

Item No: 101

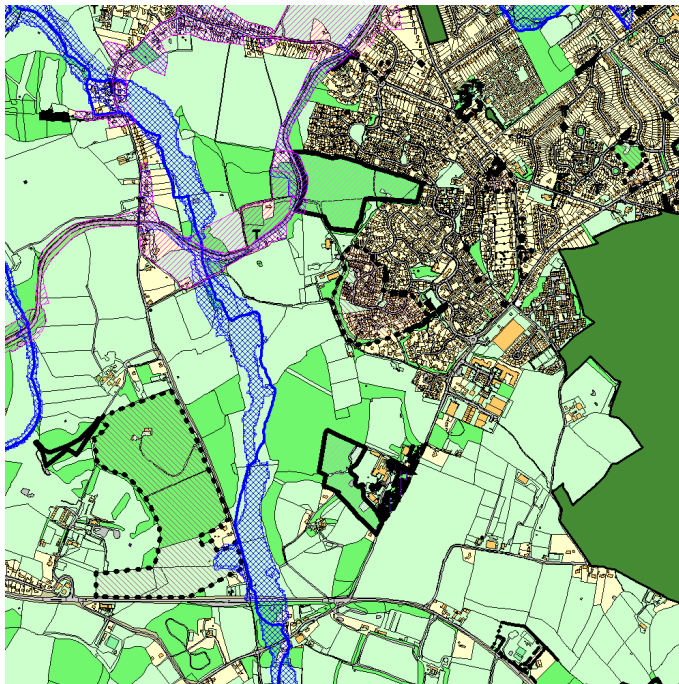
20/02827/AMCON

Land at Watery Lane, Church Crookham, Fleet, Hampshire.

Variation of Condition 37 attached to Planning Permission 14/00504/MAJOR dated 26/06/2015

COMMITTEE REPORT

APPLICATION NO.	20/02827/AMCON
LOCATION	Land At Watery Lane Church Crookham Fleet Hampshire
PROPOSAL	Variation of Condition 37 attached to Planning Permission 14/00504/MAJOR dated 26/06/2015 to allow the roundabout to be completed and fully operational prior to the 50th occupation of the development
APPLICANT	Mr John Matuszewski
CONSULTATIONS EXPIRY	12 January 2021
APPLICATION EXPIRY	22 February 2021
WARD	Church Crookham West And Ewshot
RECOMMENDATION	<p>A. That the Head of Place be authorised delegated authority to GRANT planning permission subject to the completion of a Deed of Variation to link and secured all the planning obligations agreed under the original planning permission (ref: 14/00504/MAJOR - APP/N1730/A/14/2228404) to this planning permission;</p> <p>AND subject to planning conditions (listed below).</p> <p>B. That the Head of Place be authorised delegated authority to REFUSE planning permission if the Deed of Variation (S106 agreement) is not progressed to the satisfaction of the Head of Place by the 16th April 2021 for appropriate reasons (listed below).</p>



BACKGROUND

Outline planning consent 14/00504/MAJOR was granted at appeal (ref: APP/N1730/A/14/2228404), for means of access only, on 26.06.2015 for up to 300 residential units, land for up to 1,050m² D1 floorspace (GP surgery including pharmacy) and up to 370m² A1 retail floorspace (convenience food store) with associated access, open space, playing pitches including a sports pavilion, Multi Use Games Area (MUGA) and car park, landscaping, Suitable Alternative Natural Greenspace (SANG) including a car park and improvements to the A287/Redfields Lane junction. All other matters were reserved for subsequent approval.

The application for Reserved Matters in conjunction with discharge of conditions information was subsequently approved on 08.06.2018 subject to conditions (ref: 17/00264/REM).

This application is presented to Planning Committee at the discretion of the Head of Place.

There was also a request from a Ward Councillor to refer this application to Planning Committee. The reason provided was to give members of the Planning Committee an opportunity to analyse the supporting evidence submitted and assess whether that is compelling enough to overrule the original decision of the Planning Inspector.

SITE DESCRIPTION

The site is located on the south western edge of Church Crookham, Fleet and has an area of approximately 34 hectares. It is bound to the north by Zephon Common Lane and the Basingstoke Canal, which is designated as a Site of Special Scientific Interest (SSSI) and to the north east by a Community Centre and Zebon Copse Local Nature Reserve (LNR). The site is bound to the east by Watery Lane, a stream and public footpath. To the south of the site is Redfields Lane and 'Redfield Rows' an area of woodland and Site of Interest for Nature Conservation (SINC). To the west of the site lie agricultural fields and Furney Copse SINC.

In the wider context, the built-up residential area of Church Crookham is present beyond the Zebon Copse LNR and Watery Lane to the east and north east of the site. To the south east of the site there are a small number of dwellings set within woodland at Blackmore Copse to the east of Redfields Lane. Immediately north of this there are several industrial premises located within Redfield Park. St. Nicholas' School lies to the south of the site, immediately west of Redfields Lane. There are a number of residential properties along Zephon Common Lane to the north of the site and fronting onto Crondall Road to the west.

There are two significant watercourses on-site. One flows roughly south to north, east of the eastern boundary, prior to flowing east to west across the centre of the site. The River Hart flows south to north within the south western part of the site. There are also other minor watercourses crossing the site.

