

Report to	<b>Planning Committee</b>
Date	<b>19 January 2017</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council</b>
Application Number	<b>SDNP/15/06484/FUL</b>
Applicant	<b>Kebbell Homes</b>
Application	<b>Residential development comprising 85 dwellings with vehicular access off Heathfield Road and pedestrian/cycle/emergency access off Barnfield Road with landscaping, 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:**

- 1) **That planning permission be granted for the reasons and subject to the conditions set out in Section 10 of this report and subject to the completion of a S106 agreement with obligations relating to:**
    - **A provision of 34 dwellings (40%) on site for affordable housing**
    - **A contribution of £44,511 towards Public Open Space**
    - **A contribution of £312,682 towards Highways Infrastructure**
    - **A contribution of £103,920 towards Community Facilities**
    - **A contribution of £66,493 towards employment opportunities (if requirements set out in the Agreement to provide on-site construction jobs is not met);**
    - **A contribution of £21,250 towards a community project worker**
  - 2) **That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the s106 agreement is not completed within 2 months of the 19 January Planning Committee meeting.**
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**Executive Summary**

This application is for 85 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 and it is considered that the need to meet housing needs and the provision of 40% affordable housing on the site would be of public benefit. The development would not have an adverse impact on the landscape of the south Downs National Park or recreational opportunities or cultural heritage.

It is considered that the proposal broadly meets the development brief set out in the Petersfield Neighbourhood Plan for the site and would result in a high quality scheme that would appear in keeping in this location and would provide the required affordable housing and contributions towards highways, open space, employment and community facilities.

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

## **I. Site Description**

- 1.1 The site is a 3 hectare parcel of land adjacent to, but outside of the settlement boundary of Petersfield. The adjacent areas are known as Heathfield Road and Barnfield 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 the 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).
- 1.2 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 as are the trees to the south of the southern boundary.

## **2. Proposal**

- 2.1 Full Permission is sought for 85 residential dwellings on the site, including 34 affordable homes (40%). The existing layout of landscape along the site boundaries is being retained and enhanced (with the sole exception of the introduction of a pumping station along the western boundary). The proposals includes a perimeter footpath link together with areas of open space through the site (but predominantly located along the edges and through the central part of the site from west to east. The proposal does not include the provision of any formal recreation space.
- 2.2 A mix of housing types and sizes are proposed; the residential units comprise 65 detached, semi-detached and terraced houses and a further 20 one and two bedroomed apartments. The dwellings would be predominantly 2 storey in height although the apartments that would be located centrally at the eastern boundary would be 3 storey and there would be a small number of detached dwellings which would be 2.5 storey in height (located along the central spine road from south to north through the development)
- 2.3 The housing would comprise:
  - 15 x one bedroom units. (all affordable)
  - 38 x two bedroom units; (17 affordable)
  - 21 x three bedroom units; (2 affordable) and
  - 11 x four bedroom units
- 2.4 Parking would be provided either within parking courts or in-curtilage parking including garages/carports.
- 2.5 The proposal includes a 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 a fenced compound which would be sites in the landscape buffer just to the south of Barnfield Road.
- 2.6 The application includes the main vehicular access being from a continuation of Heathfield Road. A pedestrian access would be provided from Barnfield Road via the turning head at the southern end of that road. Traffic calming measures would be secured on Pulens Lane by way of highways contributions. The proposal has been revised significantly from the original submission through negotiation and workshops with the Design Review Panel. In particular the scheme for consideration now includes:
  - A clear street hierarchy with a strong central spine from north to south

- A footpath link around the perimeter of the site with a green link through the centre of the site from the southern end of Barnfield Road to Penns Field
- A co-ordinated design approach with variety in terms of house types, in a contemporary style but complemented by traditional materials, so as to be in keeping in this location.

### **3. Relevant Planning History**

- 3.1 52774/001 - 96 dwellings, public open space and other infrastructure. Refused October 2010 (Site not needed to meet 5 year land supply, layout, height and bulk of buildings to detriment of open rural character, failure to take opportunities to reduce reliance on car, poor location of affordable housing, ecology, no provision towards environmental improvements, public open space, education, medical and community facilities, affordable housing, maintenance of buffer zone along Tilmore Brook and no provision for retention and maintenance of the surface water drainage system.
- 3.2 SDNP/14/03777/FUL - 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 and; provision of hard and soft landscaping and open space; foul and surface water drainage systems and other engineering works. Refused 13 April 2015 (Poor layout, design and landscape quality, ecological impact, danger to users of highway, lack of financial contributions or provision of affordable housing)

### **4. Consultations**

- 4.1 **Arboricultural Officer** – No objection subject to conditions
- 4.2 **Archaeologist** – No objection subject to conditions
- 4.3 **Crime Prevention Design Advisor** – Comments only in relation to need for lighting to conform to required British Standard and ensuring that dwellings with ‘through carports’ ensure they are secured.
- 4.4 **Design Officer** – No objection subject to conditions
- Irrespective of missing information the Design and Access Statement presents the evolution of the scheme through the pre application process and explains how landscape and design comments have been considered. The analysis clearly explains the movement network, green infrastructure/links and wider context analysis.
  - Key design elements of historic building form and curtilage configuration have been taken from the analysis and appropriately applied to development of the proposed architectural style.
  - Connectivity/Movement network: Need to move from indicative road alignment in the Neighbourhood Plan supported in order to move away from a car dominated hard edged development is supported. Sympathetic pedestrian loop with active frontage facing development supported. Not convinced that the central space, the heart of the scheme has gone far enough to create a meaningful gathering space.
  - Not considered appropriate for the scheme to create a direct copy of built form characteristic of the town centre, and apply it to the edge of the settlement. This scheme has taken a better approach to take specific elements from the local settlement context that work well and apply them to a new building typology. The scale and proportions of the proposed house types complement traditional form, but include contemporary components that allow for a variety of lifestyles. The architectural style and approach taken is now generally supported as a new typology for Petersfield and has on the whole, addressed its immediate landscape context.
  - Concern that 3 storey flats are excessive and are in danger of creating a hard edge onto the landscape.
  - Introduction of variety in material, colour and tone is supported as it adds richness and enables the development to be more legible and visually expressive. The black/grey palette for windows frames and doors could work well and with rainwater goods and this concept is supported.

- Concern about how buildings notated as 'key' will achieve this given that there are larger buildings elsewhere in the development.
- Bin and cycle storage has been well considered and integrated into the site and the plan shows pedestrian movement and refuse pick up walking distances in relation to waste management. Garages provide enough internal space to be used as intended, and to house bikes/bins and provide room to move about with ease.

4.5 **Drainage** – No objection subject to conditions

4.6 **Ecologist** – Comments

- Bats - Content to agree that the likely potential impacts to foraging/commuting bats is low overall and would therefore suggest that a detailed lighting strategy, to include lux contours at the boundary vegetation, is provided at reserved matters stage. Details of ecological enhancements such as bat roosting provision should also be provided at that stage.
- Hazel dormice - Development will affect dormice. The development will result in a breach of the EU Directive in that it has the potential to result in harm to individual dormice and result in impacts to favourable conservation status of dormice locally via habitat loss, severance and fragmentation. The development would be unlikely to be licensed if the consented operation was 1) not for imperative reasons of overriding public interest including those of a social or economic nature and there being beneficial consequences of primary importance for the environment, 2) there being no satisfactory alternative and 3) the action authorised would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their range.
- Concerning the third test, In spite of obvious deficiencies, there is considered to be sufficient information to allow the LPA to determine that the favourable conservation test is met, provided that all mitigation measures are followed-up. The applicant is to seek permission for an EPSM licence and will, if successful, be obliged to provide Natural England with survey and mitigation details as well as evidence of follow-up monitoring. Strongly suggest that a more detailed dormouse strategy will be required at the licensing stage.
- If minded to grant permission, would recommend that a fully-detailed dormouse mitigation measures are provided within a site-wide ecological mitigation, compensation and enhancement strategy:

4.7 **Economic Development and Tourism Manager** – No objection subject to employment contribution or employment opportunities being provided on site.

