

Report to	<b>Planning Committee</b>
Date	<b>18 January 2017</b>
By	<b>Director of Planning</b>
Local Authority	<b>Winchester City Council</b>
Application Number	<b>SDNP/17/03849/FUL</b>
Applicant	<b>Country Homes Corhampton Ltd</b>
Application	<b>New access arrangements to connect between De Port Heights and Warnford Road (A32) adjacent to Vernon House. To include a new link between the already approved roads and the closure of the Vernon House junction to vehicles</b>
Address	<b>Vernon House, Warnford Road, Corhampton, Hampshire, SO32 3ND</b>

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**Recommendation: That planning permission be granted subject to conditions set out in Paragraph 11.1 of the report.**

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### **Executive Summary**

Members considered the application at a previous meeting on the 9 November 2017. The decision was to defer the application to consider 3 issues which required further clarification and information. These comprised of (1) highways matters relating to a new access at Vernon House onto the A32 in regard to visibility and the requirements of Hampshire County Council and refuse collection; (2) the Building Regulations matter of fire access at the adjacent Houghtons Yard scheme in regard to what is a regulatory requirement and what could be considered through relevant guidance or advice from a Fire Officer; and (3) the implications for the viability of the development in regard to the demolition of Vernon House and the creation of a larger access than as approved

This report addresses these concerns. It is an addendum to the report previously considered by Members (see **Appendix 2**). Both reports should be read together in terms of a comprehensive assessment of the proposals.

The conclusions reached in the report in response to the reasons for deferring a decision on the application are:

- (1) The new development at Houghtons Yard, as approved, accords with Building Regulations.
- (2) Hampshire County Council (HCC) Highways have required a larger access primarily because their guidance requires sufficient turning for a larger refuse vehicle than the junction was designed for and to allow safer two way traffic at the junction without causing road safety issues, given the access is onto the A32. The visibility splay to the north remains an issue because it encroaches onto 3<sup>rd</sup> party land, the extent of which has however been reduced by the design of a wider junction. The visibility issue could however be overcome to the satisfaction of HCC through its permanent retention being secured with the adjacent landowner.
- (3) Further information and assessment on viability matters are to follow in the Update Sheet.

Notwithstanding the above considerations, officers remain of the view that access via De Port Heights is an acceptable approach in regard to highway safety of using De Port Heights for access and the impact upon residential amenities for the reasons outlined in the report in Appendix 2. Further information and assessment in regard to reason (3) will be provided in due course.

The application is recommended for approval subject to the conditions listed in paragraph 10.1 of this report.

## **1. Introduction**

- 1.1 This updated report follows the planning committee's decision to defer a decision on application SDNP/17/03849/FUL at the meeting on the 9 November 2017. This application was considered after applications SDNP/17/03850/CND and SDNP/17/03856/CND, which related to the same site and propose to vary the approved plans, were deferred at the meeting by Members for the same reasons as outlined below. The original report is included in **Appendix 2**.
- 1.2 In summary, the application proposes to physically connect the new developments at Houghtons Yard and the Vernon House with a new section of shared drive across a former ransom strip which has been purchased by the Applicant. This would enable the new dwellings in the Vernon House scheme to be accessed via De Port Heights. An existing access at Vernon House onto the A32, which runs through Corhampton, would be retained for use by this property and a neighbouring property called Wayside. There would be a pedestrian link between the new development and the A32 through this access also. These proposals are also reliant on a separate planning application (**see Agenda Item 7**).
- 1.3 This report focusses on the reasons for deferral. The decision to defer the applications was made for the following issues to be clarified:
  - 1. Highways matters relating to a new access at Vernon House onto the A32 in regard to visibility and requirements of Hampshire County Council and refuse collection.
  - 2. The Building Regulations matter of fire access in regard to what is a regulatory requirement and what could be considered through relevant guidance or advice from a Fire Officer.
  - 3. The implications for the viability of the development in regard to the demolition of Vernon House and the creation of a larger access than as approved.
- 1.4 This report provides further information on each of these 3 issues. Addressing reasons (1) and (2) have involved discussions with HCC and Building Control at Winchester City Council. In regard to (3), the developer has submitted further viability information which is currently being appraised by Vail Williams and members will be updated via the Update Sheet.

## **2. Site Description**

- 2.1 This is detailed in **Appendix 2**.

