

Appeal Statement of Case

**Crookham Care Village, Cross
Farm, Crookham, Hants.**

Prepared For
CCV Ltd and Mr. J Hirst.

7428

May 2017

Statement relating to a non-determination
appeal for application 16/03400/OUT.



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CHARTERED TOWN PLANNERS

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1 INTRODUCTION

- 1.1 An application was submitted on behalf of the applicant, CCV Ltd and Mr Hirst on 9th January 2017 with a date of 7th April 2017 for determination.
- 1.2 This appeal contains plans and photos detailed in the submission, but there is no decision notice to relate the appeal to at this moment. That will follow when HDC inform the appellant of what the issues would have been had the application have been decided.
- 1.3 For this statement, it has been assumed that the main issues that HDC will identify will be the effect on the gap policy, traffic [although unproven technically] and the landscape.
- 1.4 The application has not been determined at committee.
- 1.5 This appeal statement of case will form the basis for the Appellants Evidence to be submitted in accordance with the Inquiries Procedures once the reasons that HDC would have refused the application are known.
- 1.6 The application site area is shown below outlined in red [covering the development and the open space for SANG]:

CROOKHAM RETIREMENT VILLAGE – SITE OWNERSHIP PLAN.





2 THE APPEAL PROPOSAL

- 2.1 The proposal is explained in chapter 1 of the planning statement along with the documents making up the application. Any documents added since validation have been included in the appeal bundle.
- 2.2 The planning application was deemed by HDC through the EIA screening Regulations **to not be** EIA development requiring an ES to accompany the application.
- 2.3 The site is about 32ha in extent and is available for complete redevelopment following demolition of all structures and buildings on the site [apart from Cross Farm House itself] and the laying out of the development with a large area of open space to be used as a SANG for SPA mitigation. The site is served by an existing access to be improved.
- 2.4 The overall scheme will be constructed in a progressive phasing across the site and in concert with the SANG landscape works.

PROPOSED SITE LAYOUT





3 THE STATEMENT OF CASE

- 3.1 The appellant will deal with the eventual reasons for refusal when they are known. This will be via any S106 agreement needed; via a statement of common ground and by evidence to counter the objections. A suitable signed S106 can form a part of the appeal proceedings.
- 3.2 The inquiry process is considered suitable as it will allow for open discussion and examination of the specialist housing provisions of the plan, specialist housing needs, the emerging Local Plan [depending on the Reg 18/19 stage reached] and other matters relating to housing need, recent Court cases and appeals relevant to the site and its issues.
- 3.3 Evidence will be submitted in accordance with the Appeal timetable.
- 3.4 It is requested that the scheme is given some expediency to help meet a growing unmet need for older person housing providing care.



4 ANTICIPATED REASONS FOR REFUSAL

4.1 There may be reasons to deal with in relation to

- The gap between Crookham and Fleet
- The landscape in general
- There may be a suggestion that there is no 'need' for this development
- Any highway matters – but see below

4.2 It is relevant to note the points that it is considered will not need to be considered at issue in this appeal, as may be possible to glean from discussions with the LPA and the Consultee Responses:

- The site is not located in an isolated location.
- Location of the SANG is not visually harmful.
- No objection regarding trees.
- The mix of class C2 care home and close care and specialist housing is acceptable.
- No unacceptable harm to residential amenity is identified
- The overall Drainage scheme meets the requirements of the flood authority
- There is no known objection on ecological grounds from HDC or Natural England
- There is no suggestion of an Impact on air quality
- There is no suggestion that there are any noise mitigation measures required
- There are no adverse archaeological implications
- There are no ground contamination issues

4.3 The appellant will seek to agree these matters with the LPA before the hearing.



5 GROUNDS FOR APPEAL

5.1 This section focuses on what might constitute the reasons for refusal. The inference is taken from the decisions on the land to the north at Grove farm and the reasons which HDC have decided to employ in defending that area from housing development.

REASON FOR REFUSAL 1 - LANDSCAPE

5.2 The landscape assessment carried out by the applicant will be considered together with consideration as to the local policy and its wording. In addition, the studies carried out for the LPA on the Reg 18 local plan will be examined in relation to the contribution this area of land makes to the setting of Crookham and Fleet.

5.3 Much of any landscape impact assessment is subjective and the inspector will form his/her own opinion of the importance and visual exposure the site may/may not have. This matter will largely rely upon the site visit in its local context of public roads and footpaths.

REASON FOR REFUSAL 2 – GAP POLICY

5.4 The evidence will show that the work provided within the planning statement considered the issues relevant to this land and the policy of preventing the physical and visual coalescence of settlements as set out in the saved policy and any emerging policy. Analysis was carried out by the applicant that mirrored work undertaken by the local Crookham PC in their objection to the development on land to the north at Grove farm.

REASON FOR REFUSAL 3 - HIGHWAYS

5.5 This can be dealt with in one of two ways – either the LPA will seek to insert a technical highway objection in which case the assertion will be refuted strongly given both the individual circumstances of the development itself and any cumulative effects or the LPA will not object on this point subject to certain issues being dealt with in a S106 Agreement. Such matters can then be agreed with the LPA.

REASON FOR REFUSAL 4 – LEGAL AGREEMENT ISSUES

5.6 If there are any reasons that are overcome by S106 clauses and/ or planning conditions these can be considered in concert with the LPA. This can be dealt with in a S106 or a Unilateral Undertaking and a signed version can be presented at the inquiry. The appellant will only



consider the payments [if requested by the LPA] that would meet the cil tests and if there is disagreement this will be set out for the inspector.

Evidence to be presented:

- The application documents and especially the landscape impact report and ‘needs’ report will be examined
- The consultee responses and any updates will be considered
- The character of the adjoining development will be tested to examine whether the possible effects on the boundary of a heritage asset [the conservation area] have been covered correctly
- The housing land supply and its specialist needs components will be examined to see if the NPPF para 49 tilting balance in favour of the scheme should apply.
- Any relevant information from the ongoing emergence of the new Local Plan for Hart will be considered
- The Supreme Court’s decision on the proper interpretation of para 49 <https://www.supremecourt.uk/cases/docs/uksc-2016-0076-judgment.pdf> will be considered
- Recent appeal decisions within the District relating to land supply will be considered if helpful to the hearing process.
- A signed UU or S106 will be presented before the hearing.
- The council’s method for SPA mitigation will be considered, if required.

Gcb/may/2017