

Briefing Note

Ref: bfn.039.AS.2402001
Date: 29 July 2019
Subject: Submission of the Crondall Neighbourhood Plan

Representations on Submission Version of the Crondall Neighbourhood Plan

General Comments

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The Vision and Objectives should be expanded to include reference to the delivery of homes, including affordable homes, to meet the identified need.

We propose the allocation of SHL178 Broden Stables for 30 homes, including 12 affordable homes. Such an allocation would reflect the evidence provided in the form of the supporting reports for planning application 16/02377/FUL, the analysis of these by officers at Hart District Council and Hampshire County Council, and the consideration of these issues by the Inspector in the first appeal decision (APP/N1730/W/17/3185513). The relevance of this evidence is discussed in the comments on the individual policies below.

Whilst the planning permission granted under appeal APP/N1730/W/17/3185513 has been quashed, the only ground on which the statutory challenge succeeded related to the failure of the Planning Inspectorate to undertake an Appropriate Assessment. All other grounds, including those relating to policy considerations, were judged to be without merit. The lack of an Appropriate Assessment is a procedural point and does not go to the heart of the basis for the permission. The necessary mitigation in the form of SANG and SAMM has been secured and this matter is common ground with Hart District Council.

The High Court judgment did not find fault with any of the Inspector's conclusions relating to the limited level of harm to the character and setting and the countryside and conservation area, or to the Inspector's conclusions relating to the significant weight to be given to the benefits of providing housing in this sustainable location.

The conclusions of the officers of Hart District Council and Hampshire County Council regarding the acceptability of the planning application in terms of flood risk and highways remain valid and were not undermined by the High Court judgment.

Comments on Planning Policies

Policy Number	Comment
2.4	<p>We disagree with the proposal for the allocation of 35-45 new dwellings and only 12 windfall sites over the plan period. This is inconsistent with national policy and therefore the 'basic conditions' of the Town and Country Planning Act 1990. Paragraph 59 of the National Planning Policy Framework maintains that it is the Government's stated objective to significantly boost the supply of housing.</p> <p>We note the target of providing 40% of the housing as social housing and that the acknowledgement that larger sites are needed to provide social housing, as smaller sites will not be subject to the policy requirement.</p>
Policy 1	<p>We agree with the focus for growth on the settlement of Crondall. This is consistent with its designation as a Main Village in the settlement hierarchy in the Hart Local Plan. The village is a sustainable location for growth as it</p> <p>However, we disagree with the reference to focusing growth on Mill Lane. This is inconsistent with the settlement hierarchy in the Hart Local Plan (both adopted and emerging). Mill Lane is not identified within this hierarchy. It does not provide the same degree of access to services and facilities and is an unsustainable location to focus growth. This approach is inconsistent with the Local Plan, inconsistent with national policy, and unsupported by evidence.</p> <p>For these reasons we disagree with the proposal to extend the settlement boundary of Mill Lane. The extension of Mill Lane should not be prioritised over the extension of the much larger settlement, and more sustainable location, of Crondall.</p> <p>We note that development within the settlement boundary is supported, but that the draft policy gives priority to protecting the Conservation Area and the views in and out of the Conservation Area. Given the extent to which the conservation boundary covers much of the existing settlement of Crondall, this means that the Neighbourhood Plan must actively search for sites within and adjacent to the settlement boundary where growth could be accommodated in a way that would not have an adverse effect on the character of the conservation area.</p> <p>We agree with the support for development of brownfield sites</p>

	<p>where consistent with national policy.</p> <p>We agree with the limited support for development outside settlement boundaries where there is no harm to the character of the countryside and where consistent with local policy.</p> <p>We disagree with the supporting text which states that “Proposals for development that result in “creeping” expansion of the settlement boundaries will be strongly resisted.” This fails to recognise that sites adjacent to the settlement would be inherently more sustainable locations than isolated sites that are removed from the settlement.</p> <p>Instead, the supporting text should explicitly refer to the tests that would be applied that would be consistent with local and national policy. These would relate to assessing any proposals against the impact on the character of the countryside.</p>
Policy 2	<p>We strongly disagree with the selection of sites to deliver additional homes. Policy 2 identifies four sites for the delivery of new homes. Of these, two are located outside of the settlement of Crondall, and the two within the village are small infill sites that would provide a cumulative total of three new homes. This means that only eight new homes are planned in a sustainable location within the village, and the majority of those planned are located in unsustainable locations away from the village. Although in a village location, the approach should be to favour sites on the edge of settlements rather than those in more isolate locations.</p> <p>As a result of the proposed homes within Crondall being delivered on small isolated sites, they will also not trigger a requirement for affordable homes. This means that no affordable housing would be delivered within Crondall over the life of the plan through these allocations.</p> <p>The proposed approach to deliver 83% of the allocated homes in locations outside of Main Village of Crondall is inconsistent with the settlement hierarchy in the Hart Local Plan, and inconsistent with national policy. The plan is therefore not compliant with the ‘Basic Conditions’ of the Town and Country Planning Act 1990.</p> <p>We propose that SHL178 Broden Stables is allocated for 30 homes. This would be consistent with the decision made at the first determination of the appeal . The decision to exclude Broden Stables is unjustified, as it is based on a site</p>

assessment that is fundamentally flawed. The supporting documents provided with the planning application for this site, the comments of experts at Hampshire and Hart Councils, and the conclusions of the Inspector in the first determination of the appeal, provide evidence to contradict the site assessment for Broden Stables.