## **3. Relevant Planning History**

- 3.1 This is detailed in **Appendix 2**.

## **4. Proposal**

- 4.1 The previous descriptions of the proposals as described in **Appendix 2** are still relevant.

## **5. Consultations**

- 5.1 Consultee responses on the applications are summarised in **Appendix 2**. Advice from HCC and Building Control in response to Member's concerns is outlined in section 9 below.

## **6. Representations**

- 6.1 The responses received to the applications prior to the meeting are summarised in **Appendix 2**.

## **7. Planning Policy Context**

7.1 All as stated in **Appendix 2.**

## **8. Planning Policy**

8.1 All as stated in **Appendix 2.**

## **9. Planning Assessment**

9.1 The breadth of considerations concerning the proposals which do not relate to the reasons for deferral are outlined in the report in **Appendix 2.** The focus of this report is the matters of concern previously raised by the Planning Committee and the reasons for deferral. These are addressed below, as numbered in the introduction.

1) To consider highways matters relating to a new access at Vernon House onto the A32 in regard to visibility and requirements of Hampshire County Council and refuse collection

9.2 HCC has advised that the width of the access drive as approved, (at 4.8m wide plus a footway) meets with the national design guidance in Manual for Streets insofar as vehicles passing each other once travelling along the driveway. Specifically in regard to junctions, the national guidance is less prescriptive and offers general principles on design but in regard to highway safety matters this is the responsibility of Highways Authorities. HCC, through the process of design checks as part of progressing aS278 Agreement between HCC and the developer for them to undertake works to the highway, consider that the approved junction is not suitable when applying their own technical guidance and having considered a Road Safety Audit which was undertaken. HCC's requirements are outlined below.

9.3 In regard to visibility, the approved access has a visibility splay to the north which encroaches over the front driveway and access of the adjacent property called South Cote, which is 3<sup>rd</sup> party land. The visibility splay to the south does not have this issue and can be achieved. A 6m wide access required by HCC still results in the northern visibility splay encroaching on this 3<sup>rd</sup> party land, albeit to a lesser extent because it is a wider junction whereby the visibility splay would be measured from a point which is further away from the neighbour. HCC would be satisfied with this provided an easement can be secured with the property owner along the frontage of South Cote to retain the visibility splay in perpetuity.

9.4 The size of the access has been increased in its design on the basis of HCC's guidance and views. This relates to access for refuse vehicles at the junction when entering/leaving the site and the easier free flow of two-way traffic both on the A32 and on the site access at this point. This is the primary reason for a larger access being required. A crucial consideration for HCC is that the approved junction does not accommodate the size of refuse vehicle they require in their published guidance. As part of the S278 agreement process, HCC's guidance requires the largest refuse vehicles of 11.2m long to be accommodated. The required 6m wide junction and its associated geometry is required to accommodate this size of vehicle and avoid it either having to wait on the A32 for any car leaving the site before it can enter the access and having to cross the white line on the A32 into the oncoming lane in order to turn into the site. It would also minimise these vehicles running over kerbs which could become damaged over time. Further into the site and beyond the junction HCC would be satisfied with the access drive reducing to 4.8m width as this would still allow a refuse vehicle and a car to pass, however, this would not avoid Vernon House being removed.

9.5 At the planning stage for this development, the access was assessed using a standard 9.4m refuse vehicle. From further discussion with the WCC Highways engineer it is understood that the 9.4m is used because the fleet of vehicles which operate in the area are predominantly this size. This was discussed with HCC however they want to see the junction planned for any eventuality of larger vehicles being brought into operation, they apply this standard across Hampshire and also, importantly, the new access is onto an A road. Officers are of the view that HCC are stringently applying their standard given that typically a smaller (9.4m) refuse vehicle is used in the District and any contractor would tailor their fleet of vehicles to the types and sizes of accesses that exist on their daily routes. That said, highway safety is an important issue and the access is onto an A road (albeit within

a 30mph limit zone) and therefore HCC's requirements may not be so unreasonable particularly as the issue of the northern visibility splay has not been resolved by the developer.

