

Report to	<b>Planning Committee</b>
Date	<b>9 November 2017</b>
By	<b>Director of Planning</b>
Local Authority	<b>Winchester City Council</b>
Application Numbers	<b>SDNP/17/03850/CND and SDNP/17/03856/CND</b>
Applicant	<b>Country Homes Corhampton Ltd</b>
Applications	<b>SDNP/17/03850/CND</b> <b>Variation of conditions 2 and 12 on planning consent</b> <b>SDNP/16/02767/FUL to reflect new access arrangements.</b>  <b>SDNP/17/03856/CND</b> <b>Variation of conditions 2 and 12 on planning consent</b> <b>SDNP/16/02757/FUL to reflect new access arrangements.</b>
Address	<b>Vernon House, Warnford Road, Corhampton, Hampshire, SO32 3ND.</b>

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**Recommendation for SDNP/17/03850/CND: That planning permission be granted subject to conditions set out in Paragraph 10.1 of the report.**

**Recommendation for SDNP/17/03856/CND: That planning permission be granted subject to conditions set out in Paragraph 10.2 of this report.**

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### **Executive Summary**

Two applications are considered in this report. They both relate to varying approved plans and conditions of two planning permissions which, together, comprise a scheme of 10 dwellings to the rear of Vernon House. Both planning permissions and these current applications are inherently linked in terms of design and access arrangements.

The approved schemes provide a new shared access onto the A32 in between dwellings called Vernon House and South Cote. These new applications propose that the 10 dwellings instead be accessed via De Port Heights and through the adjacent new development at Houghtons Yard. The existing access at Vernon House would be retained for use by new parking spaces for this property and an attached neighbouring property called Wayside. The existing access would also become a permissive pedestrian/cycleway route for public use to and from the development and to De Port Heights. These new access arrangements are also reliant on a separate planning application (see agenda item 8) which relates to physically joining the Houghtons Yard and Vernon House sites across a former ransom strip which the developer has purchased.

The proposed amendments are in response to two main issues; (1) the layout at the Houghtons Yard site does not fully accord with Building Regulations in terms of access for fire engines. As a result the ransom strip was required to be purchased so that the turning head in the scheme at Vernon House could be used; (2) the developer is unable to implement the access as approved due to the concerns of the Highways Authority, in order to discharge conditions nos.12. An improved satisfactory design would involve the substantial demolition of Vernon House, in comparison to the approved scheme where it would be partially demolished and retained.

Of key consideration is the impact of the revised access arrangements upon highway safety and the amenities of existing properties in De Port Heights. The Highways Authority has not objected in relation to highway safety and whilst there would be a somewhat notable increase in traffic which

would impact upon the character and amenities of De Port Heights, on balance, it is considered to not be so great as to justify refusal on this basis.

The application is before Members because of previous consideration of applications across these development sites.

## **1. Site Description**

- 1.1 The sites are in the village of Corhampton, which is in the Meon Valley. Corhampton has a centre around two churches, a shop and post office close to the roundabout junction of the A32 and Corhampton Lane (B3035). This area is designated as a conservation area. The site is approximately 350m north and outside of the conservation area.
- 1.2 The sites are located on the eastern side of the A32 (Warnford Road), behind Vernon House and neighbouring properties Wayside and South Cote which front onto the road. Vernon House is a two storey semi-detached property. It has an access on the A32 which runs past the side of the house into the application sites, where the approved scheme is currently under construction (see paragraphs 2.3 and 2.4).
- 1.3 The former Houghtons Yard immediately north of the sites was granted planning permission by Appeal for a development of 8 dwellings. This development of two storey properties is also under construction. Six of those dwellings approved on appeal are accessed via De Port Heights immediately to the north. De Port Heights is a cul-de-sac of 5 large properties set within good sized plots with a direct access onto the A32. This road has a pavement on its northern side and a grass verge on the southern side. Properties are set back from the road by varying distances, with different orientations and with front gardens which are either open or bordered by brick walls and fencing. The junction with the A32 is reasonably wide but the road becomes narrower immediately within De Port Heights by a traffic calming feature before widening again. The junction is also at a bend in the A32 where there are grass verges and hedging behind them. The junction is also not far from the edge of a 30mph zone through the village.

## **2. Relevant Planning History**

- 2.1 SDNP/16/02757/FUL: Part demolition of Vernon House, new road and 5 new detached houses. Comprising 4no. 3 Bedroom and 1no. 5 Bedroom. Approved 30.09.2016.
- 2.2 SDNP/16/02767/FUL: Demolition of part of Vernon House for widened access and 5 new dwelling houses, comprising 1no. 2 Bed Detached, 2no. 3 Bed Detached and 2no. 4 Bed Detached. Approved 30.09.2016.
- 2.3 SDNP/16/00967/FUL: The demolition of part of Vernon House, and construction of 17 houses comprising 13x no.3 bed and 4x no.4 bedroom houses, revised access and landscaping details. Application withdrawn 12.08.2016.
- 2.4 SDNP/15/05227/FUL: Cessation of haulage yard and demolition of existing commercial buildings. Construction of 10 dwellings with parking, cycle and refuse collection provision with access off Warnford Road and De Port Heights. Refused 03.06.2016.
- 2.5 SDNP/15/01181/FUL: Cessation of transport haulage yard and demolition of existing commercial buildings. Construction of eight dwellings with parking, cycle and refuse collection provision with access off Warnford Road and De Port Heights. Non-determination Appeal allowed 18 May 2016.

