

Report to	<b>Planning Committee</b>
Date	<b>9 April 2015</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council</b>
Application Number	<b>SDNP/14/02964/OUT</b>
Applicant	<b>Mr William Hartnell</b>
Application	<b>Care home including wardens accommodation (outline with all matters reserved)</b>
Address	<b>Site adjoining the Playground, Borough Hill, Petersfield, Hampshire</b>

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

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### **Executive Summary**

The proposed Care home would be located on land outside the settlement boundary of Petersfield on land designated as open space in the Core Strategy. It is understood that the land originally formed part of land under the ownership and use of Network Rail. The proposal would be located to the east of a railway line and to the southern end of Borough Hill on raised land.

Whilst there is an acknowledged need for housing for the elderly in the Petersfield Area, this needs to be balanced against the development on land outside the built up settlement on land designated as open space and the impact such development would have on the character of the surrounding area.

Previous appeal decisions have confirmed that the access to the site is inadequate to accommodate additional traffic and any works to bring the road up to adoptable standards would be outside the ownership and control of the applicant.

It is recommended that the application be refused due to being contrary to Policy, the impact on the character of the area, loss of protected trees, ecology and inadequate access to the site.

The application is reported to Committee due to the number of representations received.

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

- I.1 The application site is located within a small area of land towards the south western part of the town of Petersfield. Whilst surrounding land falls within the settlement of the town, the application site and the recreation ground to the immediate east and beyond Borough road to the east are green areas set outside the settlement. For the purposes of the local plan joint core strategy, the land in question is designated as public open space. The application site currently has protected trees in the northern corner and additional shrubs and vegetation throughout the site.
- I.2 The land rises from Borough Road to the east, across the recreation ground towards and including the application site. Whilst the application site is more level, the land does fall away to residential properties to the south. The land levels out beyond the application site, by the railway and beyond to the west. The application site therefore offers prominent views across to the Downs to the south and east, beyond the built up settlement
- I.3 Borough Hill is located at the northern end of the site and falls away in a northerly direction

towards Swan Street. The proposed access to the site is from Borough Hill. Borough Hill also includes pedestrian access across beyond the railway line to the west. Borough Hill is a narrow unadopted, unmade road with properties and boundaries close to the road, adding to its narrow character.

## **2. Relevant Planning History**

- 2.1 **29508/005/** - Block of 6 terraced houses (affordable)- Refused Feb 2008, Appeal Dismissed September 2008
- 2.2 **29508/004** - Bungalow - Refused. Appeal Dismissed 2004
- 2.3 **29508/003** - Two bedroom detached bungalows - refused, appeal dismissed 1999
- 2.4 **29508/002** - 8 x 2 bed flats - refused, appeal dismissed 1989.

## **3. Proposal**

- 3.1 The application seeks planning permission for a care home including warden accommodation. The proposal would include 14 en-suite bedrooms for residents. Whilst the proposal has been submitted in outline with all matters reserved indicative plans show a 2 storey building of linear form from north to south within the site. Layout plans indicate an access road from Borough Hill into the site and continuing adjacent to the recreation ground to the southern end of the site to form a turning area.
- 3.2 Parking is indicated as being located at the northern part of the site adjacent to Borough Hill in most recent plans. A narrow landscape belt is proposed along the eastern boundary of the site adjacent to the recreation ground. No landscaping is proposed to the western side of the site. Trees would remain in the northern part of the site. Plans indicate highway works along Borough Hill, however this land is not part of the public highway, falls outside the ownership of the applicant and therefore not within his control

