

Report to	<b>Planning Committee</b>
Date	<b>9 April 2015</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hants District Council</b>
Application Number	<b>SDNP/14/03777/FUL</b>
Applicant	<b>Kebbell Homes</b>
Application	<b>82 dwellings including 33 affordable homes, vehicular access off Heathfield Road and pedestrian/cycle/emergency access off Barnfield Road; a scheme of traffic calming on Pulens Lane; provision of hard and soft landscaping and open space; foul and surface water drainage systems and other engineering works.</b>
Address	<b>Penns Field, Heathfield Road, Petersfield, Hampshire</b>

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**Recommendation: That planning permission be refused for the reason set out in paragraph 10.1 of this report**

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### **Executive Summary**

The application is for 82 dwellings on a 3 hectare area of previously undeveloped land situated adjacent to the existing residential area around Barnfield Road and Heathfield Road on the eastern side of Petersfield.

The application is for major development within the National Park, it is considered that the need to meet the housing need and especially the provision of 40% affordable housing on the site would be a public benefit. The development would not have an adverse impact on the landscape of the SDNP or recreational opportunities or cultural heritage.

The application is recommended for refusal because it has not been demonstrated that the development would not have an adverse impact on known wildlife on the site; the substandard design of the development; insufficient information to demonstrate that the development would not have an adverse impact on the local highway network and because no provision has been put in place to secure the affordable housing, open space, education or transport contributions.

The application is reported to committee due to the level of public interest.

#### **I. Site Description**

- I.1 The site is a 3 hectare parcel of land adjacent to, but outside of the settlement boundary of Petersfield. The adjacent residential areas are known as Heathfield Road and Barnsfield Road. The adjacent residential area is suburban in character and comprises predominantly two storey detached houses. To the east of the application site extends an area of playing fields, with the Taro Leisure Centre and offices of East Hampshire District Council beyond. The site is within the North Rother Valley Sandy Arable Farmland character area as set out in the South Downs Integrated Landscape Character Assessment (SDILCA).
- I.2 The site is an area of previously undeveloped land which is essentially open and level with a gentle fall towards the north of the site to Tilmore Brook. The northern boundary of the site abuts Tilmore Brook which is a tributary of the River Rother, as well as Rotherlands Local Nature Reserve (LNR) and Tilmore Brook Wood Site of Importance for Nature

Conservation (SINC). A public footpath runs along the northern side of Tilmore Brook which links to the site via a permissive path from the north-western corner of the site.

- 1.3 Running along the inside of the western boundary is a belt of landscaping and on the eastern boundary is a field boundary hedgerow that includes indigenous trees. The southern boundary is marked by a chain link fence and is adjacent to a footpath/cycleway with large trees, scrub and back gardens of the properties along Clare Gardens and Eastlake Close beyond. Trees on the eastern and western boundary of the site are covered by Tree Preservation Orders (TPOs). The trees to the south of the southern boundary are also covered by a TPO.

## **2. Relevant Planning History**

- 2.1 52274/001– 96 dwellings, public open space and other infrastructure. Refused October 2010 for the following reasons:

1. Having regard to the fact that the site is not needed to meet a 5 year land supply requirement, the conflict of the development of this site with other policy objectives, namely the designation of the South Downs National Park, and the requirements of PPS7 and the DEFRA Vision and Circular on English National Parks and the Broads to have exceptional circumstances to permit major developments in these areas, the development of this reserve housing site is inappropriate, pending a comprehensive review by the District Council, jointly with the shadow National Park Authority and local community.
2. The proposed layout, by reason of the height and bulk of buildings adjacent to the northern and eastern boundaries would result in the built development being intrusive in this protected landscape, to the detriment of the open and rural character and appearance of the land to the north and east.
3. The proposal involves development that cannot be reconciled with national planning policy guidance in PPG13 in that it fails to make the best possible use of opportunities to reduce reliance on the private car and to encourage sustainable modes of transport, and does not propose suitable measures to mitigate the impact of the proposal on the surrounding network.
4. The affordable housing has been placed in a single large group within the site, contrary to the requirement to have such housing pepper-potted or spread in small groups throughout the site.
5. The proposal fails to include measures to show that the development would not be detrimental to the maintenance of the population of a protected
6. No provision has been made towards environmental improvements..
7. No provision has been made for public open space within the proposal.
8. No provision has been made towards education, medical and community facilities.
9. No provision has been made to secure the provision and retention of 40% of the residential units as affordable housing, including the mix of unit sizes and tenures.
10. No provision has been made for the provision, retention and future maintenance of the buffer zone along the edge of the Tilmore Brook.
11. No provision has been made for the provision, retention and future maintenance of the surface water drainage system.

## **3. Proposal**

- 3.1 Permission is sought for 82 residential dwellings on the site, including 33 affordable homes (40%). The layout landscape along the site boundaries as being retained and enhanced. The proposal includes some small areas of open space in the central part of the site. The proposal does not include any formal recreation provision.