## **3. Proposal**

- 3.1 The two applications are considered within one report because they are inherently linked with one another in terms of type of applications submitted and they overlap in the design of the scheme and conditions. The applications relate to two respective permissions of 5 dwellings (paragraph 2.1 and 2.2) which comprise a complete development of 10 dwellings.
- 3.2 Essentially the Applicant is seeking to vary conditions 2 and 12 on each permission in order to provide an alternative vehicular access from the development sites than that previously approved. The existing vehicular access alongside Vernon House would now serve 2 properties (Vernon House and Wayside) with a pedestrian/cycle access for the development

also being approved. The vehicular access would however now be proposed to be via De Port Heights to the north, through the existing approved Houghtons Yard development.

- 3.3 The applications seek to achieve this by amending the approved site layout plans cited on the decision notices which relate to conditions no.2 and the wording of identical condition nos.12 on each respective permission. The existing conditions are outlined below:

*2. 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.*

*12. No development shall commence until details of the access junction with the A32 have been submitted to and approved in writing by the Local Planning Authority and Hampshire County Council, as the Highway Authority. There shall be no occupation of the dwellings hereby approved until such time as the access works have been completed to the satisfaction of the Highway Authority.*

*Reason: To ensure that a satisfactory junction and means of access can be provided in the interest of highway safety, in accordance with policies DP.3 and T.4 of the Winchester District Local Plan 2006, policy CP13 of the Winchester District Local Plan Part 1 Joint Core Strategy 2013, and the NPPF.*

- 3.4 Regarding conditions no.2, the changes to the plans do not involve the number, design or siting of the dwellings, their plots or parking. The proposed amendments relate specifically to the access arrangements and the following amendments are proposed (see also **Appendix 3**):

- The 10 dwellings are now proposed to be accessed via De Port Heights and the Houghtons Yard development (see also agenda item 8).
- The approved access onto the A32 as approved would not be built and instead the existing access would be retained to provide access for parking for Vernon House and Wayside. This access would also be a shared pedestrian/cycle route for public use. Bollards at the eastern end of this access are also proposed to restrict vehicular access from the new dwellings.
- Vernon House would be retained in its entirety instead of its partial demolition in the approved scheme.
- Re-positioning of the parking spaces, as approved, for Vernon House closer to the property and provision of 2 additional parking spaces for Wayside. A row of 4 spaces would be created.

- 3.5 The Houghtons Yard and Vernon House sites were physically separated by a 0.5m strip of 3<sup>rd</sup> party land (a ransom strip) which prevented them being co-joined. This land has now been acquired by the Developer and a separate application across this land to join the Houghton Yard and Vernon House sites is at agenda item 8. The reasons for this and the applications being considered in this report are outlined in section 8 below.

- 3.6 Conditions no.12 are proposed to be re-worded in response to the proposed changes above. The applications propose the following wording, within which the respective planning permissions would need to be cited:

*There shall be no occupation of the dwellings hereby approved until such time as the new access arrangement approved under planning reference (insert either SDNP/17/03850/CND or SDNP/17/03856/CND) has been completed. Thereafter, the new access adjacent to Vernon House shall be maintained at all times for the use of pedestrians and cyclists and the new access that connects with the adjacent development known as The Paddocks and De Port Heights shall be maintained at all times for the use of vehicles, pedestrians and cyclists.*

*Reason: To ensure that a satisfactory junction and means of access can be provided in the interest of highway safety, in accordance with policies DP3 and T4 of the Winchester District Local Plan 2006, policy CP13 of the Winchester District Local Plan Part 1 Joint Core Strategy 2013 and the NPPF.*

- 3.7 If Members were minded to approve the applications, the two planning permissions would be re-issued with the amended plans cited on them but the wording of condition no.2 would not change. The amended wording of conditions nos.12 would also be included.

#### **4. Consultations**

4.1 **Highways Authority:** No objection.

- Would bring cars out onto an adopted public highway, which has been designed to a modern standard with regard to junction geometry and visibility.
- Capacity of the existing junction at De Port Heights will be sufficient to accommodate the additional traffic.

4.2 **Parish Council:** Comments:

- Broadly supportive of the development of the sites.
- Evolution of the plans to the current proposal understood but has led to confusion and a significantly greater loss of amenity for present residents.
- Fire vehicle access and egress should have been resolved at the original design stage.
- Highways Authority is satisfied with a new access which demolishes Vernon House, which is a planning solution to deliver the sites.
- Developer's strategy is to preserve the viability given additional costs.
- Note the Highways Authority regard the proposed access as safe for all dwellings.
- Debate is the balance of the loss of amenity to current residents of De Port Heights with the need for a deliverable solution for the development as a whole.
- Safety of the proposed access is for the planning authority to judge.
- The significant loss of amenity to the residents of De Port Heights appears likely to be a consequence of a series of failures in the planning process.