4.8 **Environment Agency** - No objection subject to informatives

4.9 **Environmental Health Services - Pollution** – No objection subject to conditions

4.10 **Environmental Health - Contaminated Land** – No objection subject to condition

4.11 **Fire and Rescue Service** – comments only in relation to legislative requirements.

4.12 **Highways** – No objection subject to conditions

- Site Access – Two accesses are proposed with the main access being a continuation of Heathfield Road and an emergency access at the eastern boundary of Barnfield Road. The forward visibility is acceptable in both locations. The access requirements will require a S278 agreement to construct the works.
- Parking and Internal Layout – Layout will result in refuse vehicles reversing onto shared and unadopted areas. Proposed turning head for refuse vehicles at the north of the site will be adopted and so should be black top. Highways Authority do not propose to adopt the length of the share surface road.
- Footway entering the development does not follow the pedestrian desire line and this should be corrected.
- Appears to be an under provision of car parking by 11 spaces. Provision for any overspill car parking should not be within the area for highway adoption.
- Private water should not be allowed to drain onto the public highway and its drainage system.

- Vehicular trip rates and trip generation: Adequate capacity to safely accommodate the development traffic.
  - Transport contribution: contribution of £00,670 required to provide necessary infrastructure (traffic calming at Pulens Lane and implementation of locally identified schemes in Heathfield and Barnfield Roads, Petersfield to Midhurst cycle route and junction of Pulens Lane/London Road).
- 4.13 **Housing Enabling Officer** – No objection subject to provision of affordable housing and tenure mix as set out in application.
- The housing need figures, for rented accommodation in Petersfield are as follows (figures taken from Hampshire Homechoice Register): 1 bed: 88, 2 bed: 97, 3 bed: 29, 4 bed: 9 (Total: 223)
  - Hampshire Home Choice was updated in May 2016 and applicants can now only select 3 areas they wish to live. This is why the figures above have reduced from the original consultation response in February 2016.
  - Included within these figures are applicants who have a local connection with the parish (live, work or have family there). The JCS policy CP.13 requires affordable housing to be occupied by persons with a local connection to the settlement. However, a cascade to the wider EHDC District is also required to ensure that funding can be secured to procure the affordable homes. The numbers of applicants with this local connection are currently 277.
  - The 'Design & Access statement Addendum' shows the mix as 12 No one bedroom units, 12 No. two bedroom units for affordable rent and 4 No. one beds, 4 No. two beds and 2 No. three beds as intermediate homes. Whilst this mix is heavily weighted towards smaller units and flats, there is a high demand for this type of accommodation in Petersfield. The affordable mix is appropriate to the housing need and is therefore acceptable. Registered providers can be reluctant to take on one bedroom units of an intermediate tenure, however due to the high need would support the inclusion of these units and believe the affordable housing scheme is deliverable.
  - The tenure split is proposed as 70% affordable rent to 30% intermediate, which complies with policy and is acceptable.
  - The affordable units should be 'pepper-potted' across the application site and should be well related to and indistinguishable from market units. The 'revised layout' is improved and is now meets policy.
- 4.14 **Landscape Officer** – No objection subject to conditions
- 4.15 **Natural England** – No objection to original plans – no response in relation to amended plans.
- 4.16 **School Organisation Officer** - No objection
- No contribution required in relation to this development
- 4.17 **Southern Gas Networks:** Advice received only in relation to technical requirements during construction.
- 4.18 **Southern Water** – Comments
- Records show the position of foul rising main crossing the site. It might be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water.
  - Due to changes in legislation it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. Applicant is advised to discuss the matter further with Southern Water
  - Southern Water cannot accommodate the needs of the application without the development providing additional local infrastructure. Development would increase flows into the

wastewater sewerage treatment and as a result increase the risk of flooding in and around the existing area. Conditions suggested

- Conditions also suggested in relation to SUDS scheme

4.19 **Sport England** – Only general guidance received in relation to original plans and no objection raised

## 5. Representations

5.1 20 letters of objection received to amended plans

### Highways

- Significant increase in vehicular and pedestrian traffic along Barnfield and Heathfield Roads.
- Traffic would enter Pulens Lane at a blind bend at a point where there is limited capacity to accommodate pedestrians (particularly en route to Heath Road). Access onto Pulens Lane has limited visibility where traffic regularly exceeds 30mph.
- Negotiating Pulens Lane from these roads on a bicycle is fraught.
- Misleading photographs in transport assessment showing line of sight from a pedestrian point of view.
- Assessment report shows speeds and volume figures much lower than HCC calming report.
- Periods of time selected do not properly reflect peak usage and cover all modes of transport including cycles and wheelchair usage. Heavy usage by walkers/runners and young children is not even mentioned.
- Heathfield Road has become main access to sports facilities, recreational facilities and the countryside.
- Already significant delays in exiting Pulens Lane.
- No attempt to define the access during construction period.
- Access would be safer from Harrier Way.
- Heathfield Road not constructed to deal with increased volume of traffic. Built in 1960's to service 30 homes with extra homes added in the 1980's.
- Pinchpoint will serve to act as a bottleneck from which frustrated drivers will accelerate away compromising the safety of residents.
- Applicant assumes ownership of land for access from adopted highways which is contested by adjacent land owners.

### Drainage

- Local sewerage infrastructure requirements have not been met as specifically required by the Neighbourhood Plan.
- Issues previously raised in regard to sewerage have not been resolved.

### Design

- Density and height of the proposed dwellings are not consistent with the housing on Barnfield and Heathfield Roads. Proposal would seriously compromise the character of the area.
- Better solution would be to build a few larger houses on the site in keeping with current houses.
- Little change to previous proposals.
- Concerns of Design Review Panel have not been addressed.
- Introduction of timber clad dwellings is not in keeping with local environment and nor within Petersfield wider area.

### Landscape

- Concern about location of pumping station in landscape buffer.
- Object to removal of green verge area in Heathfield Road.
- Ecology

- Environmental Impact of development remains significant.
- Comprises the integrity of the Rotherlands Nature Reserve
- Documentation refers to the field as arable land whereas in reality the field acts as an extension to the Nature reserve and forms a wildlife habitat in its own right.
- Location of pumping station would destroy the habitat of wildlife (dormice, grass snakes, adders and bird life).

#### Environmental Health

- Air Pollution - National Institute for Health and Care Excellence have produce guidelines on air pollution and state that plans should consider 'siting new buildings and estates so that the need for motorised travel is minimised'. This high density scheme is on the edge of the town 1.5 miles from the railway station and town centre. Vast majority of people would use cars for shopping and travel.

#### Affordable Housing

- Will the Town Council give Housing Associations a big subsidy? Probably not, therefore social housing would be expensive meaning Housing Associations will need to borrow more money than they would in cheaper areas.

#### Private Housing

- Proposed houses are not going to help local people as they will be too expensive

#### General

- Significant developments should not be considered in designated national parks.
- Land contained within the boundary of the application site appears to fall within land owned by a third party.
- Concerns as to whether proposal has been dealt with legally in an open and transparent manner.
- Report by Sheffield Hallam University confirms that short term economic priorities are overriding long established protections and allowing inappropriate development in national parks. Report makes clear that environment, green spaces, hedgerows, tree and wildlife need to be protected. Report should be taken seriously by the planning committee
- Town Council have behaved with lack of transparency over his site. Land was given to the Council for Playing Fields and should be used for playing fields to cope with the town's expansion.
- No community engagement for this latest proposal.
- Duty of NP has not been satisfied. No plan for temporary access for construction traffic, site offices and Health and safety requirements, storage and parking for site personnel, wheel wash etc.
- Several other suitable sites for development in the South Downs Area that would not pose the same problems.