## **4. Consultations**

- 4.1 **Petersfield Town Council:** Object on the following grounds:
  - Overdevelopment of the site.
  - Out of keeping with the area
  - Lack of access over an unadopted private road
  - Land owners do not have means of access to the land without obtaining the permission of the Town Council.
  - Inappropriate development before the emerging Neighbourhood Plan
  - Several inaccurate statements in the Design and Access Statement
  - Building on a green open space.
- 4.2 **EHDC Contaminated Land Officer :**  
No objections subject to conditions
- 4.3 **Drainage Officer:**  
No objections in principle subject to conditions
- 4.4 **HCC Ecology Officer:**  
Recommends that a Phase 1 survey be carried out to assess potential for site to support protected species. Unless the consultant is able to conclude that there is no reasonable likelihood of protected species being present (due to negligible potential) or that, if present they are not to be impacted by the works, it is likely that further ecological survey work (Phase 2 survey) will be required prior to determination of the application.
- 4.5 **HCC Highways Officer:**  
Original response: Recommend refusal due to inadequate provision for parking and manoeuvring of vehicles clear of the highway, inadequate turning space for all vehicles including goods vehicles, unacceptable increase in traffic using a substandard access,

inadequate access road, inadequate road network and insufficient information to demonstrate development could be accommodated without increased danger to highway users.

Latest response: latest plans indicate works and improvements to Borough Hill and the footpath both of which are outside the control of both the applicant and the Highway Authority. Previous recommendation for refusal therefore still stands

#### 4.6 **Access Development Officer:**

An application has been made to Hampshire County Council to register part of this site as a town or village green.

Assumption is made that Public Rights of Access on foot extend across full width of the lane. Any reduction in the public's use of the full width would be seen as an obstruction to the right of way.

Borough Hill is an unclassified, unadopted highway which indicates that there may be higher rights of access (e.g. for carriages or motor vehicles) that have not been tested and may need to be taken into account within the design.

Further comments relate to applicants correspondence confirming works to footpath and road, but re-enforce that nothing connected with the development or future use should have an unacceptable effect on the right of way.

#### 4.7 **EHDC Tree Officer: Objection raised**

Two Tree Preservation Orders are in force on this site TPO (EH225)89 and TPO (EH786)08 - these affect trees on this proposed development site. These are impacted by the proposed development as shown on the submitted documents. No reference to protected trees is made in the submission. An Arboricultural Implications Assessment is required which must include a tree survey and finalised tree removal and tree retention plan. Retained trees and their root protection areas must be shown on the proposed layout.

The Arboricultural Implications Assessment should demonstrate how the identified tree constraints have informed the submitted layout and design of the layout, and also identify all possible conflicts between the proposed development and existing trees on the site.

#### 4.8 **SDNPA Landscape Officer:** Holding objection in the absence of a detailed landscape impact appraisal:

Landscape assessment is not fit for purpose. The assessment does not identify a landscape baseline, nor does it assess local landscape character, likely viewpoints which may be affected or other areas of potential visual or character sensitivity.

This is an imposing site on high ground adjacent to a well used recreational space with extensive views out to Butser Hill and also views to the hangers to the west of the site.

Layout is poorly considered and does not respond to its surroundings. The approach taken to screen the building behind planting is unlikely to be successful or enhance the townscape in this location.

There are opportunities for the building to provide enhancement to the edge of the open space.

### 5. **Representations**

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

- Location not suitable due to access constraints which cannot be altered.
- Emergency vehicle access limited
- It will severely impact the recreational value of the area. Loss of significant open space. Land subject of a village green application.
- Lack of parking within the site.
- Excessive noise levels from adjoining railway line.
- In conflict with policies GS3, HE1, H13, R2, R4, C5, C6 of EHDC Local Plan (2006), NPPF and Petersfield Town Design Statement (2010)

- In conflict with various policies, including accommodation for the elderly, loss of open space and landscape
- Harm to character, tranquillity and appearance of the countryside. Building would be an eyesore
- Concerns about drainage and risk of flooding to properties in Borough Hill
- Query as to whether all land outlined in red is within ownership of applicant.

## **6. Planning Policy Context**

### **6.1 National Park Purposes**

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.

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

6.2 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

6.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

#### The South Downs Partnership Management Plan

6.4 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.