#### **5. Representations**

5.1 5 third-party objections have been received which raise the following:

- Significant change to the development which will have a huge impact on the present quiet cul de sac ambience and environment of De Port Heights.
- Should consider the proposals from an environmental view and not just technical highway requirements.
- Scale of development more appropriate for a town or city, would have been more appropriate to split the houses into smaller groups.
- De Port Heights will become a service road for the new development.
- De Port Heights was never constructed to take large volumes of traffic; its use by all new dwellings is excessive.
- No reason or ability for De Port Heights residents to park in the new development whilst new residents will have full access use of De Port Heights, creating an 'us' and 'them' scenario.
- Existing properties have private drainage and large vehicles emptying tanks block the road.
- Previous assurances given that the sites would not be joined with Houghtons Yard and De Port Heights.
- A cul-de-sac offers security and peace of mind to residents and reduces risk of rural crime but this is now changing.
- Option of using the long established access into Houghtons Yard for access is still available as plot H3 has yet to be built.
- Developer has already been building the houses based on the approved schemes.
- Motive is for increased profitability by reducing construction costs of building the access.
- Commercial gain should not be at the expense of road safety users and the loss of amenity to existing residents.
- Would reduce the impact of the development on the developer's properties at an unacceptable cost to residents on De Port Heights.

- De Port Heights designed for 5 dwellings with the possibility of a further 3 on the Houghtons Yard site, which would have been more in keeping with generous parking.
- Potential for overspill parking into De Port Heights which will lead to difficulties with access by large vehicles, which is hazardous to residents.
- Any overspill parking will impact upon the amenity of De Port Heights residents.
- Roadway in De Port Heights between nos.1 and 2 is narrow with insufficient room to pass.
- The passing bay at the entrance to De Port Heights is used for parking.
- Increased risk of accidents and danger to residents and other highway users.
- Developer is ignoring previous objections about traffic and road safety problems.
- Accesses either through Houghtons Yard or at Vernon House offer better visibility towards the north than De Port Heights junction.

## **6. Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the saved policies of the Winchester District Local Plan Review 2006 and the Winchester District Local Plan Part I Joint Core Strategy 2013. The relevant policies are set out in section 7 below.

### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

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

### National Planning Policy Framework and Circular 2010

- 6.3 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.

### Relationship of the Development Plan to the NPPF and Circular 2010

- 6.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.
- 6.5 The South Downs National Park Partnership Management Plan 2014-2019 is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight pending the adoption of the SDNP Local Plan. It outlines a vision and long term outcomes for the National Park. The following policies are relevant:
- General Policy 1: conserve and enhance natural beauty and special qualities of the landscape.
  - General Policy 3: Protect and enhance tranquillity and dark night skies.
  - General Policy 9: Historic Environment.
  - Policy 40: Highway network and impact of traffic.
  - Policy 50: Housing and other development in the National Park.

## **7. Planning Policy**

- 7.1 The following saved policies of the Winchester District Local Plan Review 2006 are relevant:

- DP.3 General Design Criteria.
- DP.4: Landscape and Built Environment
- DP.10: Pollution Generating Development
- HE.8: Development Affecting the Setting of a Conservation Area
- T.2 Development Access
- T.4 Parking Standards

7.2 The following policies of the Winchester District Local Plan Part I Joint Core Strategy 2013 are relevant:

- CPI0: Transport
- CPI3: High Quality Design
- CPI9: South Downs National Park
- CP20: Heritage and Landscape Character

#### The draft South Downs National Park Local Plan

7.3 The South Downs Local Plan: Pre-Submission version was published for public consultation on 26 September 2017 for 8 weeks up to 21 November. After this period, the next stage in the Plan's preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation and that the policies are considered to be compliant with the NPPF the Pre-submission Local Plan it is currently afforded some weight. The guidance Roads in the South Downs (2015) which is part of the evidence base of the SDNP Local Plan is also relevant.

7.4 The relevant planning policies of the Pre-submission Local Plan are: SD1, SD5, SD11, SD19, SD21, SD54. Since planning permission was granted, the SDNP draft Local Plan has been published for public consultation. Whilst it is afforded some limited weight, the JCS dates from 2013 (post NPPF) and therefore has the greatest weight in decision making.

7.5 The Corhampton and Meonstoke Village Design Statement 2002 is also a relevant consideration. It was adopted as Supplementary Planning Guidance by WCC in July 2002. The SDNPA has also adopted it by virtue of its status prior to the SDNPA becoming an Authority. It includes a breadth of considerations including highway guidelines such as:

- Sufficient car parking should be provided and hidden from view where possible.
- Access routes into larger sites should be designed so that the entire development cannot be seen from the road.

## **8. Planning Assessment**

8.1 Two main issues have led to the applicant revisiting access arrangements into the development site(s); (1) Building Regulations requirements in regard to fire service access at the adjacent Houghtons Yard site; and (2) issues with providing the new approved access at Vernon House in accordance with the plans. These issues are discussed in more detail below and in the context of the previous planning history.

8.2 The proposed amendments to the layouts are also reliant on the application being considered at agenda item 8. That application proposes to physically join the sites with the Houghtons Yard development across a former ransom strip which the Developer has now recently purchased.

8.3 Planning committee refused application SDNP/17/05227/FUL at Houghtons Yard in May 2016 (a scheme for 10 dwellings with access via De Port heights). Subsequently, a planning appeal against the non-determination of another application SDNP/15/01181/FUL (a scheme for 8 dwellings with access for 6 of them being from De Port Heights) was allowed on the site. And this scheme is currently under construction.