- 3.2 A mix of housing types and sizes are proposed; the residential units comprise 58 detached or terraced houses and a further 24 one and two bed apartments. Predominantly the dwellings would be two storeys in height with ridge heights between 8.5 to 9.5m above ground level. The housing would comprise:
- 14 x one bedroom dwellings (all affordable)
  - 30 x two bedroom dwellings; (16 affordable)
  - 19 x three bedroom dwellings; (3 affordable)
  - 16 x four bedroom dwellings; and
  - 3 x five bedroom dwellings
- The affordable units would be split 70:30 between affordable rent and intermediate tenures.
- 3.3 Parking would be provided in either parking courts or in-curtilage parking including car ports and garages.
- 3.4 The proposal includes the diversion of a sewer which currently runs across the site. It would be diverted so that it would run under the main access road through the site. The diversion includes a new pumping station which would take the form of fenced compound with a small equipment box above ground which would be sited in the landscape buffer. The storage and pumps would be below ground level.
- 3.5 The application includes off-site works to the highway to provide the vehicular access from a continuation of Heathfield Road. An emergency vehicle and pedestrian access would be provided from Barnfield Road via the turning head at the southern end of that road. Traffic calming measures are proposed on Pulens Lane, which are shown as being a mixture of road markings and signage.
- 3.6 The proposal has been revised to seek to address design concerns:
- The east-west corridor of open space passing through the central part of the site has been increased;
  - Units 49-58 have been rearranged to relate better to the proposed footpath link along the northern boundary;
  - Units 47 and 48 have been repositioned to provide units 49-58 with better access from the south. The separation distance between the three blocks of accommodation to be increased, providing a better visual link from within the site to the linear open space on the northern boundary;
  - Units 38, 39, 41 and 43 repositioned further to the west and the shared surface access serving the units moved further to the east. This would provide a wider landscaped corridor along the eastern boundary; and
  - The development layout supported by a clearer hierarchy of roads, neighbourhood squares, shared surface and hoggin pedestrian links.

#### 4. Consultations

- 4.1 **Petersfield Town Council:** Members approved the development on principle but would like to see a viability study carried out on the flow of traffic of Pulens Lane, as the access and egress to the development is from a very busy road.
- 4.2 **Natural England: No objection**
- In terms of the Habitat Regulations the proposal is unlikely to have a significant effect on any European sites,
  - The Local Planning Authority is expected to assess possible impacts resulting from this proposal on local Tilmore Brook SINC and Rotherland Local Nature Reserve,
  - The application has not been assessed for impacts on protected species.
- 4.3 **Environment Agency:** No comment received

- 4.4 **County Ecologist: Objection**
- No effort has been made to conduct any bat surveys on the site,
  - There is a fundamental misunderstanding by the applicant's ecologist and planning agent of the legislation and planning policy relating to ecology issues.
  - Ecological survey has confirmed the presence of hazel dormouse.
  - The development would affect dormice, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended). The development would result in a breach of the EU Directive underpinning the Habitats Regulations.
- 4.5 **County Highway Authority:** Recommend refusal. From the information available it cannot be shown that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users.
- 4.6 **County Archaeologist:** Recommend a condition to secure archaeological survey
- 4.7 **County Children Services:** No objection subject to a contribution of £237,957 towards Herne Junior School expansion.
- 4.8 **EHDC Arboricultural Officer:** No objection subject to conditions for a finalised tree protection plan and arboricultural method statement.
- 4.9 **EHDC Drainage Officer:** No objection in principle subject to EA approval and satisfactory drainage systems for both foul and surface water. These can be covered by condition.
- 4.10 **EHDC Environmental Health (Contaminated land):** No objection subject to conditions
- 4.11 **EHDC Environmental Health (Pollution):** No objection. The proposed development during its operational phase would not result in significant adverse effects in respect of noise or emissions
- 4.12 **EHDC Landscape Officer: Commented**
- The design for the northern boundary has reverted to the previous refused pattern of large blocks of flats whose bulk would be intrusive in the adjacent protected landscape;
  - Good that the wildlife corridor has been retained and existing boundary planting. Tree planting should be native species;
  - More trees should be incorporated within the development to break up the car parking areas.
- 4.13 **EHDC Housing Officer:** No objection
- The mix of units and tenure split is acceptable
  - The distribution of affordable units across the site is acceptable
  - The design and quality of affordable homes should be to HCA standards
  - Affordable homes should be transferred to a Registered Provider.
- 4.14 **EHDC Crime Prevention:** the proposal has a high level of permeability and will create a development vulnerable to crime and anti-social behaviour. The number of pedestrian accesses should be reduced and the permeability.
- 4.15 **EHDC Economic Development Service:** No objection in principle. However given the scale of the development and the likely economic impact on the area e.g. growth in population, skills and jobs. The applicant should enter into an s106 Local Employment and Training Agreement.
- 4.16 **SDNPA Landscape Officer:** No in principle objection but proposals do not address the site context and existing features and is likely to result in detrimental impact to surrounding townscape. Recommend a redesign/layout of the eastern and northern boundaries.

#### 4.17 **SDNPA Design Officer:** Objection

On original submission objects as the proposal represents a layout and design of poor quality which detracts from the qualities of Petersfield's characteristic built and natural environment. Following concerns:

- Poor design quality
- Uncharacteristic and illegible layout
- Absence of structured public space
- Absence of spatial hierarchy resulting in formless sprawl
- Homogenous suburban character
- Failure to prioritise direct connections with footpaths through the layout
- Negative impact on the character of the riverside walk
- Location of sewage pumping station in the buffer strip
- Failure to respond to the transport user hierarchy
- Interface of back and side fences with countryside edge
- Inefficient suburban building layout
- Inauthentic relationship between suburban layout and pseudo-Victorian/Edwardian housing types

On revised plans made the following comments:

- The amendments do not address the design shortcomings in previous consultation response or in the report of the SDNP Design Review Panel.
- Strongly objects on the grounds of its outstandingly poor design quality and incompatibility with the locally characteristic settlement and layout of Petersfield.