#### 5.2 Letter of objection from **The Petersfield Society**

- Layout and detail of scheme is still poor, inorganic, regimented and suburban.
- Creates a car-orientated estate instead of one where pedestrians and cyclists have priority.
- Boundary treatments require more design work. Close boarded fencing should not be used and brickwork walling should be less straight.
- Roads and footpaths are too straight. Central spine has a major discontinuity.
- Publicly accessible footpaths should run throughout the site making positive connections with surrounding areas.
- Landscaping is incoherent and irrational. Fully developed integrated scheme should be designed to complement housing.
- Housing layout is poor and regimented. Not in any sense sympathetic to locality or responding to locations transition between town and country.

- Focal points are unclear, undefined and inarticulate. 3 storey housing on edge of Petersfield is questionable. No evidence that this increased height relates to other adjacent houses, the playing fields, trees etc.
- SUDS area should be better designed and could easily turn into a swamp like Foxfield Grove.
- Apartments have no amenity space and this should be rectified. No obvious communal play area for children. Safe access without crossing a road should be a design criteria.
- Overall layout is heavily influenced by car movement. More fluid design should be preferred.
- Car parking may become a problem on the access roads. Are garages sufficient large to accommodate modern cars or are they provided simply as additional storage space. Parking should be in accordance with Policy HP8
- Unclear as to whether dwelling room sizes comply with Neighbourhood Plan Policy BEP7.
- Does not appear to be much that addresses how energy efficient sustainable developments will be achieved.
- Proposed focussed on style and appearance rather than actual performance. If sustainability is to be a key criteria then this aspect is seriously underrepresented in the proposals. Should meet code Level 6
- Working chimneys should be provided to all houses so that occupants may have means of hot water heating in addition to gas and electricity.
- The proposals are far below the high standard of design required by BEP1 and BEP7 and should be refused.

### 5.3 22 Letters of objection to original plans

#### Highways

- Heathfield Road & Barnfield road unsuitable for construction traffic and additional 200 cars.
- Heathfield Road leads onto cycle/pedestrian footpath. Footpath is used by many people.
- Cyclists will face hazards as path becomes 2 lanes of traffic.
- Pinchpoint will act as a bottleneck.
- Morally wrong to have pinch point outside dwellings making access difficult.
- Turning into Barnfield Road and then Heathfield Road is difficult.
- Increased traffic will result in accidents.
- Increase traffic taking right turn from Pulens lane into Barnfield Road will cause problems. Better solution would be to have access from Harriers way.
- Traffic surveys out of date. Trip rates seem conservative.
- Misleading photographs in transport statement.
- How will unnecessary car journeys be minimised?
- Unlikely, given traffic issues, that cycling could be encouraged.
- Lack of car sharing schemes in Petersfield.
- Does not show how children will have a safe crossing point over Pulens Lane to Herne School.
- No consideration of construction traffic and impact this will have.
- No plan for construction traffic, deliveries, wheelwashing.
- Details shown for emergency access are brief. Will it have drainage and street lighting?

#### Policy

- Does not comply with Neighbourhood Plan Policies HP1, HP2, HP5, CP5, NEP1, NEP4 NEP5, NEP7 and H3.
- No evidence that it complies with Secure by Design or Building for Life Assessment.
- Does not satisfy duty of National Park.



### Environmental Health

- Increase of pollution from cars with cold engines queuing at pinch point.

### Affordable Housing

- Should not be grouped together on site.

### Ecology

- Penns Field and Rotherlands Nature Reserve are important areas of countryside for wildlife and flowers and should be protected.

### Design and Layout

- Density and house type out of keeping with houses to west and North West.
- Petersfield is not getting balance of housing mix right.
- Smaller units should be closer to town centre.
- Siting of pumping station within buffer zone is unacceptable. 2.5 storey dwellings out of keeping.

### Residential Amenity

- Inconvenience to owners of 33 Heathfield Road with traffic blocking entrance to the property.

### Drainage/Sewage/Flood Risk

- Proposal would double size of existing estate and existing sewerage infrastructure would not be able to cope.
- Concerns about risk of flooding if natural drainage of Penns Field is removed.
- Concerns that tree protection may be affected by trenching required by servicing development.

### General

- Huge empty BT building should be used for residential development.
- No mention of increase for town facilities/education etc.
- Little or no engagement with local community over application. Concerns about validity of application. Contains many errors.

## **6. Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plans unless material considerations indicate otherwise. The statutory development plans in this area are The Petersfield Neighbourhood Development Plan, The Adopted East Hampshire District Local Plan: Joint Core Strategy 2014 and the Saved Policies of The East Hampshire District Local Plan: 2nd Revision 2006

6.2 The relevant policies to this application are set out in section 7, below.

### National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

## **7. Planning Policy**

### Relevant Government Planning Policy and Guidance

7.1 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.

- 7.2 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 moderate.

- 7.3 It should be noted that 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

#### National Planning Policy Framework (NPPF)

- 7.4 The following National Planning Policy Framework Sections have been considered in the assessment of this application:

- Achieving sustainable development
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

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

- 7.6 The following policies of the **Petersfield Neighbourhood Development Plan 2015** are relevant to this application:

- HPI Allocation of areas for housing
- HP2 Mix of housing
- HP5 Delivery of Infrastructure
- HP6 Affordable Housing
- HP8 Quality and layout of housing developments
- H3 Penns Field
- BEP1 Built Environment
- BEP6 Settlement Boundary
- BEP7 Sustainable and Adaptable Buildings
- GAP1 Pedestrian, Cycle and Mobility Scooter Access
- GAP3 Safer Streets
- GAP7 Parking
- CPI Existing Community Facilities
- CP3 Increase of Community Facility Provision
- NEP1 Green Infrastructure
- NEP4 Rotherlands Nature Reserve
- NEP5 Landscape
- NEP6 Links to the Countryside
- NEP7 Biodiversity, Trees and woodland
- NEP8 Flood Risk

7.7 The following policies of the **East Hampshire District Local Plan: Joint Core Strategy 2014** are relevant to this application:

- CPI - Presumption in Favour of Sustainable Development
- CP2 - Spatial Strategy
- CPI0 - Spatial Strategy for Housing
- CPI1 - Housing Tenure, Type and Mix
- CPI3 - Affordable Housing on Residential Development Sites
- CPI8 - Provision of Open Space, Sport and Recreation and Built Facilities
- CPI9 - Development in the Countryside
- CP20 - Landscape
- CP21 - Biodiversity
- CP24 - Sustainable Construction
- CP28 - Green Infrastructure
- CP29 - Design
- CP30 - Historic Environment

7.8 The following saved policies of the **East Hampshire District Local Plan: 2nd Revision 2006** are considered relevant to this application:

- C6 - Tree Protection
- H2 - Reserve Housing Allocations
- HE17 - Archaeology and Ancient Monuments
- E2 - Renewable Energy
- P7 - Contaminated Land
- T2 - Public Transport Provision and Improvement
- T3 - Pedestrians and Cyclists
- T4 - Pedestrians and Cyclists
- T5 - New Recreational Footpaths
- T9 - Highways Issues - New Development

7.9 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.

Policies 1, 3, 48, 50 and 56 are considered to be of particular relevance to this case:

7.10 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16 July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2 September to 28 October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## 8. Planning Assessment

8.1 This is an application for major development within the South Down National Park. Paragraph 116 of the National Planning Policy Framework 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 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 within the settlement policy area within the Petersfield Neighbourhood Plan and is designated as a site (H3) for up to 89 dwellings and is an existing allocated reserve site under policy H2 of the saved Local Plan 2006 for 90 dwellings. In view of this the proposal would accord with the requirements of Policy CPI0 of the Joint Core Strategy.