The following policies are of particular relevance to this case:

#### General Policy 1

Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

#### General Policy 29

Enhance the wellbeing of residents and visitors by encouraging, supporting and developing the use of the National Park as a place for healthy outdoor activity and relaxation.

#### General Policy 40

Manage the highway network and its infrastructure to integrate it more effectively into the landscape and reduce the impact of traffic on communities and users

#### General Policy 49

Maintain and improve access to a range of essential community services and facilities for communities in the National Park.

## General Policy 50

Housing and other development in the National Park should be closely matched to the social and economic needs of local people and should be of high design and energy efficiency standards, to support balanced communities so people can live and work in the area.

### **7. Planning Policy**

7.1 The statutory development plan in this area is the East Hampshire District Local Plan: Joint Core Strategy (Adopted June 2014) and the Saved policies of the East Hampshire District Local Plan (2006)

7.2 The relevant policies in the Joint Core Strategy are:

CP1 Presumption in favour of sustainable development

CP2 Spatial Strategy

CP12 Housing and extra care provision for the elderly

CP17 Protection of open space, sport and recreation and built facilities

CP19 Development in the countryside

CP20 Landscape

CP21 Biodiversity

CP27 Pollution

CP29 Design

CP31 Transport

7.3 The relevant Saved Policies in the Local Plan 2006 are:

C6 Tree Preservation

T4 Pedestrians and Cyclists

P7 Contaminated Land

H13 Accommodation for the elderly and Rest and Nursing Homes

R4 Open Space Allocations

7.4 The following Supplementary Planning Guidance are relevant to this application:

### **8. Planning Assessment**

#### Introduction

8.1 The proposal essentially involves the creation of a care home in land in the countryside, outside the built up settlement of Petersfield and within land allocated as public open space. The issue is made more complex in that it is clear that the land in question once formed part of the railway works site and could be considered as brownfield land.

8.2 The site has been the subject of numerous appeals where there has been a recurring issue in relation to the inadequate access to the site and the potential impact on the highway.

8.3 The key issues in this particular application are:-

- The principle of development in policy terms
- Whether the proposed development would conserve or enhance the natural beauty of the SDNP in relation to landscape impact and impact on existing trees.
- The impact on biodiversity
- Highways considerations

### Principle of Development

- 8.4 The relevant policies in considering the principle of development can be found primarily in the East Hampshire District Local Plan Joint Core Strategy where Policy CPI2 confirms that provision should be made to meet the needs of the ageing population. The presumption is however that such provision would be met within the settlement boundaries as re-enforced by Policy CPI9 which confirms that the only development allowed in the countryside will be that with a genuine and proven need for a countryside location.
- 8.5 Saved Policy H13 of the East Hampshire District Local Plan (2<sup>nd</sup> review) (2006 further explains that outside settlement policy boundaries accommodation for the elderly will only be involved where it involves the change of use and conversion of large detached houses.
- 8.6 Furthermore, bearing in mind the above policy issues, the site in question is clearly designated as land outside the settlement and is also designated as public open space where there is a presumption against loss of such land in Policy CPI7 of the Core Strategy (notwithstanding that the owner of the land could technically close off the land from the remaining open area to the east should he wish to).
- 8.7 Another matter to consider is the applicant's argument that the site is brownfield land given that it once formed part of the neighbouring rail services land and therefore forms land that could be redeveloped. Whilst this may be the case, the land has been an integral part of the open space within the recreation ground for some years, which is evidenced by the landscaping and trees within the site.
- 8.8 In conclusion on the policy issue, it is considered that the site clearly falls outside the settlement boundary and the general presumption is against development in the countryside and on land designated as open space. The proposal is therefore contrary to established policies with no demonstrable reasons why an exception should be made in this case.