- 8.4 Prior to these two decisions, SDNPA officers had sought to negotiate a comprehensive scheme between the Vernon House and the Houghtons Yard sites, however, the determination of SDNP/17/05227/FUL and the Appeal decision affected this approach. In both the comprehensive scheme that was developing at that time and subsequently in the approved scheme on this site a new access alongside Vernon House was proposed. This was the preferred approach as, in the event, the issue of the ransom strip could not be resolved it allowed the sites to have their own independent accesses and in the event they were ever joined up there would be the benefit of multiple vehicular accesses for all of the new dwellings and improved permeability throughout the development as a whole. Members' views when considering previous applications were that they wanted a separation between the Houghtons Yard and Vernon House sites. This is reflected in the approved landscape scheme for the Houghtons Yard site.

Issue (1) – The adjacent Houghtons Yard development and Building Regulations

- 8.5 The development at Houghtons Yard as approved does not fully accord with the Building Regulations insofar as the requirement for access by fire engines. This issue has only arisen when Building Regulations approval was sought for the scheme.
- 8.6 The shared driveway in the development is a straight road leading from De Port Heights to the southern site boundary (see **Appendix 3**). Current Building regulations on fire safety specify that “*turning facilities should be provided in any dead end access route that is more than 20m long. This can be by a hammerhead or turning circle.*” Effectively, this regulation stipulates that fire engines should not be reversing more than 20m and any longer distance triggers the need to provide a means of turning around on site. The approved access is 31m long.
- 8.7 This requirement was not an apparent issue in the consideration of application SDNP/15/01181/FUL. It was not raised in consultee advice nor, conversely, it does not appear to have been fully considered by the developer when designing the scheme. Consultee advice had outlined that it was acceptable for refuse vehicles to reverse into De Port Heights into an existing turning head to then leave the road in a forward gear.
- 8.8 During the Appeal, concern was raised by officers to the Inspector about the layout of the access for refuse and emergency vehicles. This was, however, focussed on the tandem parking for the dwellings and the potential for this to lead to parking on the shared drive which could restrict access for these larger vehicles. In allowing the Appeal, the Inspector considered the issue of access and at paragraph 10 of the decision states “the use of De Port Heights for reversing refuse and other large vehicles appears to be technically adequate and provides what I consider to be a welcome opportunity to avoid a formal turning area, which could detract from the appearance of the development.”
- 8.9 Despite this issue not arising prior to permission being granted, the need to conform with this Building Regulations requirement has resulted in the Developer purchasing the ransom strip in order to retain all 6 dwellings within the scheme and join the sites together so as the turning head in the Vernon House development can be used. The separate application at agenda item 8 proposes to physically join the sites across the ransom strip. The proposed amendments in the applications being considered in this report are discussed in more detail below.

Issue (2) – The revised access arrangements at Vernon House

- 8.10 Condition 12 on both planning permissions (see paragraph 3.2) was recommended on the basis of Highways advice. The applications were originally recommended for refusal in the published committee reports for the August 2016 meeting. This was on the grounds of the proposed access at Vernon House being of a substandard design and the lack of a S106 Agreement in regard to contributions.
- 8.11 There were further discussions between the Highways Engineers at Hampshire County Council and the Developer prior to the committee meeting, which resulted in advice to the Authority that there was no objection in principle to the proposed access but further detailed plans were needed to be provided via condition. Since planning permission was granted, the Developer sought to address this condition through discussions with the

Highways Authority and a S278 Agreement to undertake highways works. These have however resulted in the Highways Authority not being satisfied with the detail of the approved site layout plans and advice that a wider access needed to be agreed because of its dimensions and issues with visibility splays and these crossing third party land.

- 8.12 Consequently, the Developer can only achieve a satisfactory access by the substantial demolition of Vernon House to create a wider access, instead of its partial demolition and retention as approved. The Developer has outlined that purchasing the ransom strip, the potential loss of Vernon House and costs of constructing the access a larger access cumulatively impact upon the development's viability, as these costs were not included in the feasibility study for the development.

Considerations on the revised site layout plans

- 8.13 The key consideration is the increase in vehicular traffic from the dwellings being accessed via De Port Heights. Whilst the Highways Authority raises no objection, Members have been concerned in the consideration of previous applications about the safety of the De Port Heights junction in regard to cars travelling south into the village and above the 30mph speed limit.
- 8.14 The junction of De Port Heights and the A32 is reasonably wide, at approximately 5.5m, and it has visibility splays which exceed minimum standards and cross public highway land. Further into De Port Heights there is a traffic calming feature which reduces the road width to approximately 3.7m for a short distance before the road widens again to approximately 4.8m. It is considered that the access is of a sufficient standard to serve additional residential development including service and emergency vehicles. This was affirmed by the Appeal Inspector in the consideration of the Houghtons Yard development (for 6 dwellings being accessed from De Port Heights). However, the proposals would create a further increase in vehicle movements from another 110 dwellings.
- 8.15 De Port Heights has been a small cu-de-sac with a high level of amenity for the residents of the 5 properties for some time, which is inevitably affected by the already approved dwellings being accessed through the close into Houghtons Yard. The concerns about impacts on amenity and highway safety are expressed in the representations received. Using the figures in the submitted Transport Statement it is estimated that the 6 new dwellings at Houghtons Yard will generate approximately 30 additional vehicle movements and the 10 dwellings at Vernon House would generate an additional 51 journeys per day. These c.80 movements cumulatively equate to approximately a 3 fold increase in traffic from the original 5 dwellings or an approximate doubling if you include the 6 new dwellings at Houghtons Yard as a starting point. The character of the road is undergoing change and there would inevitably be further impact from the current proposals.
- 8.16 The impact upon the amenity of residents still needs to be considered. It is clear that the quiet character of De Port Heights would be altered by these proposals with more comings and goings from the new residents to the south. In previous applications, officers were supportive of an access at Vernon House, as outlined in paragraph 8.4. The impact upon existing residential amenities now being considered is a balanced matter of judgement.
- 8.17 De Port Heights has an open and spacious character with good sized gardens and driveways being open to view. There is a pavement on the northern side and a grass verge on the southern side and these are well defined by kerbs. Nos.1-5 are positioned at varying distances and orientations to the road. Nos.1 and 2 face towards the A32. The side elevation of no.1 is set back from the road behind ornamental planting and a brick wall. Opposite, the side elevation of no.2 has two secondary windows and is set back from the road, in between which is shrub planting and a brick wall bordering the rear garden. No.3 is situated on a bend in the road and faces towards a turning head and Houghtons Yard. It is set back from the road a shorter distance than other properties and there is not any intervening substantial planting or any boundary wall or fencing. Nos.4 is set back a considerable distance from the road and is accessed via a long drive in front of no.3. No.5 is also set back from the road a notable distance but the front garden is open lawn with minimal planting.