There are two streams running along the boundary and part of Poulter's Lane Meadow Site

of Interest for Nature Conservation (SINC) is located in the north western corner of the site. A small area of the site, where it borders the Basingstoke Canal in the north, is located within the Basingstoke Canal Conservation Area. There are two extant monuments (Vickers Machine Gun Emplacements) in the northern portion of the site and two pillboxes located near the A287/ Redfields Lane junction. Meadow View Cottage is a Grade II listed building which is located east of the site on Watery Lane. Poulterers Bridge is also Grade II listed and is located adjacent to the north boundary of the site. St Nicolas' School which is located south of the site is a locally listed building, and the grounds are a locally listed park and garden. There are several Public Rights of Way (PRoW) adjacent to and crossing the site.

The site formerly comprised farm buildings and agricultural fields and paddocks, but the above reference permission is already under construction.

PROPOSAL

This Minor Material Amendment application (Section 73 of the Act) seeks to vary the time trigger contained in condition 37 of the outline planning permission granted at Appeal which requires delivery of highway improvements to the A287/Redlands Lane junction. The planning condition as imposed reads:

37. The A287 / Redfields Lane roundabout hereby approved shall be completed and fully operational prior to the first occupation of the development.

The application seeks to vary the above condition to read:

37. The A287 / Redfields Lane roundabout hereby approved shall be completed and fully operational prior to the 50th Dwelling occupation of the development.

RELEVANT PLANNING HISTORY

The planning history contains a number of applications associated with the discharge of conditions attached to the outline and the reserved matters permissions. However, the most relevant planning history is as indicated below.

20/01844/AMCON - Refused

Minor Material Amendment (S73 application) of planning permission granted by Appeal Decision APP/N1730/A/14/2228404 for Outline planning permission for variation of Condition no. 37 for the change the time trigger contained in the condition to deliver improvements to the A287/Redlands Lane junction from pre-occupation to occupation of the 50th dwelling.

14/00504/NMMA- Withdrawn, 5.10.2020

Amendment to materials pursuant to 14/00504/MAJOR Outline planning application

20/01128/NMMA - Granted, 14.08.2020

Non-Material Minor Amendment (S96A application) of planning permission (ref: 17/00264/REM) granted on 08.06.2018 for details of appearance, landscaping, layout and scale (Reserved Matters) pursuant to outline planning consent 14/00504/MAJOR (access only) granted at appeal on 26.06.2015. The variation to approved plans under condition no.2.

Layout amendments and elevational variations to the housing component of the approved development detailed in the schedule of post planning amendments schedule (sheet 1),

produced by ECE Architecture, comprising internal configuration amendments, window opening sizes, removal of chimneys on selected plots, Chimney style revised to 1 type across development, alteration of feature materials to rear of properties (render, tile hanging & weatherboarding), the raising of the detail course by 225mm across all units, render on properties has been lifted from 450mm above ground to begin above detail course, brick cills amended to soldier course cills. Site layout and street scene updates are made to accord with house type amendments

17/00264/NMMA - Granted, 13.08.2020

Non-Material Minor Amendment (S96A application) of planning permission for Reserved Matters (ref: 17/00264/REM) granted on 08.06.2018 for appearance, landscaping, layout and scale pursuant to Outline planning permission reference 14/00504/MAJOR and discharge of conditions.

19/00748/REM - Granted, 18.07.2019

Reserved Matters application for appearance, landscaping, layout and scale relating to the 1,050sqm D1 floor space for a GP surgery including pharmacy and up to 370sqm A1 retail floor space for a convenience food store, associated to outline planning permission ref: 14/00504/MAJOR.

18/02702/FUL - Granted, 23.01.2019

Alternative access junction on Redfields Lane to the Albany Park Development approved under planning permissions for Reserved Matters (ref: 17/00264/REM) and Outline approval (ref: 14/00504/MAJOR)

17/00264/REM - Granted, 08.06.2018

Reserved matters application for appearance, landscaping, layout and scale pursuant to 14/00504/MAJOR: Outline planning application and approval of details submitted in connection with the following conditions: 8 - Levels, 9 - Road construction details, 10 - Access and parking details, 16 - Badger surveys, 17 - Flood lighting, 18 - Ecological Management Plan, 19 - Surface Water Management Plan, 20 - Protection for Basingstoke Canal SSSI, 21 - Buffer zone for River Hart, 24 - Tree protection, 25 - Hard and soft landscaping, 26 - Landscape Management Plan, 30 - Drainage Strategy, 34 - Surface Water Drainage Scheme, 36 - Sport pitch parking demand assessment

CONSULTEES RESPONSES

Crookham Village Parish Council

Objection.

- Original application proposed roundabout before works on site. Concession at appeal delayed roundabout until 1st occupation.
- Appeal allowed 26 June 2015 with a condition at para 81 requiring the A287 roundabout to be fully operational prior to first occupation of any dwelling.
- More than 2000 days have now passed, yet MG is still not ready to start work on the roundabout. Neither have they submitted any evidence to support their assertions about the causes of delay. As far as CVPC has been able to determine, delays to the project have not been due either to COVID or to HCC, but to failure by MG to generate and progress the necessary plans in a timely manner.
- Project planning should have been completed long before COVID, which would have allowed MG to take advantage of reduced COVID traffic flows to minimise traffic

disruption during construction of the roundabout in parallel with starting work on the main site this year.

