railway station, and which foster active frontages.
- 7.47 I recommend three detailed modifications to the policy to ensure that it has the clarity required by the NPPF. The third recommendation ensures that the Plan has regard to the ministerial statement of September 2018 on shared space schemes.

In the fourth criterion add ‘Sustainable Urban Drainage’ before ‘SUDS’ and include SUDS in brackets.

Delete ‘and’ at the end of the fifth criterion.

In the final part of the policy insert ‘the preparation of an equalities impact assessment’ between ‘traffic studies’ and ‘and acceptance by’.

Policy 10 – General Design Management policy

- 7.48 This policy represents a very significant achievement of the plan-making process. It proposes design principles for six distinct character areas which have been identified and assessed as part of the production of the Plan. The policy format reflects this work and is set out in the Plan as follows:

Policy 10	General Design Management Policy
Policy 10a	Design Management in Ancells Farm
Policy 10b	Design Management in West Fleet
Policy 10c	Design Management in Fleet Town Centre
Policy 10d	Design Management in Pondtail
Policy 10e	Design Management in South Fleet
Policy 10f	Design Management in Dinorben

The specific policies for the character areas are then further subdivided into different sub areas.

- 7.49 The policies have been well-received. HDC commend the detailed character assessment set out in the policy and sub-policies. For my part it is a well-developed, thorough and distinctive approach to this important matter. It is also clear that the work has properly captured the character and appearance of the neighbourhood area.
- 7.50 I am satisfied that in general terms the approach taken in the overarching policy (Policy 10) meets the basic conditions. It is clearly evidence-based. In addition, it applies general design principles rather than setting out a prescriptive approach to how development should proceed. It also includes a comprehensive and distinctive set of design principles which new development should respect. They include complementing neighbouring properties, building heights and maintaining and enhancing vegetation. The policy reinforces the importance of good design in national policy in a local context. I recommend modifications to two of the design principles in the policy. They reflect detailed comments from HDC. They ensure that the policy has the clarity required by the NPPF whilst retaining the integrity and approach in the submitted version of the Plan.
- 7.51 HDC comments that the various character area policies set out a description of the type of development that already exists within each character area but as written they do not all read as development management policies. It suggests that they are either

repositioned within a Design appendix and renamed as Design Principles, or the wording of each part of the Policy needs to be reviewed so that it is clear to a decision maker as to how they should be used.

- 7.52 I have considered this representation very carefully given both the scale and significance of the policy approach and the way in which it would practicably be applied through the development management process. Taking all matters into consideration, including the Town Council's responses to the various representation received, I am satisfied that the approach taken in Policies 10 a-f is appropriate in general terms. It presents a very detailed approach towards securing design that is appropriate to the various character areas.
- 7.53 However, I have concluded that the detailed wording of the various policies is confusing. This results from the combination of the structure of the policies and the repetitive use of the 'will be supported' approach. As an example, this is immediately apparent in Policy 10 a) for Ancells Park. The opening part of the policy offers support to development proposals which have full regard to design principles as listed elsewhere in that policy. It then addresses Area G (Offices and Warehouses) where again the opening elements is 'development sustaining the following characteristics will be supported'. Thereafter within the following bullet point there are a series of matters where development would not be supported. This various hierarchy of tests is likely to present issues for HDC as it seeks to implement the development management function in a clear and consistent fashion throughout the Plan period.
- 7.54 I recommend that the various character area policies are replaced with a single policy relating new development to the distinctive details within each character area. In this context the details of the various Character Areas and their distinctive features would be included in an appendix to the Plan. Within this arrangement the appendix would identify a series of existing design and character parameters which development in the Character Areas (and the sub zones) would need to meet in order to secure support. I include an example of how the information in Policy 10a (Ancells Park) would translate into the appendix. Plainly different proposals will respond to the various parameters in their different ways. HDC will be able to consider each proposal on its merits against the criteria which apply to the sub-zone concerned.

In the submitted Policy 10

Replace the fifth criterion with: 'Development shall seek to retain existing mature hedging and established trees and to enhance landscaping including providing SUDS where appropriate to provide for biodiversity and also to help manage surface water runoff sustainably. Where loss of significant amenity trees is justified, compensation planting must be provided to mitigate their loss.'