#### 4.18 **SDNPA Design Review Panel:** Made the following comments:

- The panel considered the proposal to be of outstanding poor design quality with no relationship to Petersfield's character. The scheme has no design intention or integrity being designed according to whimsy rather than accepted principles of urban design or locally characteristic patterns.
- The landscape buffer to the east too narrow to perform an ecological function
- The scheme demonstrates no understanding of road hierarchy, street patterns, urban grain or how a sense of place may be generated. Scheme is dominated by tarmac.
- It is an outdated suburban model where vehicular movements are prioritised over pedestrian movements.
- Layout of buildings has no sense of the ways in which buildings are characteristically laid out.
- The scheme is regarded as a missed opportunity requiring more detailed design consideration.

#### 4.19 **Hampshire Fire and Rescue Service:** No objection

#### 4.20 **South East Water:** No comment

#### 4.21 **Sport England:** Do not wish to comment on this particular application

#### 4.22 **UK Power Networks:** No comment

#### 4.23 **Southern Gas:** No comment

### 5. **Representations**

#### 5.1 60 third-party representations have been received objecting to the proposal. The representations raised the following issues:

- Heathfield Road and Pulens Lane are inadequate to cope with increased volume of traffic or heavy construction traffic,

- Construction traffic disturbance,
- The end of Heathfield Road is not of standard width and was not intended to be used for vehicle access,
- Preferable access is via Penns Place,
- Access from Barnfield Road/Heathfield Road onto Pulens Lane has limited visibility,
- The application specifically identifies Heathfield Road as the sole means of access. The draft Neighbourhood Plan will be amended to omit reference to this and will put onus on any decision to the SDNPA and Highways,
- Increase in traffic will cause congestion and have a major impact on noise and pollution,
- Inadequate parking,
- Proposed traffic calming inadequate
- Traffic report of 2010 is out of date and does not reflect the current volume; speed of traffic; peak usage; all modes of transport or analysis all junctions,
- Lack of information regarding the Petersfield town infrastructure,
- No decision should be made until Petersfield Plan in place,
- Over development,
- Density is too high and out of keeping with area,
- Proposed development not in keeping with character of surrounding area or the fact the site is on the boundary of the town,
- The siting of a sewage pumping station within the buffer zone,
- Relocating the sewage station will involve the felling of TPO'd trees
- Land protected by TPO's and root protection areas should not be included in site boundary,
- Contrary to the development brief for the site,
- Overlooking/loss of privacy
- Development not in walking distance of Town Centre or local amenities,
- New housing should be sited in areas of less ecological importance,
- Ecological studies show the presence of dormice, a protected endangered species,
- Location next to a nature reserve and river would have a detrimental impact on the environment and wildlife,
- Would be detrimental to the natural beauty, wildlife and cultural heritage of the area and to views from the South Downs Way from Harting Down,
- The area to be developed is open woodland and fields, development would contradict the objectives of the SDNP,
- Confusing information on the Drainage Strategy.

Additional points following re-consultation on the revised plans

- None of the points raised in original objections have been addressed,
- Proposal should be put on hold until the results of the Neighbourhood Plan vote are known,
- Stated that the road is to be adoptable standard and then expect residents to maintain – how can those in affordable houses afford this?
- Kebbell appear not to have listed to the residents' objections,
- This is an important area of countryside used by the local community and should be preserved,
- Whilst there is a requirement for housing in Petersfield, some of the other sites are much better than this one,
- A number of professionals consulted by SDNPA have not supported the application and their comments/objections appear to have been ignored.

## **6. Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the adopted East Hampshire District Local Plan Joint Core Strategy 2014 (JCS) and the 'saved' policies of the East Hampshire District Local Plan: Second Review 2006. The policies relevant to this application are set out in section 7, below. These development plan policies have been assessed for their compliance with the NPPF and are considered to be compliant.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

### National Planning Policy Framework and Circular 2010

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.5 Paragraph 116 states that planning permission for major developments within National Parks should be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. Applications for major development should include an assessment of:

- The need for the development, including in terms of any national considerations, and the impact of permitting or refusing it, upon the local economy;
- The cost of, and scope for, development outside the designated area, or meeting the need for it on some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated

6.6 It should be noted there are two limbs to the criteria outlined above relating to 'exceptional circumstance' and the 'public interest'. Both have to be satisfied if major development is to be considered acceptable within the National Park.

### The South Downs Partnership Management Plan

6.7 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. Of particular relevance to this application is Outcome 9 which states that there will be "an appropriate provision of housing to meet local needs" and the following policies: Policy 1 – Conserve and Enhance Natural Beauty and Special Qualities; Policy 3 – Dark Skies; Policy 48 – Social and Economic Well-being; Policy 50 – Housing and other Development and Policy 56 – Energy Efficiency.