- Traffic issues at the existing junction have worsened over the years since 2015 as more and more development in the local area has increased tidal traffic flows at peak times.
- The applicant is clutching at straws by quoting government modelling statistics on average traffic flows and ignoring the reasons for requiring a junction upgrade which are: peak traffic flows on Redfields Lane, particularly during term time, coinciding with heavy 2-way traffic on the A287; poor sightlines for exiting onto the A287; pressure on drivers to take risks especially when turning right from the head of a long queue on Redfields Lane; and the incidence of accidents in which fatalities have only been avoided by good luck.
- One of the latest accidents involved a construction vehicle suggesting that the development may already have contributed an unwelcome statistic.
- The threat to affordable housing relies on unsubstantiated claims about the response to delay by the receiving housing association. In the absence of supporting evidence, this seems more like bluster than a material planning consideration.
- The planning inspector at appeal heard all the evidence and drew a conclusion on roundabout timing that was accepted by MG. The basis for that decision remains as valid now as it was then. The large number of objections show that the local population views the current situation with both alarm and disgust.
- It is hard to avoid the conclusion that MG seeks deliberately to delay implementing the roundabout in order to manage cash flow and has given scant regard to the planning condition imposed at their successful appeal.
- CVPC strongly recommends that Hart Council calls MG's bluff and insists on completion of the roundabout before first occupation and is prepared to put a stop notice on the main site if they do not comply with this condition of their planning approval at appeal.

Ewshot Parish Council

Objection.

- The development is going to put additional pressure on an already busy and dangerous junction, and it is essential that the roundabout be completed before any houses are occupied causing more vehicles to be on this section of road. There have been many accidents at this junction and the work needs to be carried out as soon as possible to prevent any further accidents.

Crandall Parish Council

Objection.

- This is an already dangerous junction, being the regular scene of accidents. An increase in traffic usage as a result of 16% of the residential part of the development being built before the Roundabout is completed and operational is not acceptable.
- The development should only proceed as granted in appeal and examined at appeal, which found that there was a need to protect the safety of this interchange through the highway improvements.
- The proposed amendment links the trigger to 50th occupation of a dwelling, yet the proposed development is wider than just dwellings - hence the original condition refers to

"occupation of the development" covering the retail space as well as homes.

Church Crookham Parish Council

Objection.

- Church Crookham Parish Council again strongly objects to any delay in the satisfaction of Condition 37 regarding the completion of a new roundabout at the junction of A287 & Redfields Lane.
- The original condition was imposed, and considered essential, by the Planning Inspector to address the road safety improvements that are already required at this junction following several collisions and allowing the requested delay would only result in more traffic using this junction as has been evidenced by the traffic surveys carried out by the developer since the last application.
- The parish council objects to the time-wasting tactics of the developer and finds the stance of putting profit before lives highly offensive.

Highways England

No objection.

- Where practicable when the roundabout is constructed, we request that trips are minimised during the weekday peak periods to reduce their impact on the strategic road network and its junctions.

Hampshire County Council (Highways)

No objection.

- The developer has submitted a Technical Note 07A: Redfields Lane / A287 Traffic Forecasting Review with accompanying cover letter.
- The Note robustly sets out changes in traffic since the original application was determined and that the predicted increases (within the original application) in baseline traffic have not materialised.
- The impact of traffic from 50 dwellings would be limited in this context and would likely be less than daily variances in traffic at the junction.
- HCC is mindful of the safety record of this existing junction, its need to be improved and the obligation on the developer to provide this improvement.
- Detailed and robust traffic management plans are being agreed with the developer to safely allow for the construction of the new junction and maintain traffic flows.
- Due to the time required to construct this new junction it is likely that the first 50 occupations will be within the same time frame as the junction is being constructed and therefore the additional traffic, whilst limited in nature, will be on the highway network when the characteristics of the junction are changed by the presence of traffic management.
- HCC raise no objections to the variation of Condition 37 to allow for the provision of the roundabout prior to the 50th occupation of the development but recommend that a further condition is applied to this development. This further new condition would be that the developer will need to have the S278 agreement for the works signed and the necessary bond for the S278 works to be in place and commenced construction of the roundabout

on site prior to occupation of any dwelling. This new condition will ensure that the new junction improvement will be provided as early as possible within the proposed completion trigger point.

NEIGHBOUR COMMENTS

It should be noted that the statutory requirements for publicity, as set out in the DMPO 2015 (as amended) are in this case the notification of the adjoining properties, a local press advert and a site notice, all these notifications took place. The Council's SCI has now been amended so that we are only required to carry out the statutory publicity requirements.

At the time of writing this report there had been 176 representations received in objection to the development.

The grounds of objection relate to highway safety (traffic congestion and accidents) and commitments made and agreed during the appeal process of the outline planning permission to deliver highway improvements to the junction formed by the A287/Redfields Lane prior to the first occupation of the development.

Objections point out the junction is dangerous in its current form and refer to near misses and a recent traffic accident in their comments. All the objection letters are against delaying the delivery of the highway improvements.