### Impact on the National Park and surrounding area.

- 8.9 The proposed building would, by virtue of the linear nature of the site and location at the higher end of the recreation area, be an imposing building. The application has not been supported by a detailed landscape and visual impact assessment which demonstrates the impact or otherwise from the immediate or wider locality. In addition, the proposal would necessitate the loss of at least some of the landscaping which currently is located adjacent to the railway line. Whilst this landscaping appears to have become somewhat sparse in recent years and the industrial buildings beyond the railway line are clearly visible, the vegetation and remaining trees still provide a somewhat fragmented green character to the eastern side of the recreation ground.
- 8.10 The Inspector considering the appeal for 6 dwellings in 2008 confirmed:  
"The appeal site and adjoining open space provide a distinct separation between existing areas of development creating an important open gap which undoubtedly makes a positive contribution to the rural character of the area"
- The indicative layout for the site does include a narrow strip of landscaping between the access drive and the boundary although it is not considered that such a landscape strip would be effective in softening what would be a prominent building form in this raised location.
- 8.11 In addition, in the absence of a detailed arboricultural impact appraisal, it has not been demonstrated that the proposal would not harm protected trees at the northern end of the site and the proposal would therefore be contrary to Policy CP20 of the Joint Core Strategy and Saved Policy C6 of the Local Plan (2<sup>nd</sup> Review).

### Biodiversity

- 8.12 The Ecology Officer has confirmed that a Phase I ecological survey should be carried out at the site to determine whether there would be a potential impact on habitats and species that may be present on the site. Whilst a very brief report has been submitted as part of the application process, this is not considered to be adequate as a Phase I survey and it has not therefore been demonstrated that the proposal would not have an adverse impact on

Biodiversity and would be contrary to Policy CP21 of the Joint Core Strategy. It is not considered that this matter, in the absence of a suitable survey, could be dealt with by way of planning conditions.

#### Highways Considerations

- 8.13 The site would be accessed from Borough Hill, which is a narrow, unadopted, unmade road no through road which rises from north to south towards the recreation ground. Previous appeal decisions have re-enforced that the access is inadequate to accommodate additional traffic. Whilst the applicant has made representation consistently that works could be carried out to bring the road up to adoptable standards, this land is outside of the control of the applicant and therefore such improvements are unlikely to be brought forward given that the applicant has not been able to secure the agreement of the necessary third party to bring about the required changes. The owners of the land which forms the road are Petersfield Town Council who have objected to the scheme so the likelihood of the owners signing up to a legal agreement is therefore highly unlikely..
- 8.14 This is re-enforced by the Inspector considering the appeal for 6 houses in 2008, who concluded:  
“I agree with the 1999 Inspector who indicated that ‘these roads are clearly inadequate by current standards’”.
- 8.15 On this basis objection is raised in relation to the impact additional traffic would have on this inadequate access road and the potential danger to existing users of the road, both vehicular and pedestrians.

#### Other considerations (including representations)

- 8.16 It is noted that there appears to be an application concerning designation of the land as a village green. Whilst this application should not prevent consideration of this application on its own merits, one could argue that it adds weight to the general understanding that the land in question has formed part of the adjoining recreation ground for some considerable time rather than being a brownfield site.
- 8.17 Whilst concern has been raised in relation to the impact of noise from the adjoining railway line on residents in the care home, no objection has been raised in this respect by the Environmental Health Officer of East Hants District Council.
- 8.18 Whilst concern has been raised in relation to drainage, there has been no objection raised by the Drainage Officer, subject to conditions.
- 8.19 Whilst it is noted that a resident considers that the land outlined in red does not fall totally within the ownership of the applicant, the applicant has confirmed that it does.

### **9. Conclusion**

- 9.1 The proposal is considered to be contrary in principle given that the land falls outside the built up settlement of Petersfield in Countryside and land designated as open space where there is a presumption against built development
- 9.2 In the absence of detailed information it has not been demonstrated that the proposal would not have a detrimental impact on the landscape character of the area, protected trees and habitats and species which may or may not be present on the site.
- 9.3 The proposal would also result in additional traffic along an inadequate access road. The road falls outside the ownership and control of the applicant and therefore required works to improve the access road have not been secured with the appropriate third party and the proposal would impact on the safety of both existing and proposed users of the road.

