

PLANNING COMMITTEE PAPER A

Non-determination appeal in relation to 21/01958/FUL concerning 20 affordable dwellings on an entry-level exception site with vehicular access from Reading Road alongside landscaping, public open space, internal roads, parking and associated drainage infrastructure.

Location Land Adjacent to Reading Road Hook Hampshire

The purpose of this report is to advise the Planning Committee of the recently received non-determination appeal in respect of this application and to request guidance on the issues relating to the Council's intended reasons for refusal. Members are asked to indicate what resolution they would have made on this matter to assist with the appeal process.

The Planning Inspectorate has confirmed that the non-determination appeal is now a valid appeal therefore the jurisdiction to determine this application lies now with the Planning Inspectorate.

No formal decision has yet been made in relation to this application, with the delay due to on-going discussions with the agent regarding matters of planning policy. Despite these on-going discussions, the applicant has sought to appeal against non-determination of the Application, therefore the purpose of this report is to gain Planning Committee support/approval for the intended reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

Once the Appeal has a 'start date' and an Inspector has been appointed by the Planning Inspectorate, all those persons who were notified or consulted about the Application, and any other interested persons who made representations regarding the Application will be written to and advised that the Appeal has been made and is valid.

It is important to emphasise that objectors are still allowed sufficient time to respond formally to the Inspectorate, and as such any comments received will form part of the appointed Inspectors deliberations. All existing objections will be sent to the Inspectorate.

In cases on non-determination appeals, it is important to gauge the views of the Planning and Development Committee in order that Committee Members are satisfied with the Officer's Report. The Report will partially form the basis of the

Council's Statement of Case in regards to the Appeal.

To advise Committee a report has been produced and appended to this paper, giving details of the representations received, issues arising and all relevant material planning considerations. As Committee will note, there has been notable public interest with this proposal.

On the basis of the merits of the case, it is considered that should a formal recommendation have been made to Planning Committee, it would have set out a refusal recommendation for the following reasons:

OFFICER RECOMMENDATION – REFUSAL for the following reasons:

1. The proposed development would fail to comply with the site size requirement as set out in paragraph 72 of the NPPF, as it is larger than 1 hectare (land included within the red outline of the location plan). As such the proposed development would conflict with paragraph 72 of the NPPF 2021.
2. The proposed development conflicts with the spatial strategy of the adopted Hart Local Plan (Strategy & Sites) 2032 as it is located outside designated settlement boundaries in countryside in an unsustainable location. The site lacks suitable pedestrian routes, highway crossings, cycling and public transport infrastructure, which along with the distances involved to reach services, goods and public transport within the adjoining settlement would result in a development being remote and residents would be likely to be reliant upon private motor vehicles for most journeys. The proposal would therefore represent unsustainable development in conflict with sustainable transport objectives to reduce reliance on motor vehicles. As such, the proposal is contrary Policies SD1, SS1, and INF3 of the Hart Local Plan (Strategy & Sites) 2032, Policy HK1 and overall objectives of the Hook Neighbourhood Plan 2032 and paragraphs 110 and 112 of the NPPF 2021.
3. There is no exceptional justification to permit the proposal. Hart district has a current housing land supply of 10.4 years with a housing delivery test of 201%. The Local Planning Authority is satisfied that current need for homes suitable for first time buyers or those looking to rent their first home is being met through delivery of appropriate development in accordance with the adopted Spatial Strategy. As such, there is no justification to permit the proposal in countryside in an unsustainable location. The proposal is in conflict with Policies SD1, SS1 and NBE1 of the Hart Local Plan (Strategy & Sites) 2032 and the aims of the NPPF 2021.

4. The site is located within 5km of the Hazeley Heath Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). In the absence of any evidence that the test of no alternatives under the Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development without securing SPA mitigation, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the SPA. As such the proposal is contrary to adopted policy NBE3 of the Hart Local Plan (Strategy & Sites) 2032, saved policy NRM6 of the South-East Plan, policy HK11(5) of the Hook Neighbourhood Plan and paragraphs 180b and 181c of the NPPF 2021.
5. In the absence of any legally binding obligation to secure the in-perpetuity provision, access to and management of subsidised home ownership units, management of communal areas within the site, financial contributions towards education, the proposed improvement to the footpath south of the site and SPA mitigation, including SAMM contribution, all reasonably necessary to make the development acceptable, the proposed development would conflict with the requirements of policy INF1 of the Hart Local Plan (Strategy & Sites) 2032 and paragraph 55 of the NPPF 2021.

CONCLUSION

It is recommended that Members advise whether they would have been minded to refuse the Application for the above reasons, to assist the Council's response to the non-determination appeal.