At the end of the twelfth criterion add: 'The use of SUDS as a form of flood risk management will be supported where the circumstances of the proposed development make such an approach both appropriate and practicable'

Replace Policies 10a-10f with:

Policy 10 A

‘Proposals for development in the various Character Areas shown on Map [insert details] and as detailed in Appendix [insert details] will be supported where they have appropriate regard to the design characteristics for the relevant land use in that Character Area’

Redesign Policies 10a-f as follows and relocate into an appendix of the Plan:

- *Delete the initial policy number and policy component after the Character Area heading*
- *In the Area sections replace ‘Development sustaining... will be supported’ with ‘This part of the Character Area has the following features against which new development will be assessed in the context of Policy 10A of this Plan.’*
- *In the list of bullet points retain the descriptive elements included within the submitted Plan.*
- *In the list of bullet points delete or modify those which have a focus on the format of new development rather than describing the existing character of the area.*

Example - Policy 10a) Design Management in Ancells Farm

Delete the opening part of the submitted policy.

Replace the opening part of Area G, H and J with: ‘This part of the Character Area has the following features against which new development will be assessed in the context of Policy 10A of this Plan’

In the Area G bullet points:

- *Replace the first bullet point with: ‘The existing commercial units have a density of between 3-5 units per hectare and generally consist of well-spaced office/commercial buildings of three storeys in height’*
- *Delete the fifth bullet point*
- *Delete bullet points 6-11*

No changes to the Area H bullet points

In the Area J bullet points:

- *Delete the fifth bullet point*
- *Replace the fifth bullet point with ‘Several groups of mature trees’*

Policy 11 – Safeguarding building stock for people of limited mobility

- 7.55 This policy seeks to maintain the stock of bungalows in the town. It recognises their inherent ability to provide flexible, accessible and sustainable accommodation for older persons and/or those with limited mobility.

- 7.56 I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. In particular they ensure that the policy is capable of being applied simply and consistently through the development management process by HDC.

Replace the policy with:

Proposals for the conversion of bungalows (a bungalow is a house which has only one level, and no stairs) to a house comprising two or more storeys that will result in the loss of local homes especially suited to occupation by older people will not be supported.

Proposals for the modification of bungalows to adaptable standards to support independent living will be supported

Proposals that result in the loss of homes especially suited to occupation by older people and/or people with limited mobility will not be supported.

Subject to compliance with Policy 10 the development of new bungalows will be supported.

Policy 12 – Buildings of Local Heritage and Townscape Value

- 7.57 This policy addresses the importance of conserving buildings of local heritage and townscape value. The policy is effectively underpinned by Appendix 3 which provides details about a series of such buildings. The appendix is helpfully illustrated by a colour photograph of each identified building. I saw several of the identified buildings when I visited the neighbourhood area including those in Fleet Road, 45/47 Reading Road South and 1 Dinorben Avenue. In their different ways they are good indicators of the historic expansion of the town.
- 7.58 The policy takes an appropriate and positive approach which meets the basic conditions in general terms. I recommend a modification to the opening part of the policy so that it is clear that it directly relates to proposals affecting buildings of Local Heritage and Townscape Value. I also recommend a modification to the first criterion of the policy so that it has proper regard to national policy. It reflects helpful comments made by Historic England.

Replace the initial parts of the policy with:

‘Development proposals that affect buildings of Heritage and Townscape Value detailed in Appendix 3 will be supported provided that:

1. Proposals conserve and, where practical, enhance the heritage asset and its contribution to townscape value and demonstrate the design contributes positively to the character of the building.’

Policy 13 – Local Green Space

- 7.59 This policy identifies a series of proposed local green spaces (LGSs). In doing so it makes appropriate reference to paragraphs 76-78 of the NPPF on this important matter. The NPPF indicates that the designation of LGSs allows local communities to

rule out new development in such locations other than in very special circumstances. The supporting text comments about the sylvan character of the neighbourhood area and how this policy seeks to respond to this matter.