## **7. Planning Policy**

7.1 The relevant policies of the adopted East Hampshire District Local Plan Joint Core Strategy (JCS) are:

CP19 – Development in the Countryside  
 CP1 – Presumption in Favour of Sustainable Development  
 CP2 – Spatial Strategy  
 CP10 – Spatial Strategy for Housing  
 CP11 – Housing, Tenure, Type and Mix  
 CP13- Affordable Housing on Residential Development Sites  
 CP18- Provision of Open Space, Sport and Recreation and Built Facilities  
 CP20 – Landscape  
 CP21 – Biodiversity  
 CP24 – Sustainable Construction  
 CP28 – Green Infrastructure  
 CP29 – Design  
 CP30 – Historic Environment

7.2 The following policies of the East Hampshire District Local Plan: Second Review 2006 are relevant to this proposal:

H2 – Reserve Allocations  
 C6- Tree Preservation  
 HE17 – Archaeology  
 E2-Renewable Energy  
 P7-Contaminated Land  
 T2-Public Transport Provision and Improvement  
 T3 – Pedestrians and Cyclists  
 T4 – Cycling  
 T5 – New Recreational Footpaths  
 T9 – Highway Issues – New Development

7.3 Penns Field Development Brief was adopted as non-statutory planning guidance in December 2009. The Development Brief requires any proposal for the site's development to be of a high standard of design, complying with relevant national and local planning policy and taking account of guidance in the Petersfield Town Design Statement.

7.4 The draft Petersfield Neighbourhood Plan ('the PNP') has been through various public consultation exercises since September 2011. On Monday 19 January 2015 Petersfield Town Council submitted the Petersfield Neighbourhood Plan (PNP) to the SDNPA. The SDNPA 6 week consultation on the draft Plan ended on 16 March 2015. However the PNP is yet to be subjected to independent scrutiny by an examiner. The outcome of that process is unknown. It is likely there may well be additional modifications made to the PNP and it might change in the future. It will be made after a community referendum. In accordance with paragraph 216 of the National Planning Policy Framework, limited weight can be given to the PNP in the context of this application. (This is the approach taken by the Inspector at the recent appeal at Land north of Sussex Road, Petersfield APP/Y9507/A/14/2218678 and Causeway Farm, Petersfield APP/Y9507/A/14/2217804).

7.5 The draft Petersfield Neighbourhood Plan refers to the site as H3 Penns Field and allocates the site for up to 89 dwellings. The plan sets out a number of design principles and considerations including maintaining mature trees, providing landscape buffers and provide improved pedestrian access.

7.6 Petersfield Town Design Statement (October 2010) confirms that the land is within area 25 countryside within the Petersfield Parish Boundary and states that land to the east of Petersfield is flat farmland which runs almost uninterrupted to the Heath. The River Rother skirts Penns Place and forms a natural edge to the town. The document at 7.8.4 outlines the need to retain links to the countryside to ensure the town's unique setting is protected and to respect current settlement boundaries and that any new development on the edge of the

boundary is related to its landscape and views into and out of the surrounding countryside.

## **8. Planning Assessment**

### Principle of the development

- 8.1 This is an application for major development within the SDNP. Paragraph 116 of the NPPF advises that for major development within a designated area, planning permission should be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest. These are two key tests which have to be satisfied. Consideration of such applications should also include an assessment of:
- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
  - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 8.2 It is considered there are two public interests pertinent to this particular proposal. Firstly, the conservation and enhancement of the National Park which is the SDNPA's primary obligation to protect that public interest in accordance with its two statutory purposes. The second public interest under consideration here is meeting an identified need for housing, especially affordable housing within this part of the National Park.
- 8.3 The site lies outside of any settlement policy area as set out in local and national policy but it is an existing allocated reserve site under policy H2 of the saved Local Plan 2006 for 90 dwellings. Moreover it is allocated as a housing site in the draft Petersfield Neighbourhood Plan under site H3 – Penns Place for up to 89 dwellings. In view of this the proposal would accord with the requirements of Policy CPI0 of the Joint Core Strategy. As set out in the appeal decision for Land north of Sussex Road (APP/Y9507/A/14/2218678) the Inspectors attached limited weight to the PNP. A similar position was taken by the Inspector in the Causeway Farm decision (APP/Y9507/A/14/2217804). This situation remains as such only limited weight can be attached to this emerging plan in the consideration of this application. This said the plan has been consulted on extensively and shows the direction of travel and has a specific draft allocation relating to the application site, as such to ignore the conclusions of the PNP would be contrary to the localism and community-led planning agenda.
- 8.4 In principle the development would be acceptable provided the tests set out at paragraph 115-116 of the NPPF are met as well as other relevant policies in the JCS and material considerations.

### The Need for the Development and scope for meeting it outside the designated area or in some other way

- 8.5 The housing need for East Hampshire was set out in the updated Strategic Housing Market Assessment 2013 (SHMA). The adopted Joint Core Strategy Policy CPI0: Spatial Strategy for Housing sets out a housing requirement for East Hampshire District (including the SDNP) of a minimum 10,060 dwellings. The SDNP's share of this requirement has been set at a minimum of 1,694 dwellings, equating to a minimum of 100 dwellings per annum. To secure this level of provision, the JCS sets out a need to allocate sites at the most sustainable settlements. The target figure for Petersfield is for a minimum of 700 dwellings. In Petersfield, this allocation is being pursued through the Petersfield Neighbourhood Plan (PNP). The PNP carries forward all the 'Reserve Sites', of which this is one, initially identified in the Local Plan (2006) and carried forward into the JCS. The draft PNP is not part of the Development Plan but is reasonably well advanced and allocates the Penns Field site for housing, with an anticipated capacity of 89 dwellings. There is currently a 5 year housing land supply in the SDNP; this site forms part of that anticipated supply to meet the recognised housing need.
- 8.6 There are currently 817 households in need of affordable housing within Petersfield, of which 319 households have a local connection. There are a further 66 households registered