8.4 In principle the development would be acceptable provided the tests set out at paragraph I15-I16 of the NPPF are met as well as other relevant policies in the Neighbourhood Plan, 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 Joint Core Strategy 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 considered 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. 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 223 households in need of rented accommodation within Petersfield. Included within these figures are applicants who have a local connection with the Parish. The core strategy Policy CPI3 requires affordable housing to be occupied by persons with a local connection to the settlement. A cascade to the wider District is also required to ensure that funding can be secured to procure the affordable home. The number of applicants with a local connection are currently 277. This site would provide homes to meet that need. As such the development accords with JCS Policy CPI3. The application proposes that 34 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 85 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 SDNPA Landscape Officer has raised no objection in principle to the development of the site. The landscape impact is considered in more detail below however it is considered that the proposal meets the exceptional circumstances set out in Paragraph I16.

Impact of the Proposal on the Character of the Surrounding Area and the Requirements of Policy H3 of the Petersfield Neighbourhood Development Plan.

- 8.9 The proposed site currently benefits from strong boundary screening from all sides. The proposed development has evolved during discussions and meetings with the developers over some time having due regard to the aspirations for the site as set out in Policy H3 of the Adopted Petersfield Neighbourhood Development Plan. It is therefore useful to work through the Design Principles and Delivery considerations set out in the Policy and give consideration as to whether the aspirations have been met with this current scheme (and if it has not, whether there are acceptable reasons for this).
- 8.10 *Improve the view from the South Downs into Petersfield by providing well designed frontages which address the landscape.*
- Previous schemes had sought to turn their backs on the boundary of the site thus not addressing the landscape at all. One of the main steps forward with this scheme involve the residential properties addressing the boundaries, giving a perimeter which is landscape led and faces towards all boundaries.
  - Whilst the nature of the site and the existing boundary treatment limits longer distance views into the site, on entering the development it is considered the well-designed frontages would address the landscape successfully.
  - It is accepted that the introduction of 2.5 to 3 storey elements, especially along the boundary with Penns Field, may result in longer distance views of these elements from the Downs into Petersfield however it is not considered that these would be either stark or overdominant in this location nor detract from the surrounding landscape character.
- 8.11 *In the northern part of the site there is an established belt of trees which act as a buffer between the existing homes and new development.*
- The proposals allow for the retention of the tree belt and existing vegetation around the perimeter of the site.
  - The only area where this tree belt or vegetation would involve any element of development would be to the immediate south of Barnfield Road centrally on the west boundary. The proposals include a pumping station in this location and this minor incursion into this landscaping belt is considered to be acceptable.
- 8.12 *In the southern part of the site the development has been laid out so that new gardens will back onto existing gardens on either side of the mature hedge line.*
- This element of the Design Framework has not been able to be secured.
  - As discussions progressed it became clear that in order for landscape and circulation of pedestrians to dominate in the development there were overriding reasons for allowing the development to address the existing boundaries rather than essentially turning its back on them.
  - The subsequent scheme therefore addresses the boundary on the southern side of the site (as indeed it does to all boundaries.) This now provides both an active frontage around the whole site with a perimeter footpath.
- 8.13 *Maintain the mature trees and existing field lines to reduce potential visual impact.*
- This has been retained (with the sole exception of the development of the pumping station along the western buffer zone).
- 8.14 *A landscape buffer will need to be maintained between development and the River Rother Corridor.*
- This forms part of the development proposals.
- 8.15 *Provide improved pedestrian access to Tilmore Brook with appropriate ecological mitigation measures.*
- The site provides for pedestrian access around the perimeter of the site, with particular access from the North West corner by Tilmore Brook, and pedestrian access from Penns Place/Harrier Way along the southern boundary, and also pedestrian access from Barnfield Road into the centre of the site.

- The consideration of ecological measures is set out elsewhere in the report however it is considered that this can be addressed by way of suitable conditions.
- 8.16 *SDNPA and Highways Authority to determine appropriate access arrangements.*
- The Applicant has submitted a scheme based on a sole vehicular access from Heathfield Road. This appears to be in line with the general layout indicated within Policy H3.
  - The Authority and the highways Authority have given consideration to the layout as proposed and it is considered that the layout and access is acceptable in Highways terms subject to contributions to specific works in the locality to address highways issues. These are set out later in the report.
  - It is appreciated that the matter of access into the site has been a major concern for local residents and this matter has been scrutinised in some detail. The suggestion of accessing the site from Harrier Way is noted, however the Authority cannot speculate on other potential accesses but must consider the application as submitted on its own merits.
- 8.17 *Provision of a connection to the nearest point of adequate capacity in the sewerage network, as advised by Southern Water. Additional local sewerage infrastructure would be required to accommodate development in this location.*
- The consultation response from Southern Water confirms that the local sewer network does not have the capacity to accommodate the proposed development and that works to local infrastructure would be required to increase the capacity. Some of these works are included as part of the sewer diversion and the pumping station.
  - Additional works may need to be secured via a licence from Southern Water.
  - Given that an engineering solution could be reached to increase capacity a refusal could not be sustained on this issue.
- 8.18 *Ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes.*
- The proposed layout allows for this.
- 8.19 *Proposed mitigation measures detailed at Appendix G of the Sustainability Appraisal.*
- The current scheme is considered to accord broadly with the mitigation measures set out in the sustainability where this has been possible.
- 8.20 *Discussion should take place with the SDNPA prior to any specific development proposal to develop the site to establish what mineral resource information (and the level of information) is required by the Mineral Planning Authority.*
- Records indicate that the area generally has resources of sharp sand and gravel however the need for such resources is not so critical in this location and the work required to source this would be considered to be too onerous.
  - Policy 15: Safeguarding – mineral resources from the adopted Hampshire Minerals and Waste Plan (2013) is relevant where it confirms that development without the prior extraction of mineral resources may be permitted if the merits of the development outweigh the safeguarding of the mineral.
  - Given the site's close proximity to Petersfield it would be inappropriate to extract mineral resources.

Impact on the character of the area in terms of layout, design and landscape character

- 8.21 Subsequent to the refusal of the previous application in April 2015 the applicants engaged in pre-application discussions prior to the submission of this application in December 2015. Concern was raised in relation to the layout and design of the proposals at an early stage with the applicants and Officers considered there was merit in working on the issues in order to work towards a scheme which would be of a high standard in design and layout terms and which would also address the issues on the previous refusal. After numerous Design Review Panel meetings and workshops the amended plans for consideration now were submitted for consultation.
- 8.22 The main driver in the design and layout has been to minimise vehicular movement through the site as much as possible. The result is a sympathetic edge of development onto the landscape

with a continuous pedestrian link around the site to enable all users to enjoy the surrounding landscape and the variety of character areas including the riparian character to the north and the landscape edge to the east.

