




Basingstoke
and Deane

Basingstoke and Deane Borough Council
Civic Offices, London Road,
Basingstoke, Hampshire RG21 4AH
www.basingstoke.gov.uk | 01256 844844
customer.service@basingstoke.gov.uk
Follow us on  @BasingstokeGov

REF:22/00667/FUL

Mr Eliot Kelly
Avison Young
St Catherine's Court
Berkeley Place
Bristol
BS8 1BQ

NOTICE OF REFUSAL

Town & Country Planning Act 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the above mentioned Act, the Council as Local Planning Authority hereby REFUSES planning permission for the:

- Proposal:** Demolition of three dwellings, outbuildings and related structures and proposed construction of commercial and industrial units (use class B8) with ancillary offices (use class E(g)(i)), associated infrastructure works (including parking and landscaping), and full details of site levels, access, drainage, tree retention and diversion of underground pipeline
- Location** Land At Oakdown Farm Winchester Road Dummer Basingstoke Hampshire
- Applicant:** Newlands Property Developments LLP (SPV Equites Newlands (Ba

in accordance with your application, plans and particulars which were received on 28th February 2022 with amendments received on 29th March 2022, 11th April 2022, for the following reasons:

- 1 The proposed development would be detrimental to the character and visual amenity of the landscape, would fail to mitigate those impacts appropriately and would fail to have particular regard to the setting of the settlement, including important views to, across, within and out of settlements contrary to Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029. Furthermore the development would be contrary to Policy EP1 (g) of the Basingstoke and Deane Local Plan 2011-2029, in that it would not successfully mitigate the landscape impact by allowing sufficient space for landscaping/green infrastructure and accordingly it has not been demonstrated that the landscape impacts have been minimised. As such the development would also be contrary to Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029 and the Landscape, Biodiversity and Trees Supplementary Planning Document and Section 15 of the National Planning Policy Framework (2021).

- 2 In the absence of any suitable legal agreement, or justification for the absence of a legal agreement, the proposed development does not make adequate provision for off-site highways works, access works, public transport, a travel plan, employment skills, noise mitigation and biodiversity management. The proposed development is therefore contrary to the Community Infrastructure Levy Regulations 2010 (as amended), Policies CN6, CN9, EP1, EM10, EM12 and EM4 of the Basingstoke and Deane Local Plan 2011-2029, the guidance contained within the Planning Obligations for Infrastructure Supplementary Planning Document (March 2018) and the National Planning Policy Framework (2021).

Notes to Applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
- proactively offering a pre-application advice (in accordance with paragraphs 39 - 46);
 - seeking further information following receipt of the application;
 - seeking amendments to the proposed development following receipt of the application;
 - considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 54-57).

In this instance:

- the applicant was updated of any issues after the initial site visit;
- was provided with pre-application advice.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

The officer's report can be viewed on the council's website www.basingstoke.gov.uk.



Ruth Ormella MRTPI
Head of Planning Sustainability and Infrastructure

Date: 19 May 2022

It is important that you read the notes overleaf

NOTIFICATION - APPEALS TO THE SECRETARY OF STATE

22/00667/FUL

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if

(i) this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or,

(ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:

28 days of the date of service of the enforcement notice, *or*

within 6 months of the date of this notice, whichever period expires earlier; or,

(iii) this is a decision to refuse planning permission for a minor commercial application you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