with the local Help to Buy agent requiring intermediate housing in Petersfield. This site would provide homes to meet that need. As such the development accords with JCS Policy CP13. The application proposes that 33 affordable homes would be provided (40% of the total). The submitted affordable housing plan shows the affordable housing fully integrated within the site's housing layout. Affordable housing units would, in terms of their design, specification and appearance, be indistinguishable from the site's open market housing. If permission was to be granted the provision of affordable housing could be secured through a S106 agreement.

- 8.7 The 82 dwellings proposed would meet a need for housing in Petersfield,, including affordable housing, which is a national and public interest consideration, and would have a beneficial impact on the local economy. There is therefore support in principle for residential development on the site subject to consideration of any detrimental effect on the landscape and recreational opportunities and the extent to which it could be moderated.

Impact on Landscape and Recreational Opportunities.

- 8.8 Policy CP20 seeks to conserve and enhance the natural beauty, wildlife and cultural heritage of the SDNP. The justification text explains that major developments should not take place within the South Downs National Park except in exceptional circumstances. The LVIA concludes that the overall magnitude of landscape character impact from the development is assessed as being 'small'. The SDNPA Landscape Officer has raised no objection in principle to the development of the site but has raised concerns that the proposal does not address the site context and existing features and would be likely to result in detrimental impacts to the surrounding townscape as a result.
- 8.9 In terms of landscaping the Development Brief for Penns Field sets out that any development must include:
- An undeveloped landscape buffer along the Tilmore Brook; and
  - Retention of the landscape buffer inside the western boundary; and
  - Retention of the historic hedgerow on the eastern boundary.
- 8.10 It goes on to point out that development locally is generally two storey in height and domestic in character and the proposed development should be similar. The Brief sets out that particular care would need to be taken in the design and orientation of dwelling adjacent to sensitive boundaries, including adjacent Tilmore Brook. It also suggests that any flats should be two storey in height.
- 8.11 The proposed development retains the existing landscape buffer along the western and eastern boundaries. The retention of screening to the southern, western and eastern boundaries, would lessen the visual impact of the development both from existing housing and from the sports pitches at Penns Place. Although the screening is deciduous, allowing views through in winter, the largely two storey houses would not appear over-dominant in the landscape. The proposed revisions, which would provide greater spacing between the blocks at the northern end of the site, closest to Tilmore Brook, providing views through, would reduce the visual impact of the development from the public footpath on the northern side of the brook.
- 8.12 Both the SDNPA Design Officer and the SDNPA Landscape Officer, have commented, that the proposal would benefit from outward facing development towards the eastern boundary, as the layout would otherwise result in gardens which would back onto the existing hedgerow and mature trees. It is proposed that half the site's eastern boundary would be characterised by 'outward facing' development. Given the height and density of screening along the site's eastern boundary, these residential curtilages could be defined by simple post and wire fences, with no need for close-boarded or panel fencing. The remainder of the site's eastern boundary would border shared amenity space and shared landscaping at the end of the streets/landscaped areas leading off from the site's central main spine road.
- 8.13 The proposed development would, in general terms, sit well within the landscape and would not have an adverse impact on the wider landscape or the natural beauty of the national park. The recommendation by the SDNPA Landscape Officer for a revised landscape

treatment to the northern boundary, a revised hard landscaping scheme and a revised landscape scheme overall, to ensure more native planting, could be secured by conditions. On balance, it is considered that the proposed development would not have a significant adverse impact on the wider landscape of the SDNP.

#### Impact on Wildlife and nature conservation

- 8.14 The ecological studies confirm the presence of dormice on the site. The County Ecologist has raised concerns regarding the impact of the development on this species. Subsequent information submitted by the applicant in February 2015, following systematic searches of the site during January 2015 recorded hazel nuts showing evidence of dormouse feeding and the suitably-dense habitat on the site likely to support dormice. The proposals would result in the loss of areas of hedgerow/scrub and so impacts to dormice and their habitat would be expected. The application relies on the resubmission of the previously-submitted dormouse mitigation strategy from 2011. The mitigation strategy does not quantify or qualify the extent of impacts to dormouse habitat. It is not clear whether the application considers that a European Protected Species Mitigation (EPSM) licence is even necessary. The application states that all boundary vegetation would be retained but the submitted plans demonstrate that there will potentially be direct impacts (vegetation loss) and secondary impacts (close proximity of built area to retained habitat). The County Ecologist has also advised that it is uncertain as to how Natural England would view any application for a licence based upon no recent survey data and as such concludes, at this time, that a licence is not likely to be granted.
- 8.15 The ecology report submitted in support of the application clearly details that barn owls have been recorded on this site. Furthermore no bat surveys have been submitted, although the applicant has now indicated a willingness to carry out bat surveys but this could not be completed until early June 2015.
- 8.16 It is clear that the County Ecologist has significant concern regarding the extent of survey work accompanying this application. Under the Conservation Regulations 2010, all competent authorities in the exercise of their functions must have regard to the requirements of the EU Habitats Directive. Local Authorities considering a planning application affecting a European protected species (such as bats or hazel dormice) are required to apply the requirements of Article 12 and Article 16 (Strict Protection of Animal Species) before issuing permission. This can only be done with adequate survey effort and ecological information. Permission can be refused if this is not forthcoming, as a full assessment of impacts on protected species cannot be made.
- 8.17 In addition, paragraph 113 of NPPF refers to the advice in Circular 06/2005. The Circular explicitly states that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”. The Circular also explicitly states (Part II, Section G) that Natural England Standing Advice is a material consideration in planning decisions. Standing Advice also reiterates the necessity to provide fully-detailed ecological information to aid decision-making.
- 8.18 Given the lack of information provided, the proposal would not accord with Policy CP21 of the JCS, Circular 06/2005 and the NPPF which requires that development proposals must maintain, enhance and protect biodiversity and protect and, where appropriate, strengthen populations of protected species. The proposal would also be contrary to the first purpose of designation as it would not conserve or enhance wildlife.