- 8.18 The road is of a good width and the traffic calming feature close to the junction with the A32 does help to manage the speed of cars entering the road, but residents have raised concern about cars regularly parking at this point and hampering cars entering and leaving the road. The Highways Authority has not however raised an objection. In light of the characteristics of De Port Heights and the use of the access being deemed acceptable by the Highways Authority, whilst, in amenity impact terms, it is preferable to achieve an access via Vernon House, on balance the revised design is acceptable. It is also noteworthy that, whilst each case is judged on its merits, there are numerous housing allocations in the draft Local Plan which propose a similar number of dwellings through residential cul-de-sacs.
- 8.19 The revised proposals also still provide a degree of permeability through the development because all residents would be able to use the pedestrian/cycleway adjacent to Vernon House to access the village shop and post office. The junction with the A32 here is not a 'natural' crossing point for pedestrians in that there is no pavement on the eastern side of this stretch of the A32 and whilst there is a pavement on the western side the access is directly opposite is a parking layby. The proposed parking arrangements for Vernon House and Wayside would be acceptable in that they would utilise the existing access which would be used for only one additional dwelling (Wayside).
- 8.20 In regard to the character and appearance of the area, the retention of Vernon House would retain a row of properties along the A32 rather than produce a large gap if a new access involved its demolition, which may be out of keeping with the village.
- 8.21 The cumulative impact of 16 new dwellings being accessed via De Port Heights has an impact upon the level of amenity of properties, however, it is not harmful to the extent to justify a refusal on this basis, in regard to the relevant development plan policies and material considerations.

## 9. Conclusion

- 9.1 The delivery of the Vernon House sites and indeed the satisfactory completion of Houghtons Yard are very much dependent on the revised plans. It is considered that De Port Heights and its junction with the A32 is of a sufficient standard to accommodate the additional dwellings from a technical highways perspective. There would however be a cumulative impact upon the amenities of residents of De Port Heights from further noise and disturbance caused by additional vehicles. Some of the impact would be mitigated by the siting of some properties but the impact upon amenity is a somewhat balanced judgement. Whilst the increase has been described as three-fold, this is in relation to the starting point being the original 5 dwellings on De Port Heights. It is not considered, on balance, that the increase to 16 properties would result in such activity through De Port Heights as to have an unacceptable impact on the amenity of these neighbouring properties. Taking all aspects into consideration, the application is recommended for approval.
- 9.2 In regard to the recommendations below, if permission is granted new decision notices will be issued which would sit alongside the original permissions, which remain intact and unaltered. The new decisions would also exclude conditions from the original permission which have been discharged. Various conditions on each permission which have been discharged have been omitted from the recommendations below. The proposed amendments to the site layout plans would not impact upon the conditions which have already been discharged.
- 9.3 The amended condition nos.12 are included in the recommendation below but have been re-numbered as conditions no.10 because of omitting discharged conditions. They are highlighted in **bold**.

## 10. Reason for Recommendation and Conditions

- 10.1 The application **SDNP/17/03850/CND** is recommended for approval subject to the following 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).

2. 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 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 planting specification detailing schedules of plants, noting species, planting sizes, proposed numbers/densities and soil amelioration where appropriate;
  - ii) Planting methods, tree pits & guying methods;
  - iii) Retained areas of hedgerow and trees;
  - iv) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation;
  - v) Details of all hard-surfaces, such as paths, access ways, seating areas, and parking spaces and roads including their appearance, depth and permeability;
  - vi) Means of all boundary treatments to enclose individual property curtilages visible in the public realm including walls, fences, gates, railings and planting;
  - vii) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. A more rural and informal landscape design shall be adopted which should include native species. Any boundary planting along frontages and at the site entrance shall be designed so as it is 'passively safe' in regard to highway safety.

Reason: To improve the appearance of the site in the interests of visual amenity and to comply with policies DP.3 and DP.4 of the Winchester District Local Plan 2006, Policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park purposes, and the NPPF.

