
PLEASE READ THIS AHEAD OF THE VILLAGE MEETING TO BE HELD VIA ZOOM AT 7PM ON 12TH MAY

A PUBLIC MEETING WILL BE HELD ON 12TH MAY AT 7:00PM TO DISCUSS THE PROPOSED DEVELOPMENT AT CEMETERY LANE:

Time: May 12, 2021 07:00 PM London Join Zoom Meeting

Link:

<https://us02web.zoom.us/j/84532287545?pwd=T3FnaXFZZWNSVUNwWHdrZ25vTmt2QT09>

Meeting ID: 845 3228 7545

Passcode: 047373

Please forward and circulate this to ensure it reaches as many people as possible. If you have a neighbour or friend who you think may not be an email user, or who may struggle to attend a Zoom meeting, please help to make them aware of this and consider whether you can help them to join the meeting

PLEASE READ THIS AHEAD OF THE VILLAGE MEETING TO BE HELD VIA ZOOM AT 7PM ON 12TH MAY

EXECUTIVE SUMMARY:

Upton Grey is faced with a decision whether to-

- Support the proposed development in return for the potential ownership and use of Church Meadow

Or

- Oppose it vigorously and rely on normal Planning Policy protections (i.e. effectively the status quo)

The offer of a Gift of Church Meadow to the Village comes ‘with strings attached’:

- We have tried to remove those “strings”, and to date the Trust has not been willing to agree to all our proposals, which leaves some key uncertainties and loopholes
- The Village needs to decide whether it is worth supporting the development, in return for the potential gift, including (as matters stand) the uncertainties which come with it

EXECUTIVE SUMMARY cont'd:

The process and the offer, whilst simple in concept, have been set out in a very complicated way;

- Despite numerous requests, the Trust has never agreed to meet or speak directly with us, so communication has only been through its development partner, Cherrington, or the Trust's Lawyer
- Raised concerns have tended to result in Cherrington pointing us to the Trust, and the Trust pointing us to Cherrington but not necessarily an acceptance of an issue or resolution to the concern
- The Trust's lawyer has accepted some of our amendments but there remain loopholes in the agreements which mean, at best, that we can say supporting the application might mean the gift of Church Meadow to the Village, but this is far from guaranteed
- We have been clear to both Cherrington and the Trust all along that definitive safeguards against inappropriate development are essential – i.e. to avoid further future development or the Holme Hill situation. The concerns have been noted, but to date a different approach has been pursued

INTRODUCTION & BACKGROUND:

The proposal concerns the redevelopment of the farmyard on Cemetery Lane, and a part of Church Meadow, which are owned by a family Trust

Over 100 of you attended a Zoom presentation last May by the Trust's development partner, Cherrington

- The proposal and vision set out by Cherrington included the offer of a gift of land to the Village in the form of the remaining parts of Church Meadow, and the field to the North of Cemetery Lane, in mitigation for a scheme that is against Planning Policy and right in the heart of the Village.
- Cherrington implied (and draft legal documents confirm) that this is conditional on Upton Grey Parish Council's support.
- The Upton Grey Cemetery Lane Committee (UGCLC) was therefore formed to allow the offer to be explored independently without committing the Parish Council (UGPC). The UGCLC is acting on a pro-bono, no liability basis and in what it regards as the best interests of the village as a whole.

Upton Grey Cemetery Lane Committee – Position Statement related to Proposed Development

TIMELINE SUMMARY:

May 2020 – Initial Zoom presentation to the Village by Cherrington Planning on behalf of the Trust

Sept 2020 – Monthly public Updates on the proposals from UGCLC to the Parish Council at Parish Council meetings begin (continuous until now and also available on UGPC website minutes)

18th Dec 2020 – First Draft of legal documents received from Trust's lawyers

10th Jan 2021 – UGCLC detailed response to Trust's lawyer with full list of issues and request for meeting to discuss (subsequently rejected by Trust)

21st Jan 2021 – UGCLC further response with condensed summary of issues to Trust and request for meeting to discuss (subsequently rejected by Trust)

11th Mar 2021 – Following no feedback, UGCLC issued 'travelling drafts' response to Trust, amending to reflect key concerns (Trust refusal to respond until application registered)

21st Apr 2021 – Application by Cherrington published by Basingstoke & Deane after much delay

30th April 2021 – Second draft legal documents received from Trust

10th May 2021 – UGCLC further response to draft legal documents

Weds 12th May 2021 (7pm) – Village Presentation and Q&A (This is the opportunity for any villagers to ask questions on the proposed offer by the Trust)

Mon 17th May (7pm) – Further Public Village Meeting during which the Parish Council will gauge responses from the public as to whether they are For or Against the proposals, after which the Parish Council will debate the merits of the proposed package and the feedback from the Village and come to an independent conclusion

18th May 2021 – Cherrington Planning public consultation event (to be held on site throughout the day)

20th May 2021 – Deadline for submission of Letters of Support of Objection to Basingstoke and Deane District Council (both for individuals and for the Parish Council). The committee meeting to decide on the application has not yet, to our knowledge, been decided but is likely to be around late June or in July.