- 8.23 The 'loop' provides a continuous active frontage providing a safe walking route with good surveillance. The cycle route is retained along the southern boundary from Heathfield Road through to Harrier Way.
- 8.24 Whilst the concerns of the Design Officer are noted in relation to the central space not giving confidence of a meaningful gathering space, it is considered that a specific condition requiring further details of this area would address this matter.
- 8.25 The block structure and street composition of the scheme has been given much thought. It was not considered appropriate to create a direct copy of built characteristics of the town centre and apply it to the edge of the settlement of Petersfield. This scheme has taken specific elements from local context that work well and applied them to new building typology. The scale and proportions of the house types complement traditional form but have contemporary elements. This architectural style is considered acceptable and has in the whole, addressed the immediate landscape context.
- 8.26 The concerns of the Design Officer are noted in relation to the introduction of 3 storey buildings in the centre of the eastern edge, however it is not considered that these are so excessive as to be unacceptable and, in the context of the whole development would appear acceptable in this location.
- 8.27 The introduction of variety in materials, colour and tone is supported as it adds richness and enables the development to be more legible and visually expressive.
- 8.28 The Arboricultural officer has raised no objection to the proposal subject to appropriate conditions with regard to the protection of trees during development.
- 8.29 The proposed development is considered to meet with the requirements in terms of standards for lifetime homes and also have provided suitable space for parking, cycle storage and bin storage within the development.
- 8.30 In summary, the scheme is considered to be an appropriate response to the context of the site and surrounding area and would deliver a high quality development broadly in accordance with the aspirations of the Neighbourhood Plan.

#### The Impact on Wildlife and Nature Conservation

- 8.31 The previous application was refused because it had not been demonstrated that the development would not cause harm to protected species. In particular there was concern that measures had not been included to show the development would not be detrimental to the maintenance of the population of protected species at a favourable conservation status in their natural heritage.
- 8.32 The current application has been accompanied by an Ecological impact Assessment which has provided an update assessment of the ecological value of the site. The County Ecologist has confirmed that they agree that the likely potential impacts for foraging/commuting bats is low overall. They do however suggest a detailed lighting strategy, which could be addressed by way of a suitable condition. In order to ensure that ecological enhancements such as bat roosting provision are secured an appropriate condition is recommended.
- 8.33 Previous surveys highlighted the continued presence of hazel dormice (a species of national importance) whilst the Ecologist raises some concern that the ecology report does not fully describe the totality of works likely to impact this species. The Ecologist confirms that the development will affect dormice which receive legal protection under UK law by the Wildlife and Countryside Act 1981 and under EU law by the Conservation and Species Regulations 2010 (commonly referred to as the habitat regulations. Where developments affect such protected species as the hazel dormice planning permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

- 8.34 The County Ecologist is of the view that the development has potential to result in harm to dormice and result in impacts to the favourable conservation status of them via habitat loss, severance and fragmentation.
- 8.35 The Authority would therefore need to give consideration as to whether an EPS licence is likely to be *granted*. This can happen if the development proposal is able to meet three tests.
- The consented operation must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social economic nature and beneficial consequences of primary importance for the environment.*
- 8.36 There is an acknowledged need for housing in the surrounding area and it is considered that this is a *sufficient* imperative reason of overriding public interest of a social nature as to meet this test.
- There must be no satisfactory alternative.*
- 8.37 The site formed a reserve site within the Joint Core Strategy and is an allocated site within the *Neighbourhood Plan* as being a satisfactory site for development and therefore there are no satisfactory alternatives.
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*
- 8.38 In order to assess the development against this third test, sufficient details must be available to show *how* killing/injury/disturbance of dormice will be avoided and how any loss or damage to habitat will be avoided, or if not avoided, compensated.
- 8.39 The County Ecologist considers there to be sufficient information to determine that the favourable conservation test is met as long as mitigation measures are strictly followed up. On this basis it is considered that the impact of the development on Wildlife and Nature Conservation is acceptable and can be satisfactorily addressed by way of suitable conditions.

#### Open Space

- 8.40 Existing landscaping around the edges of the application site would be retained with a new central green link being provided from west (by Barnfield Road) to the east. It is considered that further work is required to this open space area but it is considered that this can be addressed by way of a specific condition.
- 8.41 Provision is made on site for the required natural green space and informal green space. Therefore the required open space contribution would relate only to the need for funding towards park, sports and recreation grounds, equipped children's and young people's spaces and allotments. This contribution would be secured by way of a S106 Agreement which the applicant is willing to sign.

#### Impact on neighbouring properties

- 8.42 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 either one or two storey in height. Given the distances between the existing dwellings and the proposed development and the height of the proposed dwellings it is not considered that there would be an adverse impact on the amenity or privacy of the adjoining dwellings.
- 8.43 Care has been taken in the siting of the proposed dwellings to avoid potential overlooking within the new *development*. There are a number of properties with first floor terraces, however screens are proposed to prevent direct overlooking to neighbouring gardens and conditions can ensure the retention of these screens.
- 8.44 Concerns have been raised in relation to disturbance from additional traffic movements via Heathfield Road. The road would be routed past the side elevation of 24 Heathfield Road. It should be noted 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 Road. Whilst there would be some increased noise and disturbance from vehicle movements, the increase would not be so harmful to residential amenity as to justify a refusal. The pedestrian/cycle route



from Barnfield Road would likewise not have an unacceptable impact on amenity. Noise and disturbance during construction of the development could be mitigated by appropriate construction practices which could be secured by condition.

- 8.45 It should be noted, in conclusion on this issue, that the matter of impact on amenity of neighbours was not a reason for refusal on the previous application and it is not considered that the relationship between the current proposal and the previous application is so great as to come to a different conclusion on this matter.

#### Highways

- 8.46 The main access into the application site would be a continuation of Heathfield Road to the south of the site. A pedestrian/cycle access is proposed from Barnfield Road with access also to the Pumping Station. The Highway Authority have no objection to the access arrangement, noting that forward visibility is acceptable in both locations. Also no objection has been raised in terms of traffic generation or capacity of the highway.
- 8.47 The original development brief require additional works to be provided on Pulens Lane in the form of traffic calming measures to mitigate the impact of the development. This would be secured by way of Highway Contributions in a legal agreement.
- 8.48 The previous application included a reason for refusal on highway grounds specifically in relation to the design of the proposed estate layout. The Highways Authority believe that the current proposed layout is now acceptable and no objection is raised on highway grounds.
- 8.49 It should also be noted that the previous application was not refused on highway grounds in relation to the proposed access being from Heathfield Road. The comments of residents in relation to suggestions for an alternative access being from Harrier Way are noted, however this application must be considered on the basis of that submitted and has been found to be acceptable in highway terms by the Highways Authority.

#### Crime Prevention

- 8.50 The application has been considered by the crime prevention design advisor. The only concern has been raised in relation to how a number of dwellings have 'through' carports and consideration should be given as to how these access would be secured.
- 8.51 In addition it has been confirmed that any residents and visitors lighting should confirm to the relevant British Standard.

#### Drainage/Flood Risk/Foul & Surface Water Sewerage

- 8.52 8.45 The site is within a groundwater 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. Neither the Environment Agency nor the Drainage Officer has raised objection to the proposal (subject to appropriate conditions).
- 8.53 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 have already been included as part of the sewer diversion and the new pumping station. 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 could not justify a reason for refusal. It should be noted that this matter did not form a reason for refusal on the previous application.

#### Developer Contributions

- 8.54 The application has resulted in a requirement for the following contributions, which the applicant has expressed a willingness to sign up to by way of a S106 Agreement:-
- Transport/Highways Contribution (£312,682) - The contribution would be used for proposed traffic calming measures at Pulens Lane and towards the implementation of local identified schemes set out in the Development Brief including traffic calming measures on

Heathfield Road and Barnfield Road, the Petersfield to Midhurst cycle route and improvements to the junction of Pulens Lane with London Road.