### **10. Reason for Recommendation and Conditions**

- 10.1 The application is recommended refusal for the following reasons:
- I. The development would be located in countryside outside of the settlement boundary of Petersfield in countryside where there is a policy of general restraint in order to

protect the countryside for its own sake and where accommodation for the elderly would only be permitted where it involves the change of use and conversion of detached houses. The proposal is therefore contrary to Policies CPI2 and CPI9 of the East Hampshire District Local Plan: Joint Core Strategy (2014), Saved Policy HI3 of the East Hampshire District Local Plan 2<sup>nd</sup> Review (2006) and the National Planning Policy Framework.

2. It has not been demonstrated, on the basis of the limited information submitted, that the proposal would not have an unacceptable impact on the landscape and protected trees in this prominent location and the proposal would therefore be contrary to Policy CP20 of the East Hampshire District Local Plan; Joint Core Strategy (2014), Saved Policy C6 of the East Hampshire District Local Plan Second Review (2006) and the National Planning Policy Framework
3. In the absence of a detailed Habitat Survey it has not been demonstrated that the proposal would not have an impact on habitats and species which may or not be present on the site. The proposal is therefore contrary to Policy CP20 of the East Hampshire District Local Plan; Joint Core Strategy (2014) and the National Planning Policy Framework.
4. The means of access is inadequate to serve this development and cannot be improved within the land owned or controlled by the applicant and has not been secured by the applicant with the appropriate 3<sup>rd</sup> party, with the result that the proposal would be detrimental to highway safety. The proposal is therefore contrary to Policy CP31 of the East Hampshire District Local Plan; Joint Core Strategy (2014).
5. Borough Hill is unsuitable and inadequate in its present condition, capacity and width to take the amount of traffic likely to be generated by the proposal with the result that danger and inconvenience would be caused to other highway users. The proposal is therefore contrary to Policy CP31 of the East Hampshire District Local Plan; Joint Core Strategy (2014).