4. The landscaping scheme approved under condition 3 shall be implemented within the first planting season following first occupation. Trees, shrubs and hedges planted in accordance with the approved landscaping scheme shall be maintained in accordance with the approved scheme and if any within five years of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of the local area, in accordance with policies DP.3 and DP.4 of the Winchester District Local Plan 2006, Policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park purposes, and the NPPF.

5. 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 prior to the commencement of the development. 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

6. The Protective measures, including fencing and ground protection, as specified in the Arboricultural Impact Appraisal and Method Statement reference MBI421 Rev A written by Arbor-ECO Consultancy (dated August 2015) shall be carried out prior to any demolition, construction or groundwork commencing on the site. The Local Authority's Arboricultural Officer shall be informed once protective measures have

been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate prior to works commencing.

Reason: to ensure protection from construction activity and, therefore, the long term viability of retained trees and the local amenity in accordance with policy DP.4 of the Winchester District Local Plan 2006, policies CPI3 and CPI6 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park Purposes and the NPPF.

7. The development shall proceed in strict accordance with the measures set out the submitted Phase I and II Bat Survey Report and Mitigation Strategy written by Eco-Support Ltd (dated 3rd August 2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the favourable conservation status of protected species at the site, in accordance with policy CPI6 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park Purposes and the NPPF.

8. The development shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the Lizard Landscape Design Ecological Appraisal (dated August 2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF, Policy CPI6 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park Purposes and the NPPF.

9. The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwellings.

Reason: To ensure the permanent availability of parking for the properties, in accordance with policies DP.3 and T.4 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

- 10. There shall be no occupation of the dwellings hereby approved until such time as the new access arrangement approved under planning reference (SDNP/17/03850/CND) has been completed. Thereafter, the new access adjacent to Vernon House shall be maintained at all times for the use of pedestrians and cyclists and the new access that connects with Houghtons Yard shall be maintained at all times for the use of vehicles, pedestrians and cyclists.**

**Reason: To ensure that a satisfactory junction and means of access can be provided in the interest of highway safety, in accordance with policies DP3 and T4 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013 and the NPPF.**

11. The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwellings.

Reason: To ensure the permanent availability of parking for the properties, in accordance with policies DP.3 and T.4 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or

without modification), no openings other than those expressly authorised by this permission shall, at any time, be constructed in the first floor of the side elevations of the dwellings forming the development hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties, in accordance with policy DP.3 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no openings other than those expressly authorised by this permission shall, at any time, be constructed in the first floor of the side elevations of the dwellings forming the development hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties, in accordance with policy DP.3 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order), no development permitted by Classes A-H of Part 1, Class A of Part 2 shall be carried out without the prior written approval of the Local Planning Authority.

Reason: In the interests of conserving the character of the landscape and amenity of the local area, in accordance with policy DP.3 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

15. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants, in accordance with policy DP.13 of the Winchester District Local Plan 2006 and the NPPF.

- 10.2 The application **SDNP/17/03856/CND** is recommended for approval subject to the following 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).

2. 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 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 planting specification detailing schedules of plants, noting species, planting sizes, proposed numbers/densities and soil amelioration where appropriate;
- ii) Planting methods, tree pits & guying methods;
- iii) Retained areas of hedgerow and trees;
- iv) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation;

- v) Details of all hard-surfaces, such as paths, access ways, seating areas, and parking spaces and roads including their appearance, depth and permeability;
- vi) Means of all boundary treatments to enclose individual property curtilages visible in the public realm including walls, fences, gates, railings and planting;
- vii) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. A more rural and informal landscape design shall be adopted which should include native species. Any boundary planting along frontages and at the site entrance shall be designed so as it is 'passively safe' in regard to highway safety.

Reason: To improve the appearance of the site in the interests of visual amenity and to comply with policies DP.3 and DP.4 of the Winchester District Local Plan 2006, Policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park purposes, and the NPPF.

4. The landscaping scheme approved under condition 3 shall be implemented within the first planting season following first occupation. Trees, shrubs and hedges planted in accordance with the approved landscaping scheme shall be maintained in accordance with the approved scheme and if any within five years of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of the local area, in accordance with policies DP.3 and DP.4 of the Winchester District Local Plan 2006, Policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park purposes, and the NPPF.

5. 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 prior to the commencement of the development. 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

6. The Protective measures, including fencing and ground protection, as specified in the Arboricultural Impact Appraisal and Method Statement reference MB1421 Rev A written by Arbor-ECO Consultancy (dated August 2015) shall be carried out prior to any demolition, construction or groundwork commencing on the site. The Local Authority's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate prior to works commencing.

Reason: to ensure protection from construction activity and, therefore, the long term viability of retained trees and the local amenity in accordance with policy DP.4 of the Winchester District Local Plan 2006, policies CPI3 and CPI6 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park Purposes and the NPPF.

7. The development shall proceed in strict accordance with the measures set out the submitted Phase I and II Bat Survey Report and Mitigation Strategy written by Eco-Support Ltd (dated 3rd August 2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the favourable conservation status of protected species at the site, in accordance with policy CPI6 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park Purposes and the NPPF.

8. The development shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the Lizard Landscape Design Ecological Appraisal (dated August 2015) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF, Policy CPI6 of the Winchester District Local Plan Part I Joint Core Strategy 2013, National Park Purposes and the NPPF.