- Public Open Space (£44,511) - The contribution would be directed towards the Conversion of Penns Field 'B' into an extension of the Penns Farm sports field and also towards the provision of football changing facilities at the recreation ground where none currently exist. Secondly the contribution would be directed toward the redevelopment of the children's play area on Penns Field recreation ground.
- Community Facility (£103,920) - This contribution would be directed to the potential extension of the Avenue Pavilion (in conjunction with the Kings Arms who provide a varied service to young people) in order to provide them with a 'new home'. The other project towards which the contribution would be directed is the extension of the Festival Hall.
- Community Project Worker (£21,250) - This contribution would be directed towards a position for someone to work towards delivering the policies and aspirations of the Neighbourhood Plan.
- Employment Contribution (£66,493) - The Authority seeks to implement an agreement to create jobs and training during the construction phase of the development however in the event that this is not provided a contribution would be required. The contribution is based on the total project employment, training and education forecasts (406), the jobs equivalent (based on 52 weeks in a year per job - 7.8) and the 'Get East Hants Working Initiative, Wages, training and transport (£8,519 in total) making a total contribution of £66,493.

8.55 The County Council have confirmed that they will not be seeking a contribution in relation to Education Infrastructure. Forecasts for pupil numbers in the Petersfield area are showing surplus capacity that would allow the schools to be able to accommodate the pupils anticipated from this development.

8.56 In addition, the application includes 34 affordable housing units, the mix and tenure of which have been considered to be acceptable by the Housing Enabling Officer. These would be secured as part of the Section 106 Agreement.

#### Other Matters

8.57 The application has been considered with regard to the Building for Life Assessment and is considered to be broadly in conformity with this document.

8.58 The applicant has expressed a willingness to introduce elements into the development which will ensure that at least 10% of the site's energy will be met from renewable resources. This would be secured by way of a condition (Condition 26).

8.59 Concern has been raised with regard to the lack of community engagement during the process. Whilst the Authority encourage engagement with the Community by the applicant the lack of such consultation would not be a material consideration such as to justify refusal of the application.

8.60 There has been concerns about transparency of the application process with delays in information being uploaded to the website for residents to view. It is acknowledged that some information has taken longer to be uploaded than hoped for, but it is not considered that this has prevented interested parties from having the opportunity to provide responses on the latest set of amended plans. Whilst there is considerable correspondence between the case officer and the applicants which has recently become available, it is not considered that this is critical in the consideration of the application and the resultant amended plans should be the primary basis upon which to consider the acceptability or otherwise of the current scheme.

## **9. Conclusion**

9.1 The proposed scheme is considered to be broadly in accordance with the aspirations of the Neighbourhood Development Plan and will result in a high quality development in keeping with the landscape and built character of the surrounding area. Permission is therefore recommended

## 10. Reason for Recommendation and Conditions

10.1 It is recommended that planning permission be granted subject to:

- 1) The completion of legal agreement to secure:
  - A provision of 34 dwellings (40%) on site for affordable housing
  - A contribution of £44,511 towards Public Open Space
  - A contribution of £312,682 towards Highways Infrastructure
  - A contribution of £103,920 towards Community Facilities
  - A contribution of £66,493 towards employment opportunities (if requirements set out in the Agreement to provide on-site construction jobs is not met);
  - A contribution of £21,250 towards a community project worker
- 2) The conditions set out below, and
- 3) That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the s.106 agreement is not completed within 2 months of the 19 January Planning Committee meeting.

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Approved Plans: The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above slab level shall commence unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, doors, windows, rainwater goods and roofs of the proposed building(s), surfacing and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development, in accordance with policies CP29, CP20 of the East Hampshire District Local Plan Joint Core Strategy 2014 and the NPPF.
4. No development above slab level shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i) Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - ii) Planting methods, tree pits & guying methods (including particular sizes for each nursery grade of tree to be used within the hard and soft landscape areas.;
  - iii) Schedules of plants and trees, noting species, planting sizes and proposed numbers/densities where appropriate;
  - iv) A detailed landscape strategy and layout for the green link through the centre of the application site.
  - v) Details of location of services throughout the site;
  - vi) Retained areas of grassland cover, scrub, hedgerow, trees and woodland;
  - vii) Manner and treatment of watercourses, ditches and banks;
  - viii) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation;

- ix) Details of all hard-surfaces, such as paths, kerbs, edges, drainage channels and falls, access ways, seating areas, and parking spaces and roads including their appearance, levels, depth and permeability;
- x) Means of all boundary treatments to enclose individual property curtilages visible in the public realm including walls, fences, gates, entrances railings and planting;
- xi) Details of the proposed bridge over the swales, all street furniture including bollards, lighting, signage, cycle racks, tree guards and litter bins.
- xii) A timetable for implementation of the soft and hard landscaping works.
- xiii) The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CP29, CP20 of the East Hampshire District Local Plan Joint Core Strategy 2014 and the NPPF.

5. No development above slab level shall commence until a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reasons: In the interests of amenity and the environment of the development, in accordance with Policy CP20 of the East Hampshire District Local Joint Core Strategy 2014, National Park Purposes and the NPPF.

6. No development above slab level shall commence until details of all external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents, create an appropriate public realm, and conserve dark night skies of the South Downs National Park, in accordance with National Park Purposes and the NPPF.

7. No development shall commence until a single fully-detailed ecological mitigation, compensation and enhancement strategy has been submitted for written approval to the Local Planning Authority. This strategy must include (but not necessarily be restricted to):
  - A site plan showing areas of habitat to be impacted (directly and indirectly), location extent and timing of vegetation loss.
  - Measures to safeguard protected species and sensitive habitats during construction and operation.
  - Location, extent and ongoing management of mitigation, compensation and enhancement features (e.g. new dormouse habitat, dormouse boxes, bat/bird boxes).

Development shall subsequently proceed strictly in accordance with the approved strategy, with all biodiversity mitigation compensation and enhancement features permanently retained in accordance with the approved strategy. In addition, a written report detailing the measures undertaken in relation to the approved strategy shall be provided at a date no later than six months after the completion of construction activities.

Reason: to conserve and enhance biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy C21 of the East Hampshire District Local Plan; Joint Core Strategy.

8. Development shall not commence, nor any equipment, materials or machinery be brought onto the site for the purposes of development until tree protection measures detailed in the Tree Protection plan (December 2015 – KEB20279-03A) have been implemented on site. Development shall proceed strictly in accordance with the recommendations of the

Arboricultural Implications Assessment (KEB20279aia 7/12/2015) and the Arboricultural Method Statement (KEB20279ams 7/12/2015). The approved details shall thereafter be strictly accorded with until the development is completed.

Reason: In order to protect trees which contribute the character of the area, in accordance with Policy CP20 of the East Hampshire District Local Joint Core Strategy 2014, National Park Purposes and the NPPF.

9. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- i) The parking of vehicles by site operatives and visitors together with management of this to deter operatives and visitors parking on surrounding roads;
  - ii) The loading and unloading of plant, materials and waste;
  - iii) The location of storage of plant and materials and temporary buildings used in construction of the development;
  - iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works;
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) Measures to control noise and vibration during construction
  - viii) A scheme for recycling and/or disposing of waste resulting from construction works.
  - ix) A method to record the quantity of recovered material (re-used on site or off site).
  - x) Hours of working within the site.
  - xi) A programme of and phasing of any construction work
  - xii) Access and egress details for plant and machinery.
  - xiii) Protection of pedestrian routes during construction

Reason: In the interests of highway safety and the amenities of the area, in accordance with Policy CP31 of the East Hampshire District Local Plan Joint Core Strategy 2014

10. No development shall commence until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets, in accordance with National Park Purposes and the NPPF.

11. Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to knowledge and understanding of the past by ensuring opportunities are taken to capture evidence of the historic environment and to make this publicly available, in accordance with National Park Purposes and the NPPF.

12. No development shall commence until the following details have been submitted to and approved in writing by the Planning Authority:-

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

- b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site.
- c) and (unless otherwise first agreed in writing by the Planning Authority)
- d) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages.

The above site works and details submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with policy P7 of the East Hampshire District Local Plan: Second Review.

13. Before any part of the development is occupied or used (unless otherwise first agreed in writing by the Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Planning Authority.