CONSIDERATIONS

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant plan for Hart District is the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32), Neighbourhood Plans, saved policies of the Hart District Local Plan (Replacement) 1996-2006 (DLP06) and draft Crookham Village Neighbourhood Plan 2016-2032. Adopted and saved policies are up-to-date and consistent with the NPPF (2019).

As stated above this application has been made under Section 73 of the Town and Country Planning Act (TCPA) to vary the wording of Condition 37 of the original planning permission. The Council is only permitted to assess the matter of whether or not the trigger for the delivery of the roundabout can be delayed. All other matters relating to the proposal cannot be reconsidered.

Therefore, it is only necessary to consider the transport/highways related policies.

Hart Local Plan - Strategy and Sites 2016-2032 (HLP32)
INF3 – Transport.

Saved Policies of the Hart District Council Local Plan (Replacement) 1996 - 2006 (DLP06)
GEN 1 (viii) General Policy for Development.

Crookham Village Parish Neighbourhood Plan 2016-2032 (CVNP) - not yet made

TM02 Aspiration - Reducing Congestion and Creating Sustainable Networks

Other relevant material considerations

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance (PPG)

HIGHWAYS BACKGROUND

As part of the process to determine the acceptability/unacceptability of this variation of condition, it is required to set out below the relevant highway information submitted, assessed and agreed at Outline stage which gave rise to the imposition of planning condition 37 of the Outline permission. As such the following is relevant in the assessment of this application:

The original Transport Assessment (TA) submitted, at paragraphs 3.4.4 and 6.7.7, acknowledges and demonstrates there was a capacity issue at the time, and it was stated that would be exacerbated by future background traffic growth alone. They also state that there were already historical highway safety concerns that led to past modifications to the junction.

The traffic flows modelled at the time for the junction are shown below:

- Traffic flows at the time in the morning peak (0700 -1000 hrs) = 2,297 vehicles
- Traffic flows at the time in the afternoon peak (1600 -1900 hrs) = 2,172 vehicles

In addition to the above, it was predicted that committed developments in the area would add 88 two-way vehicle movements in the morning peak and 73 two-way vehicle movements in the evening peak, travelling along Redfields Lane.

Thus, in order to accommodate the traffic generation of the development as a whole that would go through the subject junction (approx. 242 vehicle trips during morning/afternoon peak times), address the capacity issues of the junction and safety concerns, the applicant proposed from the outset a roundabout improvement scheme. The TA stated that with the implementation of the improvement scheme, the junction would operate within capacity in 2018.

The Local Highway Authority (LHA) regarded the traffic analysis methods, the mitigation scheme and future traffic impacts (following the implementation of the scheme) as being satisfactory and broadly accepted the proposal. However, the LHA requested further information from the applicant, the specific request about the subject junction was to demonstrate that:

- the mitigation scheme would operate safely (safety audits required);
- the scheme proposed was the most effective solution for the junction; and
- further details of the mitigation scheme.

Ultimately the above matters were addressed, and the principle of the mitigation scheme was accepted, subject to securing a detailed design check and securing works through a Section 278 Agreement under the Highways Act. Regardless of this agreement for the subject junction, the development was refused on highway grounds regarding the failure to appropriately mitigate against the change in travel demand through the provision of financial contributions towards highway infrastructure improvements.

During the planning appeal concerning the refusal of the outline application, it was common ground between the Local Planning Authority (LPA) and the Appellant that the mitigation scheme for the subject junction was acceptable subject to the imposition of planning conditions. The Planning Inspector deciding the appeal considered the information contained in the TA to be robust.

The observations of the Inspector on the junction were that there were significant queues of traffic along Redfields Lane, and that the development would contribute to the A287 traffic flows. As such he was convinced that the improvements would influence the choice of drivers' route and clearly stated at paragraph 87 of the decision letter the following:

The improvements to the A287/Redfields Lane junction through the provision of a roundabout must be fully operational prior to first occupation of any dwellings to ensure highway safety is not compromised as a result of the increase in traffic generated by the development...

As such the Planning Inspector considered it was reasonable and necessary to impose planning condition 37, which is the subject of this application.

SUPPORTING HIGHWAY INFORMATION

This application is accompanied by a Highway Technical Note, which re-assesses traffic flows with up-to date information/ software applications and examines the following:

- likely trip generation associated with the first 50 dwellings being occupied;
- committed development included in the baseline scenario and whether these have been delivered or are likely to be delivered imminently;
- the growth rates applied to the survey data in the original TA, particularly differences between different TEMPRO datasets (Trip End Model Presentation Program); and
- the potential change in the number of collisions that could arise.

Each of them is discussed in turn below.

- Trip generation of 50 occupied dwellings.

Table 1 below summarises the trip generation of 50 dwellings using the trip rates presented in the TA from the outline permission agreed by the Local Planning Authority (LPA) and the Local Highway Authority (LHA). The vehicle trips that would be generated are as follows:

Time Period	Arrivals	Departures	Two-way trips
AM Peak (08:00-09:00)	7	21	28
PM Peak (17:00-18:00)	20	11	31

Table 1 - Trip Generation 50 dwellings

The above figures indicate that 50 dwellings would be likely to produce approximately 28 and 31 vehicle movements in the AM and PM peaks, respectively.