#### Scale, Layout and Design and Cultural Heritage

- 8.19 The Design Review Panel and the SDNPA Design Officer have expressed fundamental concerns about the design of this proposal, which centre on the following main themes:
- Poor design quality and legibility of layout
  - Absence of public space
  - Suburban building layout

- Relationship to context and the surrounding area

8.20 The scheme has been amended to try and address the design concerns. The SDNPA Design Officer does not consider that the amendments address the fundamental concerns. The layout is essentially suburban in form and there remain clear weaknesses in the design and legibility, in particular the way roads and blocks are laid out which bear no relationship to the character of Petersfield. The layout is of poor quality and instead of defining a logical road hierarchy and block structure, development blocks have apparently arbitrary forms, surrounded by roads or lanes of indeterminate status. Building orientations do not communicate the relative status of streets. The proposed properties on the north western boundary have been set back from the boundary, they are large scale flat blocks, which although arranged in three blocks have a significant roofscape and appear overbearing. Furthermore there is no indication of how bin storage would be incorporated, the garages where provided also appear insufficient to accommodate a family car, cycles and bins and is an additional weakness. The proposed development would not relate to the local characteristics and distinctiveness of Petersfield but instead would result in a development, by reason of its layout and design that would detract from the character of the area.

8.21 The site lies within an area of archaeological importance. Although there are no known archaeological sites or features from the site, there are a number of significant sites in the vicinity, in particular a scheduled barrow cemetery to the south-west. The County Archaeologist has recommended that a full, phased programme of archaeological work be carried out before any other work commence on site. This could be secured by condition.

#### Open Space

8.22 Existing landscaping, particularly to the west and southern boundaries and a narrow area adjacent to Tilmore Brook would be retained. The proposal does not include any formal recreation provision. The applicant's view is that three small areas of landscaping in the central part of the site (totalling 0.15 Ha), provide sufficient informal open space. These areas are however considered too small to function as open space. The proposal would therefore have no specific informal open space provision. The site is however immediately adjacent to playing fields. It is therefore concluded that it would be appropriate to secure contributions towards public open space. This could be secured through a section 106 agreement.

#### Impact on neighbouring properties

8.23 The site is well screened from neighbouring properties by existing deciduous planting on the western boundary and by mature trees and scrub to the south. The proposed development adjacent to the western boundary is two storey in height. Given the distances between proposed and existing dwellings and the height of the proposed development, it is not considered that there would be an adverse impact on the amenity or privacy of the adjoining dwellings.

8.24 Concerns have been raised in relation to disturbance from additional traffic movements to and from the proposed development via Heathfield Road. The road is a quiet suburban cul-de-sac which would have a significant increase in traffic movements. The road would be routed past the side elevation of 24 Heathfield. It should be noted however that the houses in Heathfield Road are set back from the road with a footpath and verge running between the road and the front gardens. In addition, the access point would have a pedestrian route only on the southern side, fronting 31 and 33 Heathfield. Whilst there would be some increased noise and disturbance from vehicle movements, the increase would not be so harmful to residential amenity to justify a reason for refusal. The emergency access with footpath and cycleway via Barnfield is not considered to give rise to a material impact on the amenity of properties in Barnfield. Noise and disturbance during construction of the development could be mitigated by appropriate construction practices, which could be secured by a condition.

#### Highways

8.25 Two accesses are proposed with the main access being a continuation of Heathfield Road to the south of the site. An emergency access is shown connecting at the eastern boundary of

Barnfield Road. The Highway Authority have no objection to this access arrangement, noting that forward visibility is acceptable in both locations. Also no objection is raised in terms of traffic generation or capacity of the highway.

- 8.26 The development brief requires additional works to be provided on Pulens Lane in the form of traffic calming measures to mitigate the impact of the development. The applicant has provided a draft scheme which includes surface treatment road markings and signage. The Highway Authority raises no objection to the principle of these works.
- 8.27 The Highway Authority have however raised a number of concerns regarding the detailed design of the proposed estate layout and requested further information and amendments to be made. Revised layout details have been submitted and the views of the Local Highway Authority requested. Their revised comments will be reported to the committee meeting.
- 8.28 In the absence of the current Highway Authority position an objection remains and a refusal on the basis that insufficient information has been provided to show that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users contrary to policy T9 of the Easts Hants Local Plan 2006 (as saved).