Please note the deadline for comments. Whilst the Local Planning Authority has informed us that they will take on board comments after 20th May, your views may hold less weight in planning terms if submitted after the end of the statutory consultation period.

Upton Grey Cemetery Lane Committee – Position Statement related to Proposed Development

The Planning Application

Cherrington has now submitted its Planning Application.

The proposals are for two detached houses on the farmyard site and a single storey bungalow in Church Meadow on the land adjacent to the Cemetery, as set out opposite, in line with the original presentation.

For further detail please review the application on line at;

<https://planning.basingstoke.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQ84H9CRM7X00>

The proposals were slightly modified with respect to height, style and elevational treatment based on discussions between Cherrington and the UGCLC, but not in concept, and otherwise remain similar to those represented in the original Parish Council Zoom meeting.

You must form your own judgement as to the quality of the proposals from an architectural perspective.

Basingstoke & Deane District Council has validated the application and so the deadline for formal comments is the 20th May 2021 (though BDBC will also accept further comments for a time after this date)



Upton Grey Cemetery Lane Committee – Position Statement related to Proposed Development

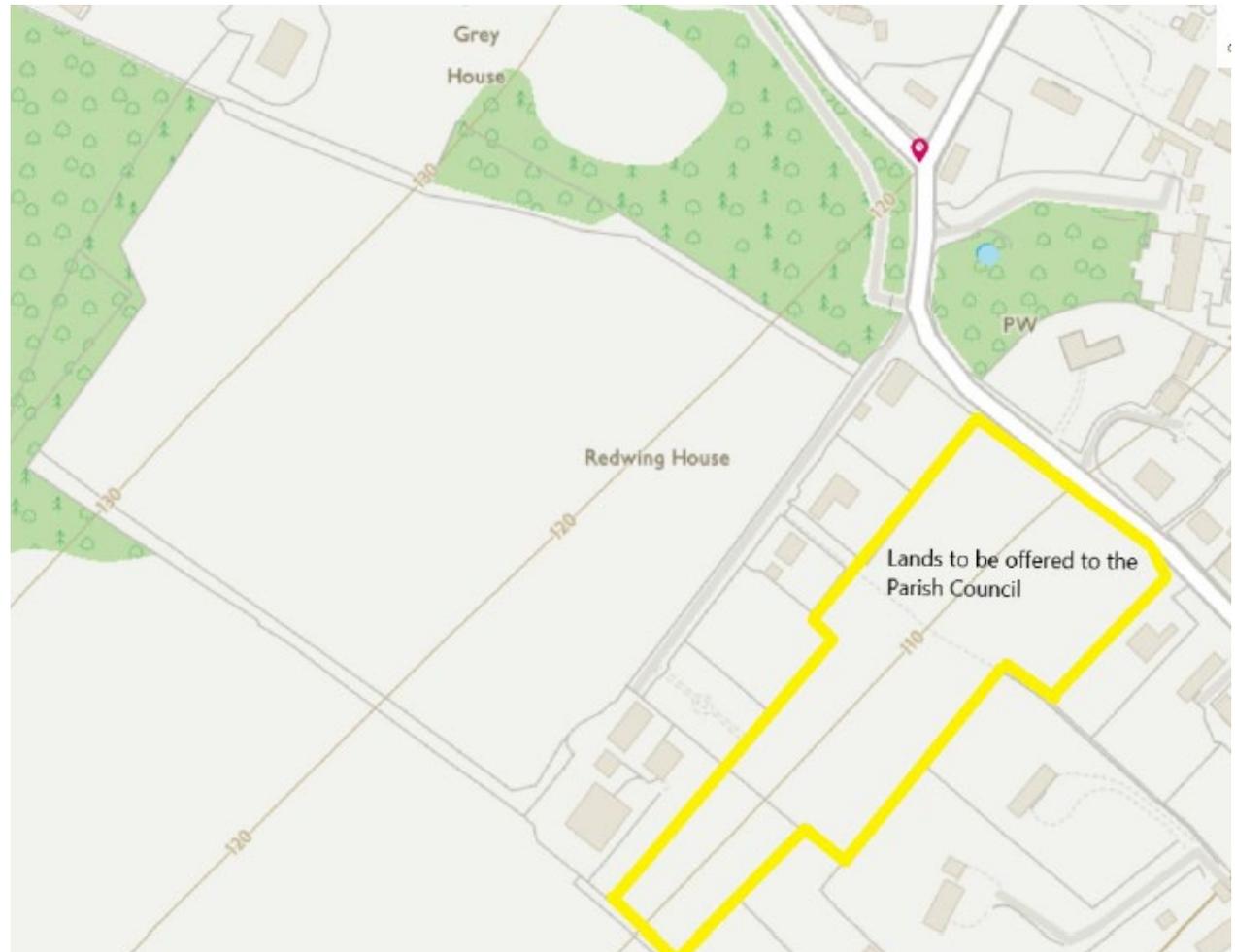
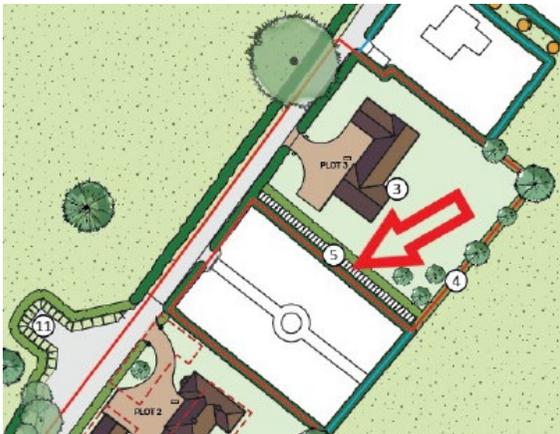
The Planning Application (continued)