9. The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwellings.

Reason: To ensure the permanent availability of parking for the properties, in accordance with policies DP.3 and T.4 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

10. **There shall be no occupation of the dwellings hereby approved until such time as the new access arrangement approved under planning reference (SDNP/17/03856/CND) has been completed. Thereafter, the new access adjacent to Vernon House shall be maintained at all times for the use of pedestrians and cyclists and the new access that connects with Houghtons Yard shall be maintained at all times for the use of vehicles, pedestrians and cyclists.**

**Reason: To ensure that a satisfactory junction and means of access can be provided in the interest of highway safety, in accordance with policies DP3 and T4 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013 and the NPPF.**

11. The parking areas including the garages shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwellings.

Reason: To ensure the permanent availability of parking for the properties, in accordance with policies DP.3 and T.4 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no openings other than those expressly authorised by this permission shall, at any time, be constructed in the first floor of the side elevations of the dwellings forming the development hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties, in accordance with policy DP.3 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no openings other than those expressly authorised by this permission shall, at any time, be constructed in the first floor of the side elevations of the dwellings forming the development hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties, in accordance with policy DP.3 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part I Joint Core Strategy 2013, and the NPPF.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order), no development permitted by Classes A-H of Part 1, Class A of Part 2 shall be carried out without the prior written approval of the Local Planning Authority.

Reason: In the interests of conserving the character of the landscape and amenity of the local area, in accordance with policy DP.3 of the Winchester District Local Plan 2006, policy CPI3 of the Winchester District Local Plan Part 1 Joint Core Strategy 2013, and the NPPF.

15. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person nominated in the approved remedial strategy shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the approved remedial strategy has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants, in accordance with policy DP.13 of the Winchester District Local Plan 2006 and the NPPF.

16. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants, in accordance with policy DP.13 of the Winchester District Local Plan 2006 and the NPPF.

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

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

## **12. Human Rights Implications**

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

## **13. 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 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

### **TIM SLANEY**

#### **Director of Planning**

#### **South Downs National Park Authority**

Contact Officer: Richard Ferguson

Tel: 01730 819268

email: [richard.ferguson@southdowns.gov.uk](mailto:richard.ferguson@southdowns.gov.uk)

Appendices

1. Site Location Map SDNP/17/03850/CND
2. Site Location Map –SDNP/17/03856/CND
3. Proposed Site Layout Plan

SDNPA Legal Services, Development Manager.

Consultees

Background  
Documents

All planning application plans, supporting documents, consultation and third party responses

SDNP/17/03850/CND

<http://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

SDNP/17/03856/CND

<http://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

National Planning Policy Framework (2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

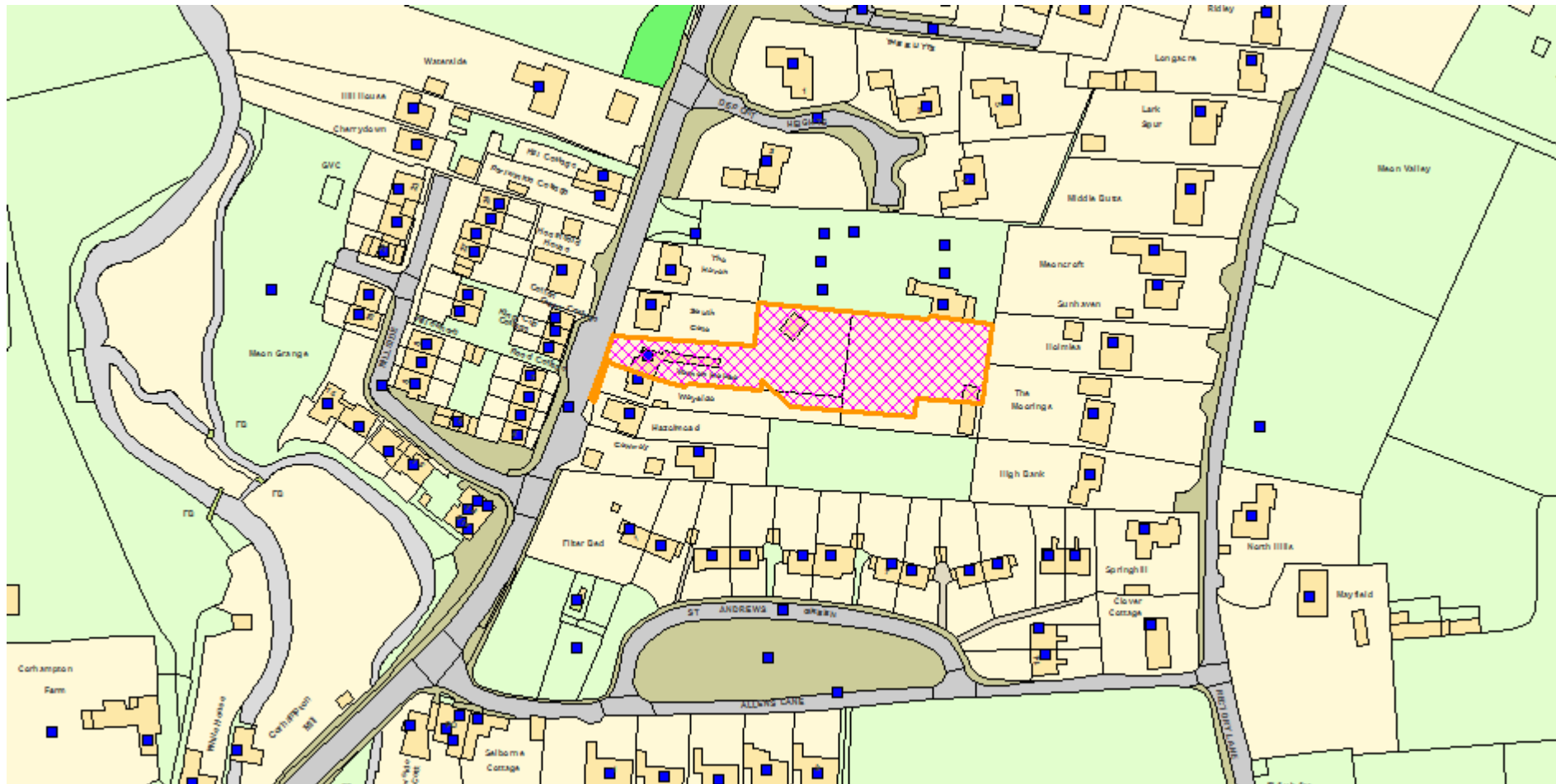
South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