It is worth noting that the original TA predicted that only 58.3% of the traffic arising from the development would pass through the A287/Redfield's Lane junction. Therefore, in the context of 50 dwellings, the number of additional vehicle movements that would go through the junction would be 16 in the AM peak and 18 in the PM peak.

- Committed Development

This Traffic analysis has also considered the committed development taken into account in the TA agreed in respect of the outline permission, these being:

Ref: 11/00001/MAJOR - Queen Elizabeth Barracks (QEB)

Ref: 08/01126/MAJOR – Redfields Garden Centre

Ref: 08/02681/MAJOR – Blue Prior Business Park

- Growth Rates

The TA agreed at the outline permission stage assessed traffic growth for the periods 2011-2013 and 2011-2018. The growth rates used at outline permission stage were derived from the National Trip End Model database (NTEM) through TEMPRO (software application). These databases were used for the original TA at outline stage which were released in 2009. However, they have been updated several times in recent years, with the latest update occurring in March 2017 which makes use of the most up-to-date census data (2011).

The applicant emphasises that the NTEM is the Government's tool that offers the most accurate estimate of future growth in traffic and provides the most accurate estimate of actual growth in traffic volumes up to 2018.

The use of these updated databases has resulted in differences in the traffic growth that was initially forecasted during the outline application/appeal stages. The traffic growth in the original TA is higher when compared to the forecasted growth that results from using the most up-to-date databases. The summary/comparisons of traffic forecast set out at both appeal stage and that with up-to date information for periods 2011-2018 are shown in table 2 below.

Arm	AM peak			PM peak		
	2011 (Dataset from original TA)	2018 (Dataset from original TA)	2018 (Up-to-date Dataset)	2011 (Dataset from original TA)	2018 (Dataset from original TA)	2018 (Up-to-date Dataset)
Redfields Lane	193	204 (+11)	198 (+5)	197	208 (+11)	202 (+5)
A287 East	898	948 (+50)	920 (+22)	868	917 (+49)	889 (+21)
Bowling Alley	107	113 (+6)	110 (+3)	84	89 (+5)	86 (+2)
A287 West	1099	1161 (+62)	1126 (+27)	1023	1080 (+57)	1048 (+25)

Total Junction Flows	2297	2426 (+129)	2353 (+56)	2172	2294 (+122)	2225 (+53)
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Table 2 – Forecasted traffic flows at A287/Redfield's Junction

The use of the most up-to-date datasets reveals that the traffic growth forecasts for this junction would have been lower than those anticipated in the original TA produced at planning application and appeal stages. There would have been fewer vehicular movements (-73 movements) for the AM peak and the PM peak periods (-69 movements) by 2018.

By comparing this updated traffic forecast data with those originally predicted and considering the traffic that would be generated by the occupation of 50 dwellings in the development, the applicant has demonstrated that the additional vehicular movements arising from the proposed occupation of 50 dwellings that would flow through the junction (16 in the AM peak and 18 in the PM peak) could be accommodated without adding traffic over and above the total traffic growth originally forecast for the junction, which led to PINS imposing planning condition no. 37 preventing any occupation to take place before the delivery of the highway's improvements at this junction.

It is also worth mentioning that the Planning Inspector (PINS) noted that, at the time, local residents remained concerned that the TA was not accurately predicting the amount of traffic likely to use the A287 route. However, PINS identified, as part of the Appeal decision, that the original TA agreed by the Appellant and the LHA (traffic generation) was based on a development of 340 dwelling instead of the 300 applied for. It was therefore overestimating traffic and PINS considered it a robust assessment of likely traffic generation.

The above analysis of traffic generation with up-to-date information does not change the fact that the junction has been operating overcapacity. Nevertheless, it demonstrates that the traffic forecasts for the junction would have been lower in 2018 and the difference between these figures and the traffic generation forecast as part of the original TA would be able to be accommodated by the junction including the additional vehicle trips that would be generated by the 50 dwellings proposed for occupation.

The submission also makes reference to statistics from the Department for Transport (Annual Average Daily flows along the A287). These statistics provide an overview of general trends in traffic along this main corridor in the form of manual counts of the traffic flows. The closest count point to the subject junction is 1km west of the BP petrol station in Mill Lane. The numbers revealed that traffic flows from most recent years (2010, 2015 and 2019) are lower than the manual counts undertaken each consecutive year from 2000-2008. The data does not provide information for 2020 but there is no question that since March 2020 the traffic flows on local highways around the development site subject to this application would have materially reduced and there is no certainty that they would go back to pre-March 2020 levels in the near future.

It is also worth pointing out that the LHA engaged with the applicant pre-submission of this application and therefore provided feedback to the highway analysis. The highway supporting information submitted is to the satisfaction of the LHA and they have confirmed the robustness of the highway information submitted. As such the LHA considers the traffic flows of 50 dwellings can be accommodated on the local highway network without severe detrimental impacts on highway safety. The LHA has raised no objections to the proposed variation to the condition.

OTHER MATTERS

Whilst the LHA has raised no objections to the proposal it has requested the imposition of a planning condition to secure the following:

- to have the agreement under Section 278 of the Highways Act signed;
- the necessary financial bond for the Section 278 to be in place; and
- construction of the roundabout to be commenced on site prior to the occupation of any dwelling.

The imposition of such a condition would not meet the NPPF tests as there would be actions/activities that would be outside the applicant's control and they are matters controlled by Highway legislation.