- 7.60 The Town Council has produced a separate assessment of the proposed LGS (Appendix 4 of the submitted Plan). It is a particularly effective document in the way in which it assesses the various sites against the NPPF criteria. It also includes detailed maps showing their boundaries. I looked at several of the proposed LGSs when I visited the neighbourhood area. I saw that in the majority of cases they are open spaces within residential areas or more substantial parks and recreation areas. In several cases they are owned and managed by the Town Council.
- 7.61 In my clarification note I raised with the Town Council the lack of information on LGSs A (Land to the east of Fleet Road) and B (Bramshot SANG) in Appendix 4. I was advised of the way in which they had been considered as part of the plan-making process. Neither of the two sites were intended to be identified as LGSs. However, they remain included within the map on page 61 of the Plan and in Appendix 4. I recommend the deletion of the two sites from the map and the appendix to ensure that the policy is clear and consistent.
- 7.62 I am satisfied that all the other sites comfortably meet the NPPF criteria.
- 7.63 The policy itself sets out to follow the matter of fact approach towards LGSs as included in the NPPF. Nevertheless, it includes both elements of supporting text and an attempt to identify potential 'very special circumstances' where development will be supported within the boundaries of the various designated areas. Whilst this approach was designed with the potential to be helpful throughout the Plan period it has the ability either to encourage such development proposals to come forward or to exclude other similar proposals from being considered and/or supported.
- 7.64 I recommend modifications to remedy this matter. They relocate the potential very special circumstances to the supporting text. I also recommend that the policy lists the identified LGSs within the policy itself. As submitted the Plan requires all concerned to cross-refer to a separate map and the associated appendix.
- 7.65 Finally I recommend that the map on page 61 is reconfigured to achieve two important matters of clarification. The first would be to modify the title so that it identified the parcels of land as LGS, rather than as open spaces owned and maintained by the Town Council. Whilst I have already highlighted the overlap between the two issues the former is a matter of planning policy whereas the latter is a matter of fact.

Replace the policy with:

'The following areas are designated as Local Green Space [List sites 1 to 13 and C at this point and changing C to 14]

Development will only be supported on the designated local green spaces in very special circumstances'

At the end of paragraph 3.97 add: 'Policy 13 designates various areas as local green space and applies the national policy approach in the NPPF. Plainly circumstances may arise during the Plan period where very special circumstances may exist and therefore support limited new development within the designated area. This will be a matter of judgement for the District Council based on the evidence included in relevant planning applications. However, proposals which might be considered to be very special circumstances include those which are ancillary to the use of any of the sites for public recreational or community purposes or if the development was essential for utility infrastructure needs and no alternative site was available'

Policy 14 – Basingstoke Canal Conservation Area

- 7.66 This policy specifically addresses the Basingstoke Canal Conservation Area. The Canal is a particularly attractive feature within the neighbourhood area. Its re-opening in the 1990s followed several years of restoration following its purchase by local authorities. It provides an attractive recreational facility in both urban and rural areas along its route. I saw the Canal several times as part of my visit to the neighbourhood area, including the at the Wharf off Reading Road.
- 7.67 The policy offers support to development proposals which respect a series of conservation principles which are distinctive to the conservation area. One of the principles comments about the potential for the replacement of close boarded fences with evergreen hedging. This criterion reflects local circumstances where the rear of adjoining properties abuts onto the canal and in many cases have erected domestic fences to ensure privacy and security. I recommend that the criterion includes an approach that supports such a replacement of a boundary treatment where it is appropriate and practicable to do so.
- 7.68 The fourth criterion sets out a requirement for all planting near to the Canal to be regularly maintained to improve the leisure and amenity use of the Canal. This is a well-intentioned ambition. Nevertheless, it is largely beyond the planning process to achieve its ambition. As such I recommend its deletion. However, I recommend that it is reflected in the supporting text.
- 7.69 I also recommend other technical modifications to the policy. In particular I recommend that the fifth criterion is replaced with a form of words suggested by Historic England. Otherwise the policy meets the basic conditions and will do much to assist in safeguarding this important recreational and conservation asset in the town.

In the opening part of the policy delete 'statutory,'

At the end of the first criterion add: 'according to its significance'

At the beginning of the third criterion add 'where it is both appropriate and practicable to the proposal concerned,'

Delete the fourth criterion

Replace the fifth criterion with: 'all development proposals that would affect the conservation area, either directly or indirectly (such as through effects to its

setting) will be required to demonstrate how the recommendations of the Character Area Appraisal have been addressed, including the protection of the current open views from the Canal and towpath and proposals to preserve and enhance its heritage, landscape, ecological and recreational value'

At the end of paragraph 3.99 add: 'The third criterion of the policy supports the replacement of close boarded fences with native hedging where that course of action is appropriate to the proposal concerned.'