The verification report and completion certificate shall be submitted in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with policy P7 of the East Hampshire District Local Plan: Second Review.

14. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Planning Authority.

Development shall not re-start on site until the following details have been submitted to and approved in writing by the Planning Authority:

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and

proposal of the preferred option(s) identified as appropriate for the type of contamination found on site.

- c) and (unless otherwise first agreed in writing by the Planning Authority) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.

The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages; and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with policy P7 of the East Hampshire District Local Plan: Second Review.

15. No development shall commence until details of a scheme for foul and surface water drainage (including a full drainage layout together with construction details and supporting run-off calculations) has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.

Reason - To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

Note: The applicant is requested to contact East Hampshire Council's Drainage Consultant as soon as possible to discuss the details required for the discharge of the above condition.

16. Before development commences details of the proposed pumping station, including above ground infrastructure and below ground infrastructure, compound fencing and hardstanding, shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with the approved details.

Reasons: In the interests of amenity and the environment of the development, in accordance with Policy CP20 of the East Hampshire District Local Joint Core Strategy 2014, National Park Purposes and the NPPF.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Classes A, B, C & E.

Reason: To ensure the appearance of the development is satisfactory and complies with Saved Policies GS3, C5 and HE1 of the East Hants District Local Plan: Second Review 2006 and the National Planning Policy Framework.

18. Before development commences details of the material and height of the proposed terrace screens to Plots 1-4, 8, 14-23, 25-26, 29-30, 39-53 and 68-80 shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be constructed strictly in accordance with the approved details and retained thereafter in perpetuity.
- Reason: To ensure the appearance of the development is satisfactory and prevents an unacceptable impact on the amenity of neighbouring properties in accordance with saved Policies GS3, C5 and HE1 of the East Hants District Local Plan Second Review 2006 and the National Planning Policy Framework.
19. Before development commences full details of the sustainable drainage scheme including detailed plans and specifications shall be submitted in writing to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved scheme which shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan which shall also be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of sustainable development, in accordance with policy CP24 of the East Hampshire District Local Plan Joint Core Strategy 2014 and the NPPF.
20. Before development commences a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme and timetable.
- Reason: To ensure adequate provision for foul water disposal in accordance with the NPPF.
21. Before development commences the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by the Local Planning Authority.
- Reason: To ensure adequate provision for means of foul and surface water disposal in accordance with the NPPF.
22. No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to and approved in writing by the Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding. The development shall be carried out in accordance with the approved details before any part of the development is occupied and shall be retained thereafter.
- Reason: To ensure adequate provision for drainage in accordance with the NPPF.
23. The access, road, and footways shall be laid out and constructed in accordance with the approved plans. The approved visibility splays at the site entrance shall be provided and kept free of obstacles at all times.
- Reason: In the interests of highway safety, in accordance with Policy CP31 of the East Hampshire District Local Plan Joint Core Strategy 2014 the NPPF.
24. The parking arrangements on site shall be completed in accordance with the approved plans and thereafter be used for such purposes at all times.
- Reason: In the interests of highway safety, in accordance with policy CP31 of the East Hampshire District Local Plan Joint Core Strategy 2014 and the NPPF.
25. No development shall commence until plans and particulars showing details of the provision on bin/cycle storage within the site have been submitted in writing to and approved by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.
- Reason: To ensure adequate provision within the site.
26. No development shall commence on site until the applicant has submitted in writing a an energy efficiency strategy for approval by the Local Planning Authority setting out how at least 10% of the developments site energy requirements will be met from renewable



resources. Development shall be carried out strictly in accordance with the approved strategy.

Reason: To comply with the National Planning Policy Framework (Paragraph 96).

### **INFORMATIVE NOTES**

**These are advice notes to the applicant and are not part of the planning conditions:**

1. This Planning Permission is subject to the s106 Legal Agreement.
2. Under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016, our approval is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'.
3. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. **An environmental permit is in addition to and a separate process from obtaining planning permission.** Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activitiesenvironmentalpermits>.
4. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water (0330 3030119 – [www.southernwater.co.uk](http://www.southernwater.co.uk))

#### **11. Crime and Disorder Implications**

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. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

#### **14. Proactive Working**

14.1 The Authority has acted in a proactive manner throughout the course of the application liaising and negotiating with the applicant to bring forward a scheme which would comply with the relevant policies in the Local plan and Neighbourhood Plan. This has included co-ordination of Design Review Panel meetings and workshops and discussions about infrastructure requirements with appropriate consultees.

### **TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

Contact Officer: Rob Ainslie  
Tel: 01730 814810  
email: [robert.ainslie@southdowns.gov.uk](mailto:robert.ainslie@southdowns.gov.uk)  
Appendices: 1 – Site Location Map  
2 – Plans referred to in consideration of application  
SDNPA Consultees: Legal Services

Background Documents

[All planning application plans, supporting documents, consultation and third party responses](#)

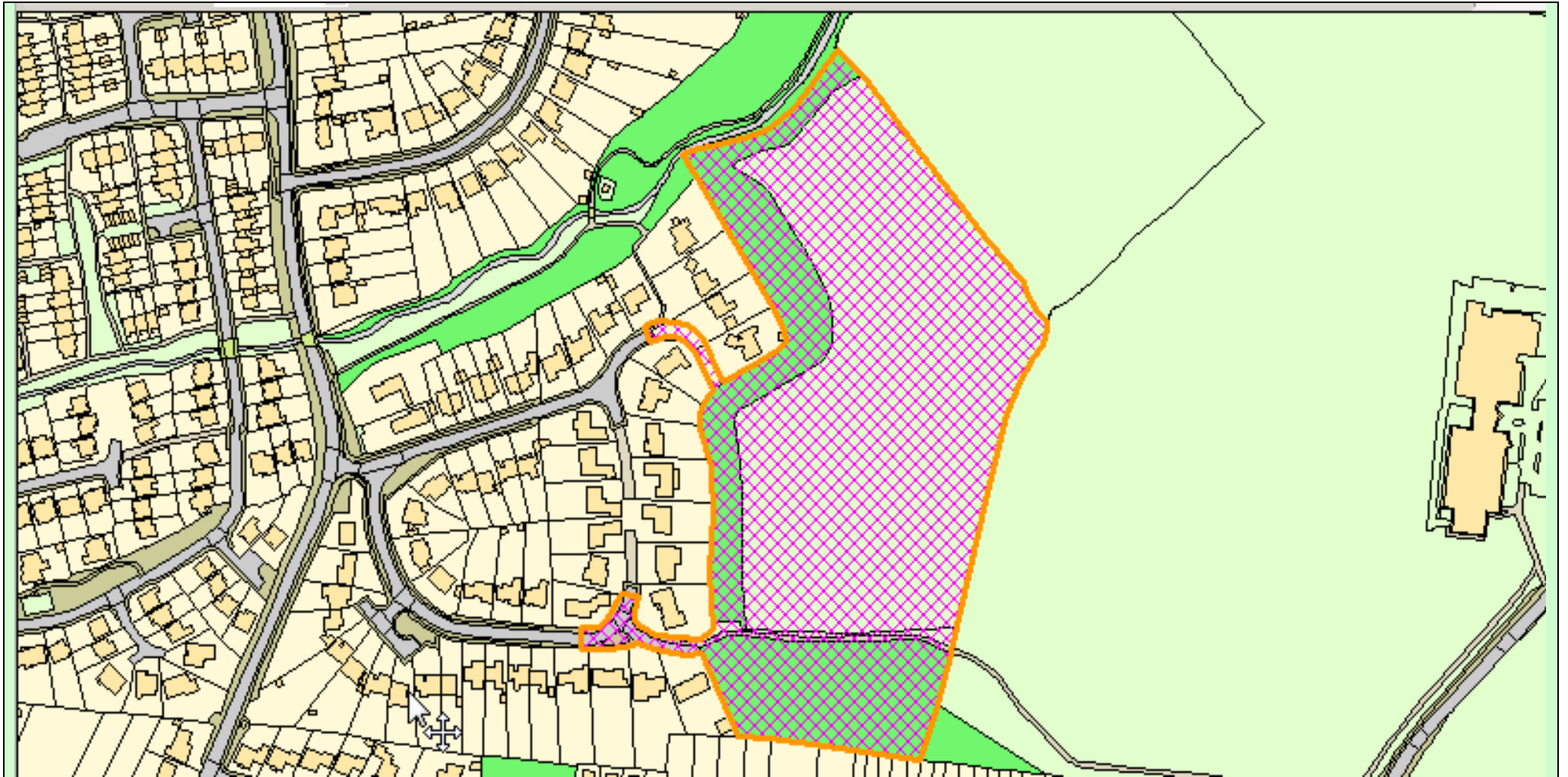
[National Planning Policy Framework \(2012\)](#)