Furthermore, in terms of the commencement of construction of the roundabout, it is a matter that does not need conditioning. The proposed wording of the condition no.37 is clear that the roundabout needs to be fully completed and operational prior to the occupation of the 50th dwelling.

Therefore, it is up to the developer in agreement with the LHA to set out their programme to meet the requirements of the Highways Act in terms of all matters related to Section 278. Also, it is up to the developer to set out their construction programme accordingly to have the roundabout fully completed and operational to allow for the occupation of the 50th dwelling and if this does not happen then the breach of planning condition is enforceable if the condition requirements are not fully met.

CONCLUSION

The submitted highway information has been considered in light of the information agreed at outline stage/appeal. It has been demonstrated that the occupation of 50 dwellings from the development would not result in highway flows and safety impacts over and above those previously considered and deemed acceptable by PINS. Importantly, the LHA has raised no objection to the highway analysis submitted in support of the variation of this condition.

Therefore, no conflict would be found in terms of the objectives of policy INF3 of the HLP32, saved policy GEN1(iii) of the HLP06, policy TM02 of the draft Crookham Village Parish Neighbourhood Plan 2016-2032 and paragraph 109 of the NPPF (2019). This application is therefore recommended for conditional approval.

RECOMMENDATION

RECOMMENDATION A:

That the Head of Place be authorised delegated authority to GRANT planning permission subject to the completion of a Deed of Variation to link and secure all the planning obligations agreed under the original planning permission (ref: 14/00504/MAJOR - APP/N1730/A/14/2228404) to this planning permission

AND subject to the following Planning Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be in compliance with Reserved Matters permissions ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA) and ref:19/00748/REM varied by Non-Material Amendment (ref: 19/00748/NMMA).

REASON: To comply with the terms of the Reserved Matters permissions granted and in the interest of proper planning.

2. The development hereby permitted shall begin no later than two years from the date of approval (18.07.2019) of the reserved matters permission Ref: 19/00748/REM varied by Non-Material Amendment (ref: 19/00748/NMMA).

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The reserved matters approved and listed in condition 1 and details approved in accordance with any other conditions of this planning permission shall be implemented in general accordance with the principles outlined in the Application Master Plan (drawing number RG-M-A126E), shall be substantially in accordance with the principles and parameters described and illustrated in the Albany Park Design and Access Statement (February 2014), DAS Addendum (May 2014), including the following plans contained therein: Density Plan RG-M-A119C; Building Heights Plan RGM-A120C; Access and Movement Plan RG-M-A121C; and Urban Design Principles Plan RG-M-A124C.

The reserved matters approval relating to the approved sports pitches shall be implemented with the details of ground levels, surface water drainage, fencing or other means of enclosure approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA). The development shall be completed and retained in accordance with the details approved.

REASON: To comply with the terms of this outline permission, the Reserved Matters granted and in the interest of proper planning.

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

Site Boundary Plan (Ref: RG-M-15 Rev T)

Land Use Plan (Ref: RG-M-15 Rev T)

A287/Redfields Lane Roundabout Junction Improvements (Ref: ITB7063-GA-031 Rev A)

Offsite Junction (A287 Farnham Road and Redfields Lane) Proposed Landscaping (Ref: CSa/0381/131)

Access via Danvers Drive (ref – ITB7063-GA-028 Rev D)

Pedestrian/Cycle Access to Watery Lane (Ref – ITB7063-GA-030 Rev B)

REASON: To comply with the terms of this outline permission and in the interest of proper planning.

5. The Construction Method Statements approved under discharge of conditions ref: 19/02684/CON and 20/02709/CON, they shall be adhered to throughout the construction of the development.

REASON: To protect the amenity of local residents and to ensure adequate highway and site safety in accordance with policies NBE11 and INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

6. Any demolition, construction works or delivery of materials to the site shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect the amenity of local residents in accordance with policies NBE11 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

7. The details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the height of any retaining walls within the application site shall be completed and retained in accordance with the details so approved under Reserved Matters permissions ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA) and ref:19/00748/REM varied by Non-Material Amendment (ref: 19/00748/NMMA).

REASON: To ensure an adequate residential environment within the development and to satisfy policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006, and the NPPF 2019.

8. The 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 the making up of roads and footways for that part of the site shall be completed in accordance with the details so approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To ensure adequate internal roads and footpaths in accordance with policies NBE5 and INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

9. No dwelling shall be occupied until all proposed vehicular accesses, driveways, parking and turning areas serving that dwelling have been constructed in accordance with details approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

The garages serving the dwellings approved shall be only used for car parking and for no other purpose.

REASON: To ensure adequate vehicular and parking facilities provision and to minimise impacts to highways in accordance with policy INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

10. No dwelling shall be occupied until the approved cycle parking serving that dwelling has been provided on site and shall be retained thereafter for their intended purpose.

REASON: To ensure adequate parking facilities provision in accordance with policy INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

11. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be fully implemented in accordance with the details approved under each discharge of conditions ref: 20/00246/CON or 20/02709/CON.

REASON: To ensure a high-quality external appearance of the development and to satisfy policy NBE9 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

12. The relocation of any spoil or arisings caused by the development of that part of the site, either on or off the site, shall only take place in accordance with the details approved under discharge of conditions ref: 20/00246/CON.