This is summarised below:

- **Access** – given a score of -1. This is not supported by evidence. The Transport Assessment demonstrates that the site could be accessed safely and would not have an adverse effect on highway capacity or highway safety. This was endorsed by highways officers at Hampshire County Council and Hart District Council. The first appeal Inspector concluded “It is noted that the Council’s highways consultee raised no objection to the proposed development subject to planning conditions. The appellant’s trip generation data was considered accurate and its assessment conclusions in respect of likely traffic impact and the ability of local roads to accommodate flows without adverse impact is convincing. It was also considered that the issue of car parking accorded with Council guidelines. The proposals indicate that the footpath running along the northern boundary would be improved to provide minimum 900mm width. Accordingly, I find no reason to oppose the Appeal Scheme on highway or transport grounds.” (paragraph 31). On the basis of the evidence this score should be 1.
- **Infrastructure** – given a score of -1. This is not supported by evidence. The planning application was supported by a Utilities Report that demonstrated that the necessary utilities could be connected to the site. There was no objection from Hart District Council, Hampshire County, Thames Water, or the first appeal Inspector on this basis. On the basis of the evidence this score should be 1.
- **Sustainable location** – given a score of 0. This is not supported by evidence. The Parish Council state that the site is too far from the services in the village and people would drive into the village. The site is only a 10-minute walk into the heart of the village and the services that are located there. The first appeal Inspector stated “The Council, by its own admission, confirms that the appeal site is relatively sustainable.

	<p>Whilst the proposed development is partly in conflict with LP Policy RUR2, it would supply 30 no. of dwellings at a site which is visually and functionally well located to the village and include 40% of much needed affordable housing in an area of high housing demand. Along with the provision of on-site open space and provision of a financial contribution towards off-site public open space facilities, I find that these comprise a substantial social benefit.” (paragraph 44). On the basis of the evidence, this score should be 1.</p> <ul style="list-style-type: none"> • Previously development land – given a score of -1. This is not supported by evidence. Hart District Council stated that the site was partially previously developed land in the original committee report, and this was also included in the appeal statement of common ground. The first appeal Inspector stated “The appeal site comprises in part previously developed land consisting of a stabling block and associated hardstanding/parking together with a riding arena, which has floodlighting amounting to some 1.41 hectares” (paragraph 14). On the basis of the evidence, this score should be 0. • Rural impact – given a score of -1. This is not supported by evidence. The Landscape Assessment demonstrates that the impact on the character of the landscape and countryside would be minimal. The first appeal Inspector concluded that “the development as proposed would not have a significant detrimental effect on the character and setting in the manner set out in LP Policy RUR 2 and its design in terms of scale, form, character, layout and landscaping would comply with LP Policies GEN 1, GEN 3 and GEN 4 which in combination seeks to ensure that development respects and responds to local landscape character and urban design qualities” (paragraph 23). The Inspector also concluded “I have found that the proposals would not have a significant detrimental effect on the character and setting of the countryside at this location” (paragraph 44). On the basis of the evidence this score should be 1. • Flood Risk – given a score of – 1. This is not supported by evidence. The Flood Risk Assessment demonstrates that the development would be safe from the risk of flooding and would not increase the risk of flooding elsewhere. This was endorsed by officers at Hampshire County Council and Hart District
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	<p>Council. The first appeal Inspector concluded “It is acknowledged that localised flooding problems have occurred and the various agencies have been closely involved during the application process as described in the officer report. No robust technical evidence has been provided that would suggest that the drainage proposals together with the mitigation that is proposed following negotiations with statutory undertakers would not provide an acceptable drainage solution. I am therefore satisfied that the measures proposed, including betterment would not lead to an unacceptable risk of flooding within or indeed in the immediate local area of the site and therefore the development would satisfy the requirements of LP Policy GEN11 (paragraph 33).” On the basis of the evidence this score should be 1.</p> <ul style="list-style-type: none"> • Settlement area – given a score of -1. Although outside the settlement boundary, the site is adjacent to the settlement boundary. In the original committee report, Hart District Council described the location as “a relatively sustainable location on the edge of the rural village”. On the basis of the evidence, this score should be 0. • Conservation – given a score of -1. The Planning and Heritage Statement concludes that there would be no adverse effect on the character of the conservation area or listed buildings. The first appeal Inspector concluded that the overall minor change to the setting of the Crondall Conservation Area would not be harmful to the significance that I have identified. It would therefore comply with the LP Policy CON 13. The Council has not provided any substantive or convincing evidence that the proposed development would affect the setting of nearby listed buildings most notably Willow Cottage on Redlands Lane. From my own assessment, it is quite inconceivable that there would be any harmful effects arising from the appeal scheme on the setting of Willow Cottage or indeed any other listed building identified in the appellant’s heritage assessment and therefore the proposed development would comply with LP Policy CON 13 in this regard also. Consequently, I am also satisfied that my duties under section 66 of the 1990 Act have been discharged” (paragraph 26). On the basis of the evidence, this score should be 1.
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- **Local Gaps** – given a score of 1. Agree.
- **Green spaces** – given a score of 1. Agree.
- **Social contribution value** – given a score of 1. Agree.