Policy 15 – Residential Gardens

- 7.70 This policy relates to the potential for development in residential gardens. It seeks to balance the sustainable location of the housing stock in the town with its sylvan character and biodiversity attributes.
- 7.71 The policy reflects this approach in setting out a series of criteria to be met by such proposals. They include retaining at least 50% of the original garden, safeguarding landscape and ecological features and the retention of amenity trees.
- 7.72 HDC suggest that the criterion on the retention of at least 50% of the original garden also includes reference to the use of sustainable drainage facilities. This is an appropriate addition to the policy which both meets the basic conditions in its own rights and would ensure that the wider policy also meets the basic conditions. I recommend that an additional criterion is added to the policy to address this matter.

Insert an additional criterion to read: 'It incorporates permeable paving, grasscrete, gravel or other forms of permeable parking surface, which do not increase surface water runoff and flood risk.'

Policy 16 – North Fleet Conservation Area

- 7.73 This policy comments on the North Fleet conservation area. As paragraph 3.111 of the Plan comments its principal characteristic is its green and natural setting which includes many mature trees and areas of copses, woodland a shrubbery. The conservation area includes several large houses in large plots.
- 7.74 The significance of the conservation area is detailed in the HDC North Fleet Conservation Area Character Appraisal and Management Proposals (2008). The submitted policy seeks to build on this document and its very thorough approach.
- 7.75 The policy is well-developed, comprehensive and thorough. It has however generated a series of technical representations from HDC. The Town Council has helpfully indicated its support for the HDC suggested changes. I have incorporated the wider package into my recommended modifications. In some cases, I have refined the detailed wording to ensure that it meets the basic conditions. This also has the indirect outcome of ensuring that the policy language is consistent throughout the Plan.

In the second criterion insert 'or where the existing building makes a positive contribution to the character or appearance of the conservation area' between 'design styles' and 'will not'

In the fourth criterion add ‘and appearance’ after ‘character’

In the fifth criterion add ‘modest’ between ‘and’ and ‘wooden’. In the fifth sentence replace ‘shall be resisted’ with ‘will not be supported’

Replace the sixth criterion with: ‘Development that requires the felling of trees of significant amenity value and as a result degrades the character and appearance of the Conservation Area will not be supported. A number of trees within the Conservation Area are subject to individual Tree Preservation Orders (TPOs). Where trees subject to a TPO are removed, they should be replaced with species typical of those in the Conservation Area. Such species should include English oak, beech, Scots pine and sweet chestnut. Where appropriate, desirable ‘specimen’ tree species could include Atlas cedar, dawn redwood, giant redwood or small-leaved lime. The use of inappropriate trees such as Leyland cypress leylandii will not be supported. The maintenance and replacement of trees that are not covered by TPOs and the enhancement of treed areas will be actively supported.’

Replace paragraph 3.109 with: ‘Planning permission is required for demolition of a building with a volume of more than 115 cubic metres located within in a conservation area. All Saints Church is a listed building controlled by other legislation.’

Replace paragraph 3.110 with: ‘In 1998, an Article 4 Direction was served, which removed permitted development rights within the North Fleet Conversation Area to erect, alter or remove a gate, wall or other means of enclosure to the frontage of a dwelling. Any change to the enclosure to the frontage of a dwelling therefore requires planning permission. This policy seeks to provide greater clarity over boundary treatments within the Conservation Area.’

In paragraph 3.111 delete ‘Whilst the same condition does not apply to those trees that still significantly contribute to the sylvan character of the Conservation Area but are not specifically protected by TPOs’

In paragraph 3.111 after the deleted text replace the following sentence to read: ‘In addition to the TPOs, all trees within the Conservation Area of a certain size are subject to the provisions of Section 211 of the Town and Country Planning Act, 1990.’