REASON: To ensure adequate ground levels, drainage and a residential environment within the development and to satisfy policies NBE5, NBE9 and NBE11 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006, and the NPPF 2019.

13. The details of measures to prevent bank erosion of the northern boundary of the SANG adjacent to the Basingstoke Canal shall take place in accordance with the details approved under discharge of conditions ref: 19/01879/CON.

REASON: To ensure the integrity of the Basingstoke Canal is not affected by the development hereby approved, in accordance with policy NBE4 and NBE8 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

14. All work and development must only be carried out in accordance with the recommendations in the approved ecological appraisal and phase 2 survey report ref CSa/381/023 (Rev A) dated November 2013.

REASON: To ensure the ecology/biodiversity of the site is not affected by the development hereby approved, in accordance with policy NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

15. The updated badger surveys and necessary mitigation measures shall be implemented in accordance with the details approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To ensure biodiversity of the site is not affected by the development hereby approved, in accordance with policy NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

16. The details of flood lighting to serve the sports pitches, ATP or Multi Use Games Area shall be completed and maintained at all times in accordance with the details approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref:

17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To achieve a safe environment and to protect the amenity of local residents in accordance with policies NBE9 and NBE11 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

17. The details of all the ecological enhancements for all parts of the site, except the SANG which is detailed in the Suitable Alternative Natural Greenspace delivery document and management plan (Ref: CSa 0381/021f), shall be implemented in accordance with the ecological management plan approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To ensure the ecology/biodiversity of the site is not affected by the development hereby approved, in accordance with policy NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

18. The approved surface water management measures to ensure that there will be no impact upon the Basingstoke Canal SSSI as a result of the development shall be implemented in accordance with the surface water management plan approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: In the interest of preventing on-site flood risk and integrity of the Basingstoke Canal SSSI and to satisfy policies NBE4 and NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

19. The protection measures to ensure that the construction, operation, use and maintenance of the sports playing fields will have no negative impact on the Basingstoke Canal SSSI (i.e. no negative impacts from additional illumination and nutrient improvement) shall be implemented in accordance with the protection scheme approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To ensure ecology/ biodiversity of the Basingstoke Canal SSSI is not affected by the development hereby approved, in accordance with policy NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

20. The provision and management of a minimum buffer zone of 8 metres alongside the River Hart shall be implemented in accordance with the details approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To ensure ecology/biodiversity an integrity of the River Hart is not affected by the development hereby approved, in accordance with policy NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved local policy GEN1 and CON7 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

21. The measures contained of the SANG construction method statement, which is in

accordance with the approach outlined in the Sustainable Alternative Greenspace Delivery Document and Management Plan (ref: CSa 0381/021f), dealing with the treatment of environmentally sensitive areas, their aftercare and maintenance during the implementation stage of the SANG and the details of the plan setting out the protection of the environment during the SANG construction works shall be implemented in accordance with the details approved under discharge of conditions ref: 19/01879/CON.

REASON: To ensure ecology/biodiversity an integrity of the site is not significantly affected by the construction of development hereby approved, in accordance with policy NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

22. The Sustainable Alternative Greenspace (SANG), which shall serve the development hereby permitted, shall be made available for public use prior to the first occupation of the residential development hereby permitted and shall be maintained thereafter in accordance with the approved Management Plan.

REASON: To avoid negative impacts on the Thames Basin Heaths Special Protection Area, in accordance with policies NBE3 and NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy NRM6 of the South East Plan (2009) and the NPPF 2019.

23. The protection measures, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed in the approved plans and particulars, shall be implemented in accordance with the details approved under Reserved Matters permission ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of the works on the site and retained for at least five years following occupation of the approved development. Any such vegetation immediately adjoining the site shall be protected on the site for the duration of works on the site.

Any such vegetation that is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective during such period shall be replaced and / or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the local planning authority in writing.

REASON: To ensure the development is adequately landscaped in the interest of visual amenity and the character of the area as a whole in accordance with policies NBE2 and NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006 and the NPPF 2019.

24. The hard and soft landscaping strategy shall be implemented in accordance with the details approved under Reserved Matters permissions ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA) and 19/00748/REM varied by Non-Material Amendment (ref: 19/00748/NMMA).

REASON: To ensure the development is adequately landscaped in the interest of visual

amenity and the character of the area as a whole in accordance with policies NBE2 and NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006 and the NPPF 2019.

25. The maintenance schedule and written undertaking including proposals for the long-term management of landscape areas, other than for privately occupied domestic garden areas, shall be implemented in accordance with the landscape management plan approved under Reserved Matters permissions ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To ensure the development is adequately landscaped in the interest of visual amenity and the character of the area as a whole in accordance with policies NBE2 and NBE9 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policies GEN1 and CON8 of the Hart District Local Plan (Replacement) 1996-2006 and the NPPF 2019.

26. The programme of archaeological work and the Written Scheme of Investigation shall be implemented in accordance with the details approved under discharge of conditions ref: 14/00504/CON and 19/02684/CON.