We enclose the following documents as supporting evidence:

- Appeal decision APP/N1730/W/17/3185513
- Planning and Heritage Statement prepared by Indigo Planning, incorporating Affordable Housing Statement;
- Heritage Statement; Infrastructure Provision Statement; Statement of Community Involvement; and Sustainability Appraisal
- Planning Statement Update prepared by Indigo Planning;
- application drawings prepared by Mountford Piggott Architects
- Design and Access Statement prepared by Mountford Piggott Architects
- Edge of Village Design Analysis prepared by Mountford Piggott Architects;
- CGI of proposed development;
- Photos of Redlands Lane;
- Transport Assessment prepared by TTP;
- The following flood risk documents prepared by RSK: Flood Risk Assessment August 2016; RSK Response to Hart District Council Comments December 2016; RSK Response to Hampshire County Council Comments December 2016; Flood Risk Addendum July 2017 prepared by RSK; Flood Risk Update November 2018
- Contamination Preliminary Risk Assessment prepared by RSK;
- Utilities Report prepared by RSK;
- Update Ecological Report prepared by Aspect Ecology, incorporating Habitats Regulation Assessment
- Energy Statement prepared by GDM;
- Landscape Statement prepared by Terra Firma;
- Landscape drawings prepared by Terra Firma;
- Arboricultural information prepared by Bernie Haverson:

The site scoring assessment has clearly been undertaken on a very high level using judgement rather than evidence. Now that clear objective and independent evidence is available, it would be perverse and irrational to ignore this. The site

	<p>assessment must be re-run to provide an accurate assessment. It is clear from the above summary and the conclusions of the first appeal Inspector that Broden Stables would be one of the highest ranking sites available.</p> <p>The Strategic Environmental Assessment only assessed sites that had a positive score in the Parish Council's initial site scoring assessment. The evidence in the planning application documents and the first appeal decision demonstrates that the initial site scoring assessment of Broden Stables is fundamentally flawed, and that a proper assessment that is based on this evidence would give the site a high ranking. Therefore it is imperative that the Strategic Environmental Assessment is updated to include an assessment of Broden Stables, having regard to the evidence now available.</p> <p>Broden Stables would provide 30 new homes in what is recognised as a sustainable location and an area of high housing need. Of these, 12 homes would be affordable, in an area with a low proportion of affordable (only 12% of the housing stock is affordable, and only 1% of the total housing stock is shared ownership). In the context of the comparative failure of the proposed allocations to deliver any affordable housing within the village of Crondall, there is a clear and compelling case for Broden Stables to be allocated.</p> <p>The first appeal Inspector concluded: "I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole and that the proposal represents sustainable development." (paragraph 48).</p>
Policy 2a	<p>This is a small infill site which would appropriately come forward as a windfall site, rather than an allocation.</p> <p>As a small site, it would not deliver any affordable housing.</p>
Policy 2b	<p>There is no objective assessment on which the site at Mill Lane is favourable when compared with the site at Broden Stables:</p> <p>The Mill Lane site:</p> <ul style="list-style-type: none"> • Is outside the settlement boundary (but has been given a score of 1 for settlement boundary, compared with -1 at Broden Stables); • Is adjacent to a lower order settlement within the

	<p>settlement hierarchy in the Hart Local Plan (but has been given a score of 1 for sustainable location, compared with 0 at Broden Stables);</p> <ul style="list-style-type: none"> • Has a poorer accessibility to local services and facilities by virtue of being a small settlement (but has been given a score of 1 for sustainable location, compared with 0 at Broden Stables); • Like Broden Stables it is only partially previously developed land, with Hart District Council's site assessment noting that 'the majority of the site is on grade 4 agricultural land' (but has been given a score of 1 for previously development land, compared with - 1 for Broden Stables). <p>With the introduction of substantial evidence demonstrating the suitability of Broden Stables as a housing site, it would be perverse and irrational to allocate Mill Lane and not Broden Stables.</p>
Policy 2c	<p>This is a small infill site which would appropriately come forward as a windfall site, rather than an allocation.</p> <p>As a small site, it would not deliver any affordable housing.</p>
Policy 2d	<p>This is a small infill site which would appropriately come forward as a windfall site, rather than an allocation.</p> <p>As a small site, it would not deliver any affordable housing.</p>
Policy 2e	<p>This is a small infill site which would appropriately come forward as a windfall site, rather than an allocation.</p> <p>As a small site, it would not deliver any affordable housing.</p>
Policy 7	<p>This policy states "Protect and enhance the rural views, vistas and street scenes within, into and out of the Parish. These views include (but are not limited to) the "Important Views" shown in Figure 24 below". By definition, the identified 'important views' are of a higher degree of importance, and the policy should make it clear that more weight will be given to the protection of identified 'important views'.</p>