Policy 17 – Thames Basin Heath SPA Mitigation

- 7.76 This policy makes specific reference to mitigation measures which may be required for development which impacts on the Thames Basin Heath SPA. Its inclusion overlaps with the findings of the SEA/HRA screening report.
- 7.77 The policy makes appropriate references to the adopted policies in the saved South East Plan, the adopted Local Plan and HDC’s SPA Avoidance and Mitigation Strategy. It meets the basic conditions.
- 7.78 Paragraph 3.114 of the Plan provides an extract from HDC’s SPA guidance. For clarity I recommend that the extract is identified in quotation marks

Include the extract in paragraph 3.114 in quotation marks

Policy 18 – Cycling Network

- 7.79 This policy recognises the importance of the existing cycle network in the town and the opportunities that exist for its expansion. It includes several components which address support for new routes, their location and the potential for developments in the town to contribute to the development of the network.
- 7.80 In general terms the policy has been positively-developed and meets the basic conditions. HDC correctly advises that the potential for developer contributions can only be applied where such developments meet the tests set out in national policy and legislation. I recommend accordingly. In both the second and fourth parts of the policy I recommend that the reference to the ‘full funding’ of cycle routes is deleted. This may prove to be the case in some circumstances and not in others. The eventual outcome will relate to the particular relationship between the proposed route and the development concerned and how this relationship accords with national policy in general, and the Community Infrastructure Levy Regulations in particular.
- 7.81 I also recommend a modification to the second section of the policy which sets out a preference for the location of new cycle routes. A preference is not a policy.

In the second part of the policy delete ‘preferably’. Add an additional sentence to read: ‘Where these options are not practicable other routes will be supported where they would provide safe and convenient routes for cyclists’

Replace the third section of the policy with: ‘Where appropriate, contributions will be sought from new developments to fund the design and delivery of the network.’

In the final section of the fourth section of the policy delete ‘fully’

Policy 19 – Residential Parking

- 7.82 This policy sets out to ensure that new development includes car parking to HDC standards.
- 7.83 I recommend a modification to the policy which otherwise meets the basic conditions. In particular it will ensure that the policy is future-proofed throughout the Plan period

In criterion i. delete ‘adopted’

Other Matters - General

- 7.84 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HDC in consultation with the Town Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

- 7.85 The District Council and the Town Council met to discuss the questions in my Clarification Note and the issues which the District Council raised as part of its representations. This was a positive process and resulted in the Town Council proposing a series of changes to the supporting text in the section on Town Centre Policies. They have the ability to be incorporated into the modifications to the general text as set out above.

Other Matters – Specific

- 7.86 HDC has helpfully provided commentary on the initial sections of the Plan. In most cases they bring clarity and/or update policy matters. I recommend the following modifications where they are necessary to ensure that the Plan meets the basic conditions.

In paragraph 1.8 replace ‘towards the end of 2018’ with ‘in 2019’ (fourth line) and ‘ahead of’ with ‘soon after’ (fifth and sixth lines)

In paragraph 1.11 replace ‘until late in 2018’ with ‘mid-2019’

In paragraph 1.19 replace the first three sentences with: ‘Policy SS2 Hartland Village’ (formerly Pyestock) on which a hybrid planning permission (part full, part outline) has been granted, lies within the Neighbourhood Plan Boundary. The planning permission includes proposals for 1500 homes with associated social/community infrastructure, open space and Suitable Alternative Natural Greenspace (SANG) mitigation. The planning conditions require a comprehensive approach to development which demonstrates how the development will integrate with and complement its surroundings.’

In paragraph 1.40 replace the two uses of the word ‘and’ with ‘or’ (third line)

At the end of paragraph 1.42 add: ‘albeit there is some established development which is of merit dating from late C19th and early C20th up to the 1940’s

In paragraph 2.12 with:

In its Saved Local Plan Policy F1, Hart District Council outlines the commitment “to support Fleet’s position as the District’s principal shopping centre by concentrating principal retail uses along Fleet Road, encouraging a mix of uses in order to maintain the centre’s vitality and securing environmental quality. Where appropriate, landscaping schemes will be encouraged in association with new developments in order to enhance the attractiveness of the town centre”. Policy ED5 of HLPSS also outlines the commitment to Fleet Town Centre; “Fleet town centre will be the main focus for future town centre development in the District. As set out in Policy ED4, there is capacity for additional retail floorspace (Class A uses) to be located within Fleet town centre over the plan period.” Within that context, our Neighbourhood Plan seeks to identify the areas that are available to make a difference to our town.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2032. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Fleet Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Hart District Council that subject to the incorporation of the modifications set out in this report that the Fleet Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 15 April 2015
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very helpful in preparing this report. The Town Council's positive response to the representations received and its suggested changes to policies and the supporting text were equally helpful.

Andrew Ashcroft
Independent Examiner
19 June 2019