REASON: To ensure that any archaeological deposits in the site are adequately recorded, in accordance with policy NBE8 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

27. The post-archaeological fieldwork report setting out post-excavation assessments, specialist analysis and reports shall be implemented in accordance with the details approved under discharge of conditions ref: 14/00504/CON and 19/02684/CON.

REASON: To ensure that any archaeological deposits in the site are adequately recorded, in accordance with policy NBE8 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

28. The pillboxes report recording their removal to facilitate the junction improvements of the A287, shall be implemented in accordance with the details approved under discharge of conditions ref: 14/00504/CON.

REASON: To ensure that remains of such historic features are adequately recorded, in accordance with policy NBE8 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

29. The drainage strategy shall be implemented in accordance with the drainage details approved under Reserved Matters permissions ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA) and 19/00748/REM varied by Non-Material Amendment (ref: 19/00748/NMMA).

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

REASON: In the interest of preventing on/off site flood risk and to satisfy policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

30. The land contamination investigation and remediation scheme shall be implemented in accordance with the details approved under discharge of conditions ref: 20/00421/CON prior

to the commencement of development on the affected part of the site other than that required to carry out remediation.

The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme for the affected part of the site must be prepared, which would subject to the approval in writing of the local planning authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be produced which shall be subject to the approval of the local planning authority.

REASON: In the interest of residents' health and amenity and to satisfy policy NBE11 of the adopted Hart Local Plan and Sites 2016-2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

31. The premises hereby approved falling within Class A1 or D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking or re-enacting that Order with or without modification shall not open between the hours of 23:00 and 07:00 hours. No deliveries to these premises shall take place between the hours of 23:00 and 07:00 hours.

REASON: To protect the amenity of local residents in accordance with policies NBE11 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

32. The development hereby permitted by this planning permission shall only be carried out in accordance with the approved WSP Albany Park Flood Risk Assessment (FRA) Rev 2 dated 14 February 2014, further associated clarification emails and the following mitigation measures detailed in the FRA:

- (a) No residential development is to be located within Flood Zones 2 or 3 of the River Hart;
- (b) No residential development is to be located in areas at greater than an annual chance of 1 in 1000 (0.01%) risk of flooding from the ordinary watercourse, including an allowance for climate change, as shown by the modelling presented in WSP's letter dated 20 June 2014;
- (c) An 8-metre buffer zone will be provided along the River Hart and a 5-metre buffer zone along the ordinary watercourse crossing the site between the residential areas and the proposed sports pitches.
- (d) Finished floor levels are to be set no lower than 150mm above the adjacent finished ground level.

REASON: In the interest of preventing exposure of dwellings to flood risk to and to satisfy policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

33. The surface water drainage scheme for the site shall be implemented in accordance with the drainage details approved under Reserved Matters permissions ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA,

20/01128/NMMA) and 19/00748/REM varied by Non-Material Amendment (ref: 19/00748/NMMA).

REASON: In the interest of preventing exposure of the development to flood risk to and to satisfy policy NBE5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

34. Prior to the first occupation of any property, a programme for the enhancement and interpretation of the Vickers Machine Gun Emplacement situated within the proposed SANG land together with a timetable for the implementation of the works shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved programme shall be implemented in accordance with the approved programme and timetable.

REASON: To ensure that remains of such historic features are enhanced and maintained, in accordance with policy NBE8 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

35. The parking demand assessment associated the sports pitches, pavilion and sports pitch car parking detailing the need for and the quantity of any sports pitch car parking required in addition to the 30 car parking spaces shown on the application Master Plan (drawing number RG-M-AI26E) shall be implemented in accordance with the details approved under Reserved Matters permissions ref: 17/00264/REM varied by Non-Material Amendments (ref: 17/00264/NMMA, 20/01654/NMMA, 20/01128/NMMA).

REASON: To provide adequate levels of car parking to serve the development, in accordance with policies INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

36. The A287 / Redfields Lane roundabout hereby approved shall be completed and fully operational prior to the 50th dwelling occupation of the development hereby approved.

REASON: In the interest of adequate traffic flows and highway safety, in accordance with policy INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

37. The access via Danvers Drive hereby approved (ref: ITB7063-GA=028 Rev D) shall only be used for pedestrian, cycle and emergency access purposes only in accordance with approved drawing reference ITB7063-GA-028 Rev D, except to provide vehicular access to the SANG car park for a limited period of two years from the date of the first occupation of the residential development or prior to the occupation of the 150th dwelling, whichever occurs sooner.

REASON: In the interest of adequate traffic management and highway safety, in accordance with policy INF3 of the adopted Hart Local Plan - Strategy and Sites 2016-2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the NPPF 2019.

RECOMMENDATION B:

That the Head of Place be authorised delegated authority to REFUSE planning permission if the Legal Planning Obligation (S106 agreement) is progressed to the satisfaction of the Head of Place by the 28th February 2021 for the following reason:

1. The development subject to this application, in the absence of a satisfactory of a Legal Obligation to secure planning obligations, would result in detrimental impacts to local infrastructure related to highways, leisure and open space, education, community facilities, the Thames Basin Heaths Special Protection Area and there would be a no mechanism to secure the on-site affordable housing provision, all contrary to policies H2, INF1, INF2, INF3, INF4 and INF5 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF 2019.

INFORMATIVES

1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application and once received, further engagement with the applicant was required and the application was subsequently acceptable.