#### Other matters

- 8.29 The Arboricultural Officer has raised no objection in principle to the proposal as protected trees on the site could be safeguarded by condition.
- 8.30 Concern has been expressed by the Crime Prevention Design advisor that the two access points, additional five pedestrian access points, together with the high level of permeability within the development would create a development vulnerable to crime and anti-social behaviour. Any reduction in connectivity and permeability would however also likely have negative impacts on future residents and local community. Due to the orientation of the properties there would be a good amount of natural surveillance. An appropriate level of lighting throughout the development including the parking areas, could also be secured by condition.
- 8.31 The Contaminated Land Officer is satisfied that the site is suitable for residential use but asks that conditions be placed on any approval to ensure that the appropriate studies and any necessary remediation works are carried out.
- 8.32 The site is within a ground water protection area and has the Tilmore Brook running along its northern edge. Both must be protected against pollution. In addition, there is a main sewer running through the site which would be diverted as a result of the proposal and a new pumping station constructed adjacent to the new access from Barnfield Road. The Environment Agency have not commented on this proposal. The EHDC drainage officer raises no objection to the proposal in principle but ask that conditions be placed on any approval to ensure that surface water drainage systems proposed work and are adequately maintained; that full details of the changes to the sewer and pumping station are agreed before works commence and; that a buffer zone of at least 5 m from the top of the river bank is provided and maintained.
- 8.33 Southern Water have commented that the local sewer network does not have the capacity to accommodate the proposed development and that works will be required to increase capacity. Some of these works are already included as part of the sewer diversion and new pumping station. However, additional works may need to be secured via a licence from Southern Water. An engineering solution can be reached to increase capacity and as such it does not form a reason for refusal.
- 8.34 Policy CP24 of the JCS requires new development to meet the relevant minimum relevant Code for Sustainable Homes threshold level, and provide at least 10% of energy demand from decentralised and renewable or low carbon energy sources (unless not feasible). These can be secured by appropriate conditions.

## Developer Contributions

- 8.35 The County Council advise that there should be sufficient places for the demand for infant age pupil spaces generated by this development but as the pupils move into the junior age phase Herne Junior School requires a one classroom expansion. A contribution is therefore required in line with the County Council's Developer Contribution Policy. For 82 dwellings this equates to £236,957 for the junior expansion. A contribution of £106,538 is also required toward Public Open Space; a transport contribution of £314,901 and provision for Local Employment & Training. These contributions are in line with the three tests as set out in the CIL regulations. Any S.106 agreement entered into, if planning permission was granted would also need to secure the provision of affordable housing and the maintenance of the site's 'Green Infrastructure'
- 8.36 The applicant has agreed to all of the above in principle, with the exception of the Transport Contribution, which remains under discussion. These measures would normally be secured through a S106 agreement if planning permission were to be granted.

## **9. Conclusion**

- 9.1 The proposed major development has been assessed in the context of paragraph 116 of the NPPF. The need is accepted and it has been concluded that the development would not have adverse impact on the wider landscape. Furthermore in terms of design the proposed development would not relate to the local characteristics and distinctiveness of Petersfield but instead would result in a development, by reason of its layout and design that would detract from the character of the area. Insufficient information has been provided to show that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users. Furthermore inadequate surveys have been carried out to demonstrate that protected species would not be adversely affected by the proposed development and therefore that mitigation measures would provide adequate protection for those species. The development would therefore fail to conserve and enhance wildlife on the site.

## **10. Recommendation**

- 10.1 It is recommended that planning permission is refused for the following reasons:
1. The proposed development by reason of its poor and illegible layout and poor design quality would result in a development that not relate to the local settlement characteristics and distinctiveness of Petersfield but instead would result in a development that would detract from the character of the area. The development would therefore be contrary to policies CP29 of the East Hants Joint Core Strategy 2014, Petersfield Design Statement 2010, Penns Field Development Brief and the NPPF.
  2. It has not been demonstrated that the proposed development would not cause harm to protected species and as such the proposal would fail to conserve and enhance the wildlife on the site. Furthermore the proposal fails to include measures to show that the development would not be detrimental to the maintenance of the population of a protected species at a favourable conservation status in their natural range. The proposal fails the tests of the Habitat Regulations and would be contrary to policy CP21 of the East Hants Joint Core Strategy 2014, Circular 06/2005 Biodiversity and Geological Conservation, SDNP Partnership Management Plan and the NPPF specifically paragraphs 115, 116, 117 and 118.
  3. Insufficient information has been provided to show that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users contrary to policy T9 of the Easts Hants Local Plan 2006 (as saved).
  4. No provision has been made to secure financial contributions towards Transport, Education and Public Open Space or to secure the delivery and retention of affordable housing, the maintenance of green infrastructure on the site or to secure Local Employment & Training. This would be contrary to policies CP13, CP16, CP28 and CP31 of the East Hants Joint Core Strategy 2014, EHDC Guide to developers'

contributions and other planning requirements 2011, HCC Transport contributions policy 2007 and the NPPF.

## **11. Crime and Disorder Implication**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13 Equalities Act 2010**

13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

## **14 Proactive Working**

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the opportunity to provide additional information to overcome issues and amend the plans.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Tim Bettany-Simmons  
Tel: 01730 819271  
email: [tim.bettany-simmons@southdowns.gov.uk](mailto:tim.bettany-simmons@southdowns.gov.uk)  
Appendices I. Site Location Map  
SDNPA Consultees Director of Planning & Legal Services.