## **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**

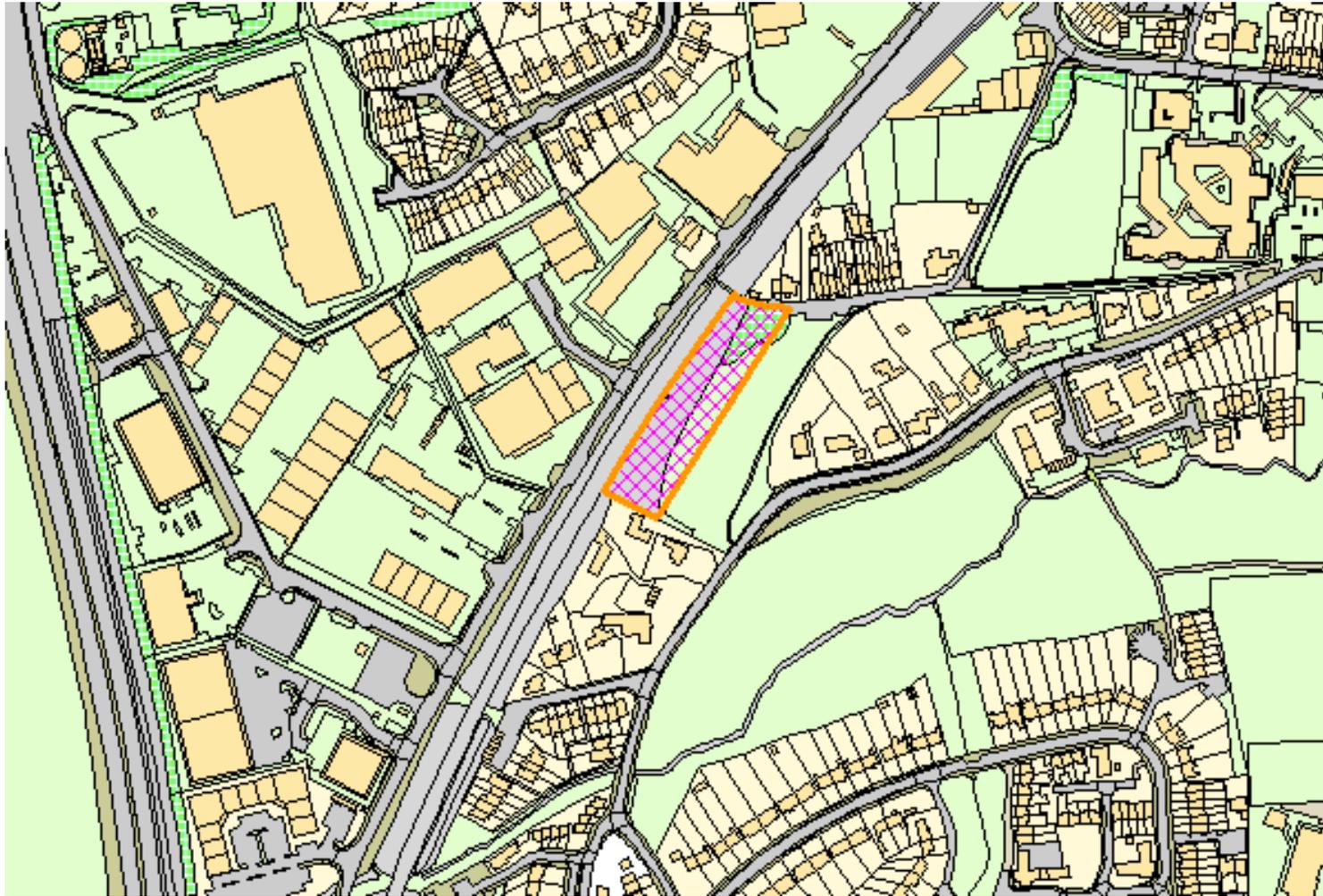
- 13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

## **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 provision of pre-application advice from the SDNPA Development Management Officer, the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

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Appendices	I. Site Location Map	2.
SDNPA Consultees	Director of Planning, Legal Services	
Background Documents	Application Documents <a href="http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=N6YGANTU02000">http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=N6YGANTU02000</a> National Planning Policy Framework <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a> National Planning Practice Guidance <a href="http://planningguidance.planningportal.gov.uk/">http://planningguidance.planningportal.gov.uk/</a> SDNP Partnership Management Plan <a href="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</a> East Hampshire District Local Plan: Joint Core Strategy (2014) <a href="http://www.easthants.gov.uk/ehdc/planningpolicy.nsf/webpages/Adoption+of+Joint+Core+Strategy">http://www.easthants.gov.uk/ehdc/planningpolicy.nsf/webpages/Adoption+of+Joint+Core+Strategy</a> East Hampshire District Local Plan (2 <sup>nd</sup> Review) (2006) <a href="http://www.easthants.gov.uk/ehdc/planningpolicy.nsf/webpages/Local+Plan+2nd+Review">http://www.easthants.gov.uk/ehdc/planningpolicy.nsf/webpages/Local+Plan+2nd+Review</a> Petersfield Neighbourhood Plan <a href="https://consult.southdowns.gov.uk/consult.ti/PNP_Consultation/consultationHome">https://consult.southdowns.gov.uk/consult.ti/PNP_Consultation/consultationHome</a> Planning Appeal Decision (2008) <a href="http://www.pcs.planningportal.gov.uk/pcsportal/ShowDocuments.asp">http://www.pcs.planningportal.gov.uk/pcsportal/ShowDocuments.asp</a>	



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