The Planning Application did not initially include a draft 'Section 106 Agreement' as expected. After our querying this, it was then sent to the Council.

This type of agreement means a developer or landowner has to perform certain obligations usually to compensate for the impact of their proposed development

The draft S106 contains obligations related to the gift of some land (broadly what has been historically referred to as Church Meadow) to the Parish Council, and with a small element being gifted to the Church for an extension to the cemetery .

As submitted it does NOT provide sufficient control to ensure good development, or the gift of land.



KEY CHANGES TO THE POSITION OF CHERRINGTON/ THE TRUST:

There are two main changes to the position of the Trust & Cherrington since they presented to the Village last year, which may affect your views:

- At its presentation to the Village last year, Cherrington clearly stated that the field northwest of Cemetery Lane formed part of the proposed gift of land
- Neither this land, nor any protective measures for it, form part of the current proposals to us
- When this was challenged by UGCLC, we were assured by Cherrington that the land would instead be protected by ‘no-build’ covenants or at least as part of a S106 planning obligation
- The Trust’s lawyers issued a statement in January 2021 that in its development agreement with Cherrington, ‘the north land is not and never has been included within that agreement’
- No protection of the North Field is now on offer from the Trust, which may be indicative of future aspirations to seek further development on this land

KEY CHANGES TO THE POSITION OF CHERRINGTON/ THE TRUST:

- On the change in approach to the North Field, you will have to draw your own conclusions.

Concerns over future aspirations for the North Land/ North Field and how this relates to possible future plans at Cemetery Lane:

- This Committee has debated this element on many occasions, and several members have strong concerns that the current proposal opens a way to future potential development of the North Field, or attempts to do so at some point
- At this stage there is nothing to provide comfort to the contrary when this would be easy to provide

THE DRAFT LEGAL AGREEMENTS:

- The contractual terms of the potential gift of land are very important (like when buying any property), as they can radically affect how the land might be used and maintained in the future. We also need to be sure of what will actually happen if the scheme gets permission.
- **The legal documents associated with this include:**
 - A Conditional Contract for the Transfer of the Land,
 - Draft Section 106 Agreement (a legal agreement tied into any planning permission, for a period of time)
 - Land Title Transfers (with conditions attached)
 - Ancillary documents including an overage deed

These, alongside the regular ‘Planning’ package, form part of what the Parish Council will have to review and decide upon, next week (as well as you, the Villagers). They will have to decide if the mitigation (the offer to gift land) alongside the proposed development, are acceptable in a highly sensitive location in the Conservation Area

THE DRAFT LEGAL AGREEMENTS: CURRENT STATUS

- Right now, the documents go some way towards ensuring the gift of the land and would appear to show intent and willingness in some respects (but not in relation to the North Field).
- They include obligations on the Trust and Cherrington, but only in return for the Parish Council supporting the proposals:
 - To gift Church Meadow to the Parish, ONLY if planning is granted, and ONLY if the Trust sells the land or implements (builds) the permitted scheme
 - To gift a 5-metre strip of land to the Church as an extension of the cemetery, conditional on planning being granted, and subject to the same constraints above
 - To build the consent in roughly the form proposed (i.e. 2 houses and one bungalow, to avoid the Holme Hill situation - but the development is loosely defined)
 - To pay a maintenance contribution (£sum TBA) – (This does not include but ought to be able to be used for replacement of the metal Estate fencing opposite the Church.)