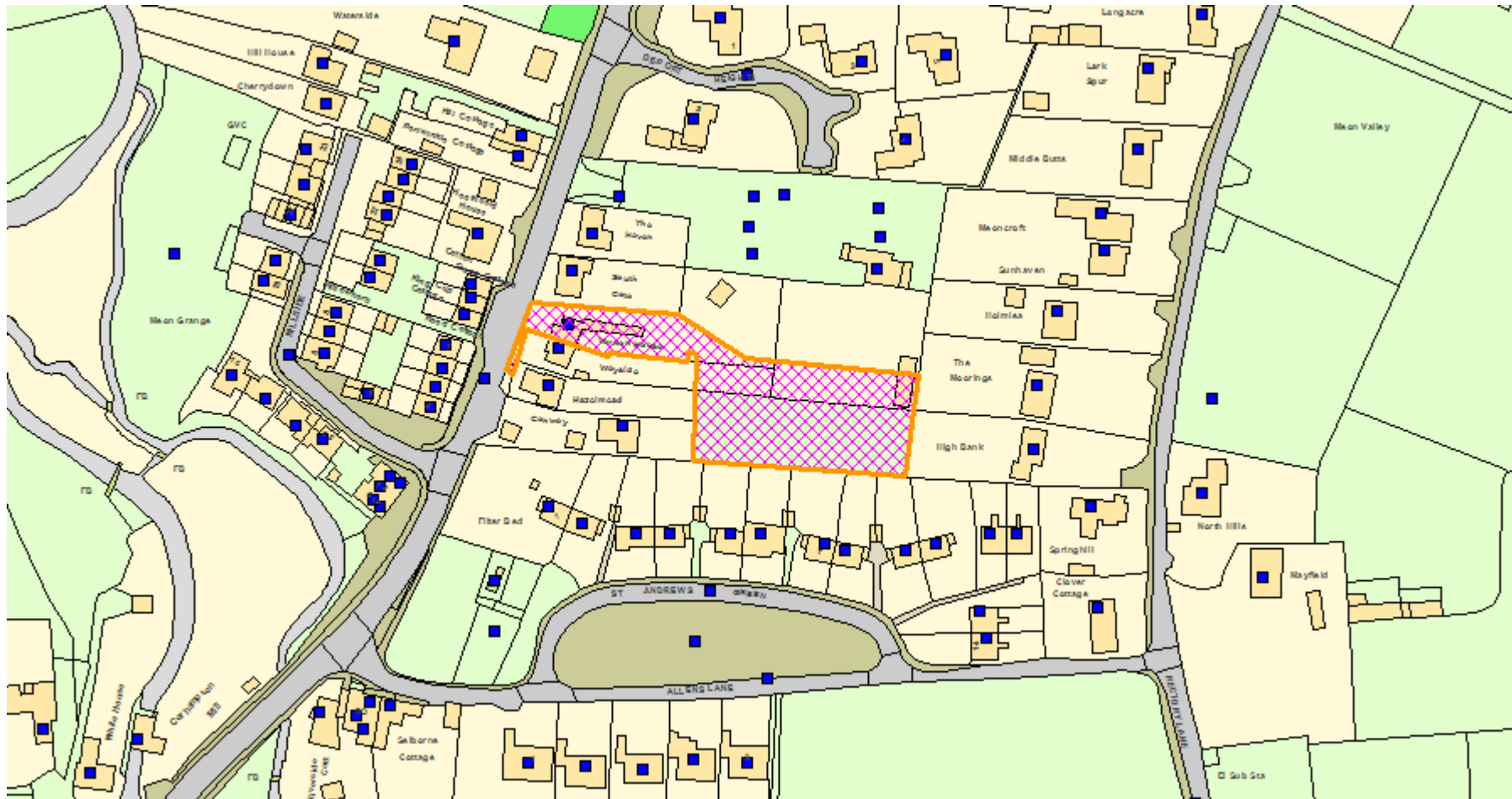
Roads in the South Downs

<https://www.southdowns.gov.uk/care-for/roads-in-the-south-downs/>





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Proposed Site Plan