Background Documents

Application Documents

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N99WU9TUI3T00>

NPPF

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

Circular 20/2010

<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>

East Hampshire Joint Core Strategy

<http://www.easthants.gov.uk/ehdc/planningpolicy.nsf/webpages/Joint+Core+Strategy>

Circular 06/2005

<https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

SDNP Partnership Management Plan

[http://www.southdowns.gov.uk/\\_data/assets/pdf\\_file/0011/409799/SD\\_ManPlan\\_2013\\_15.pdf](http://www.southdowns.gov.uk/_data/assets/pdf_file/0011/409799/SD_ManPlan_2013_15.pdf)

Southdown Integrated Landscape Assessment

<http://www.southdowns.gov.uk/planning/integrated-landscape-character-assessment>

East Hants Local Plan 2006

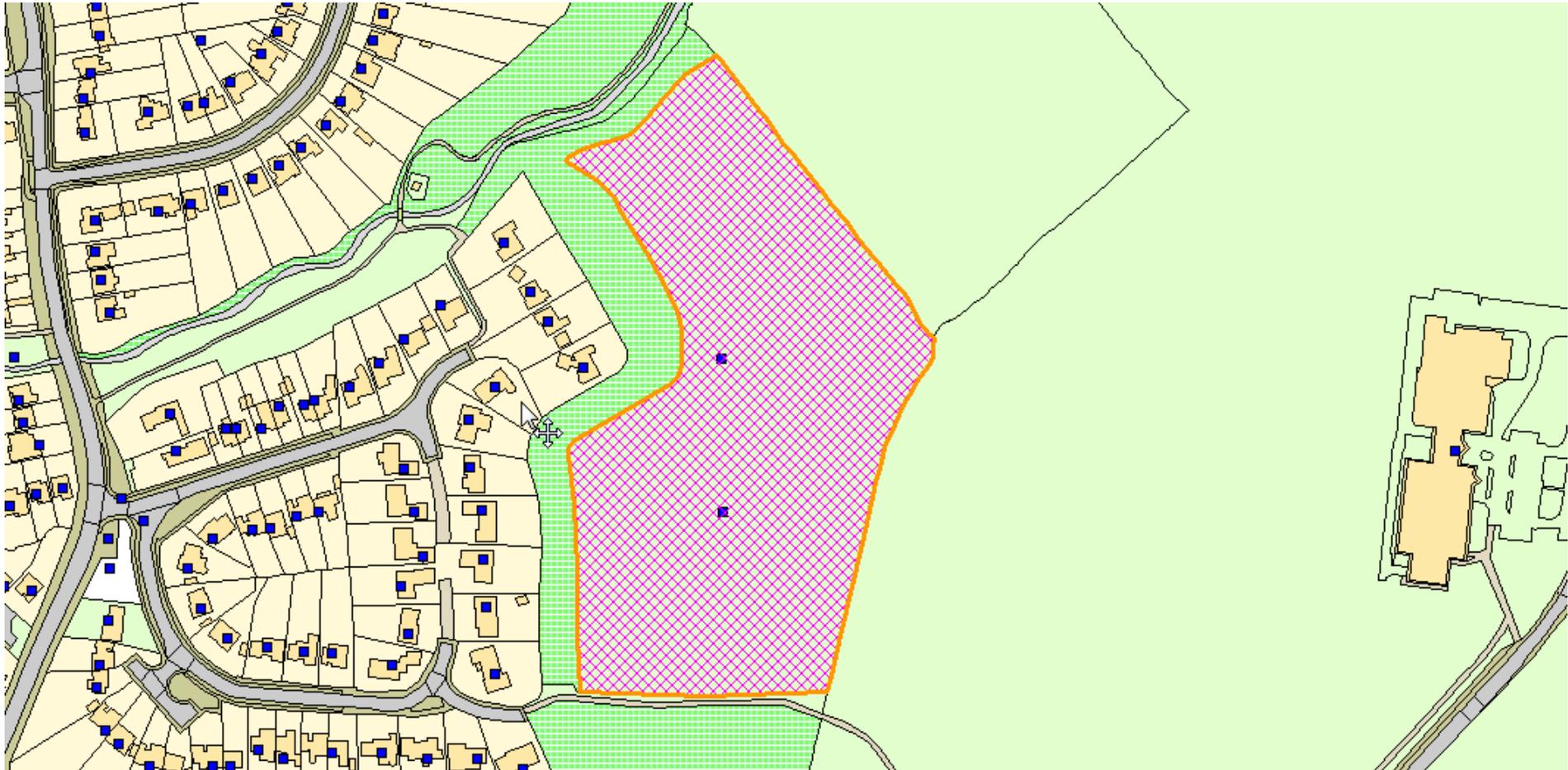
[http://localplan.easthants.gov.uk/map\\_index.htm](http://localplan.easthants.gov.uk/map_index.htm)

Petersfield Neighbourhood Plan

<http://www.petersfieldsplan.co.uk/wp-content/uploads/2014/07/PNP-Public-Consultation-Version.pdf>

Petersfield Town Design Statement

<http://petersfield.pbworks.com/f/Petersfield+TDS+Statement+-+Reduced.pdf>



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