THE DRAFT LEGAL AGREEMENTS: CURRENT STATUS

Current issues with the Agreements (Related to timing and the triggers for gifting Church Meadow)

- For the avoidance of doubt, even if the Village and the Parish Council do decide to vote in favour of the proposals, **if planning is not granted, the land will not be gifted**
- If Planning Permission is granted, but the Trust **neither sells or implements** it before the end of December 2021, **the gift of land will not happen**. This is because, at the insistence of the Trust and Cherrington, the trigger to transfer the gift is the later of a number of events including implementation
- This is important because it could mean they may have established the principle of development but without having to make the mitigating gift of land, and then use that consent to argue for a denser scheme in future
- The timescale in the agreements is currently too short to be meaningful and achieving an implementable Planning Permission could take much longer than this. This makes for a loophole which could still mean the ‘Holme Hill’ scenario.

THE DRAFT LEGAL AGREEMENTS: CURRENT STATUS

Current issues with the Agreements (related to restrictions)

There are other difficult elements in addition to the timing issue:

- The definition of the ‘Development’ in the legal documents is too vague, meaning it does not, as matters stand, restrict development to the proposed consent. I.e. it could still be used to seek an alternative, denser consent – the Holme Hill situation.
- The agreements create **restrictions which might mean Church Meadow cannot be used** for many of the things it is currently used for, and which for many form an integral part of village life, including;
 - Holding Village events
 - Occasional Parking (such as for funerals/ weddings)
 - and (importantly) grazing of livestock (important for maintaining the land and maintaining its rural character)

THE DRAFT LEGAL AGREEMENTS: CURRENT STATUS

Current issues with the Agreements

- UGCLC has been seeking to close these loopholes and ensure the land could continue to be used for its present uses. To date our requested changes have been refused.
- We have responded again with amendments which would aim to do this, and also are having the documents independently checked as to their integrity.
- We will do this and we will report again before the subsequent public meeting on the 17th May at which the Parish Council will consider the application.
- If the documents are not amended sufficiently to remove all the highlighted risks, we doubt that most will find them reassuring and you should consider this before deciding if you support or object.
- It is unlikely Cherrington will arrange for all of these issues to be resolved and incorporated into this Planning Application.

WHAT ARE YOU BRING ASKED TO CONSIDER?

At the final meeting on the 17th May (or beforehand if you wish to send UGPC your views), you will be asked to express your views and whether you are for or against the proposals. The Parish Council will make their independent judgement on the proposals, but they will want to take the views of the Village into consideration in forming that view.

You will need to make your own choice whether to support or object, but you may wish to consider the following:

- Church Meadow is a highly sensitive site with strong Conservation Area planning protections. It is not impossible, but unlikely that planning permission would be granted without the support of the Village
- There could be a planning case for the development of the neglected barns on their own, but that would also be difficult without support, and the proposal would have to be of exceptional quality
- The current designs might not be considered of “exceptional quality”

WHAT ARE YOU BEING ASKED TO CONSIDER?

- How much can you rely on Planning Policy to protect against development? Planning Policy should offer protection of the Meadow and North Field for now, but may evolve over time. There may be additional protections which could be added, though these could be difficult and take several years to apply
- What about the argument you hear from developers about contributing to a shortfall in housing supply? This case will inevitably be made, but recent High Court judgements have established that Councils must still consider proposals against their own policy, so this argument is now harder than it was for developers to make in sensitive locations like this
- If it is so hard to get planning permission on this land, is the gift actually worth anything? Of course, the benefit to the Village is the certainty of ownership and (subject to the restrictions in the documents being lifted) the ability for sure to continue the use of the land for Village functions.
- Does the proposed development make it more likely (when combined with the lack of assurances) that the Trust will seek future planning permissions to develop the North Field?

IN CONCLUSION:

- UGCLC will also seek to finalise the documents and report transparently to the Village and Parish Council at the subsequent meeting on **17th May**, enabling you to finalise your stance on the proposals. There will be time for people to speak at this meeting should they wish, before the UGPC debates the scheme.
- You need to weigh up all the facts and consider whether, in your view, the potential (but far from certain) gift of Church Meadow offsets the impact of the proposals in this sensitive site and potential for further proposals on the North Field. Do you trust what you are being asked to support?
- Finally, there will be an exhibition shortly by the developer Cherrington at the barns showing the application. Please consider all of these factors if you view it. Any comments you make at the exhibition are likely to be taken and interpreted as positively as possible when representing public consultation feedback to the Council.

Please forward your thoughts and support or objection to the Parish Council ahead of its consideration of the application. Every individual is entitled to a view (i.e. more than one per household potentially).

You must also make your views known to Basingstoke & Deane BC in the usual way. Please remember, planning can be political and there is never 100% certainty one way or another. The final decision to granting consent or refuse rests with Basingstoke & Deane and not the Parish Council