[South Downs National Park Partnership Management Plan 2013](#)

[The Petersfield Neighbourhood Plan](#)

[East Hampshire District Local Plan: Joint Core Strategy 2014 and Saved Policies of East Hampshire District Local Plan \(2<sup>nd</sup> Review\) 2006](#)

[South Downs Integrated Landscape Character Assessment 2005 and 2011](#)



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**Agenda Item 8 Report PC02/17 Appendix 2  
Plans Referred to in Consideration of this Application**

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date on Plan</b>	<b>Status</b>
Plans - Hard Landscape Strategy Sheet 2 of 3	KEB20279-12	C	15.12.2016	Submitted
Plans - Soft Landscape Proposals	KEB20279-11	C	15.12.2016	Submitted
Plans - Hard Landscape Strategy Sheet 3 of 3	KEB20279-12	C	15.12.2016	Submitted
Plans - Hard Landscape Strategy Sheet 1 of 3	KEB20279-12	C	15.12.2016	Submitted
Plans - Soft Landscape Proposals Sheet 2 of 3	KEB20279-11	C	15.12.2016	Submitted
Plans - Tree Protection Plan	KEB20279-03	C	15.12.2016	Submitted
Plans - Soft Landscape Proposals Sheet 1 of 3	KEB20279-11	C	16.12.2016	Submitted
Plans - Landscape Masterplan	KEB20279-10	C	16.12.2016	Submitted
Plans - Plot 58 Garage Plans and Elevations	FD15-1305-1325		16.12.2016	Submitted
Plans - Plots 56 and 57 Garage Plans and Elevations	FD15-1305-1320		16.12.2016	Submitted
Plans - Public Open Space	FD15-1305-68	A	16.12.2016	Submitted
Plans - Building Mix	FD15-1305-66	B	16.12.2016	Submitted
Plans - Movement	FD15-1305-65	B	16.12.2016	Submitted
Plans - Parking	FD15-1305-64	B	16.12.2016	Submitted
Plans - Refuse	FD15-1305-63	B	16.12.2016	Submitted
Plans - Tenure Mix	FD15-1305-62	B	16.12.2016	Submitted
Plans - Building Heights	FD15-1305-61	B	16.12.2016	Submitted
Plans - Pedestrian Isochrone	4342/302	A	16.12.2016	Submitted
Plans – Plot 1	FD15-1305-1005, 1000	A	16.12.2016	Submitted
Plans – Plot 2	1015, 1010		16.12.2016	Submitted
Plans – Plot 3	1016, 1017		16.12.2016	Submitted
Plans – Plots 4, 68 & 76	1020, 1021, 1025	A	16.12.2016	Submitted
Plans – Plots 5 - 7	1030, 1031, 1035, 106		16.12.2016	Submitted

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date on Plan</b>	<b>Status</b>
Plans – Plot 8	1040, 1045	A	16.12.2016	Submitted
Plans – Plot 9	1050, 1055		16.12.2016	Submitted
Plans – Plot 10-13	1060, 1061, 1062, 1065, 1066		16.12.2016	Submitted
Plans – Plot 14	1070, 1075	A	16.12.2016	Submitted
Plans Plots 15-17	1086, 1085, 1080, 1081	A	16.12.2016	Submitted
Plans – Plot 18	1090, 1095	A	16.12.2016	Submitted
Plans – Plots 19 & 72	1300, 1301		16.12.2016	Submitted
Plans – Plots 20-22	1096-1099		16.12.2016	Submitted
Plans – Plot 23	1302, 1303		16.12.2016	Submitted
Plans – Plot 24	1100, 1101, 1102, 1105, 1106	A	16.12.2016	Submitted
Plans – Plots 25 & 30	1110, 1115	A	16.12.2016	Submitted
Plans – Plots 26 & 29	1116, 1117		16.12.2016	Submitted
Plans – Plot 27	1120, 1125		16.12.2016	Submitted
Plans – Plot 28	1130-1132, 1135-1136		16.12.2016	Submitted
Plans – Plots 31-37	1140-1143, 1145, 1146		16.12.2016	Submitted
Plans – Plots 38 & 84	1150, 1155	A	16.12.2016	Submitted
Plans – Plot 39	1160, 1165	A	16.12.2016	Submitted
Plans – Plots 40-41, 44-45, 50-51	1170, 1171, 1175, 1176		16.12.2016	Submitted
Plan – Plots 42-52	1180, 1185	A	16.12.2016	Submitted
Plan – Plot 43	1186, 1187		16.12.2016	Submitted
Plan – Plots 46-47	1190, 1191, 1195, 1196		16.12.2016	Submitted
Plan – Plots 48-49	1312, 1313, 1310, 1311		16.12.2016	Submitted
Plan – Plot 53	1197, 1198		16.12.2016	Submitted
Plan – Plot 54	1205, 1200		16.12.2016	Submitted
Plan – Plot 55	1210, 1215		16.12.2016	Submitted
Plan – Plot 56	1220, 1225		16.12.2016	Submitted

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date on Plan</b>	<b>Status</b>
Plan – Plot 57	1230, 1231, 1235, 1236		16.12.2016	Submitted
Plan – Plot 58	1304 - 1308		16.12.2016	Submitted
Plan – Plots 59-67	1240, 1241, 1245		16.12.2016	Submitted
Plan – Plots 69-70, 73-74	1250, 1251, 1255, 1256		16.12.2016	Submitted
Plan – Plots 71 & 78	1260, 1265		16.12.2016	Submitted
Plan – Plot 75	1267, 1266		16.12.2016	Submitted
Plan – Plot 80	1278, 1279,		16.12.2016	Submitted
Plan – Plot 81	1290, 1295		16.12.2016	Submitted
Plan – Plots 82-83	1280, 1281, 1282, 1285, 1286		16.12.2016	Submitted
Plan – Plot 85	1296, 1297		16.12.2016	Submitted
Plan – Plot 85	1296, 1297		16.11.2016	Submitted
Plan – Sections	1900 - 1904		16.11.2016	Submitted
Plan – Surface Water Drainage Strategy	35861/4001/002	A	16.11.2016	Submitted
Plan – Lighting Layout	4342/006	B	16.11.2016	Submitted
Plan – Swept Path Analysis Tanker	4342/220	B	16.11.2016	Submitted
Plans – Swept Path Analysis – Fire Engine (sheets I-8)	4342/210-217	C	16.11.2016	Submitted
Plans – Swept Path Analysis – Refuse Vehicles (sheets I-8)	4342/202-209	C	16.11.2016	Submitted
Plans - Cycle Isochrone	4342/303	A	16.12.2016	Submitted

**Reasons:** For the avoidance of doubt and in the interests of proper planning.