- 9.6 In the current proposals, refuse vehicles would access the site via De Port Heights and use the turning area within the scheme to leave in a forward gear. No objection has been raised by Highways in regard to this approach.
- 9.7 The approved access therefore requires substantial changes to be satisfactory to HCC and these would require the loss of Vernon House. A larger access and the loss of Vernon House would also have a visual impact upon the character of the street scene as detailed in the report in **Appendix 2**. It is outlined below that the Houghtons Yard scheme complies with Building Regulations regarding fire safety and therefore the access at Vernon House is the pertinent issue in regard to joining the two schemes together and using De Port Heights as the sole access.

2) Consideration of the Building Regulations matter of fire access in regard to what is a regulatory requirement and what could be considered through relevant guidance or advice from a Fire Officer.

- 9.8 The report in **Appendix 2** outlines the Building Regulations requirement of a 20m limit for emergency fire engines having to reverse in order to leave a site. As previously outlined, Building Regulations guidance has a requirement that fire appliances should not be permitted to reverse more than 20m. This is so they have a suitable means to leave a site easily particularly in the event of being called to another incident.
- 9.9 There is a statutory requirement in The Building Regulations 2010 which requires a satisfactory means of access for fire engine appliances to buildings. It outlines that a '*reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.*' The Secretary of State has the authority to approve and issue documents containing practical guidance for the purposes of determining whether the Building Regulations legislation, has been complied with. There is an 'approved' document called Fire Safety and it is within this guidance that the 20m limit is specified.
- 9.10 Following discussions with Winchester City Council Building Control, it has become apparent that the Houghtons Yard scheme as approved by the Inspector does accord with the above Building Regulation in relation to access by fire appliances. Building Regulations approval for both Houghtons Yard and the Vernon House schemes were granted on 6 March 2017.
- 9.11 Whilst there are requirements in approved guidance documents which are very prescriptive, the issue of meeting the above fire access regulation can be more interpretive. In isolation part 11.5 of the fire safety guidance specifically outlines the 20m limit and when looking at the site plan of the Houghtons Yard development it appears that it does not meet this, given there is no means of turning along the straight shared drive. In fact, other parts within the same section of the guidance can be considered alongside part 11.5 in much the same way as local plan policies are considered, i.e you look at the relevant policy as a whole and give weight to certain points taking into consideration the circumstances of the site.
- 9.12 For all new residential schemes, part 11.2 of the fire safety guidance is applicable. This outlines that '*there should be vehicle access for a pump appliance to within 45m of all points within the dwellinghouse.*' Essentially, 45m is the length of a fire hose on an appliance and the requirement is that a fire crew must be able to reach any part of a building within 45m, wherever it parks on site.
- 9.13 The 20m reversing limit can be measured from where a fire engine would need to park in order to reach any part of a building on site within 45m. In this instance, a fire appliance could park at the site entrance and the entirety of the furthest property away could still be reached within the 45m limit. Therefore, it would not need to drive into the site in order to reach all properties. The existing hammerhead in De Port Heights would be within 20m of this stopping point and could be used for turning in regard to complying with the guidance. Were an appliance to drive further into the site whereby the driver would have to reverse

more than 20m to exit, this would be a decision for fire crews at that time but the Building Regulation would be satisfied for reasons above. Therefore, the Developer arguably did not necessarily need to purchase the ransom strip in order for the Houghtons Yard development to comply with Building Regulations on fire safety, which it appears they may not have been fully aware of as this was purchased on 31 March 2017 (after Building Regulations approval).

- 9.14 It was also previously determined by the Highways Officer that it was acceptable for refuse lorries to reverse out of the Houghtons Yard site and use the turning head in De Port Heights. On this basis, the principle justification for linking the two sites relates solely to the issue of having to provide a larger access at Vernon House, as outlined under deferral issue (1).

3) The implications for the viability of the development in regard to the demolition of Vernon House and the creation of a larger access than as approved.

- 9.15 The report in **Appendix 2** outlines that the Developer's issues of purchasing the ransom strip, the potential loss of Vernon House and additional costs of constructing a larger access cumulatively impact upon the development's viability and that these costs were not included in the original feasibility study.
- 9.16 Further viability information on this issue has been submitted by the developer. This information, alongside the previous viability information provided in the determination of the original planning applications, is currently being assessed by Vail Williams. Their advice and officer's views on viability will be reported in the Update Sheet prior to the committee meeting. For reference, Vail Williams were involved in appraising the viability of the development and the development at Houghtons Yard and so have prior knowledge of the site.

## **10. Conclusion**

- 10.1 This report has sought to provide further information to address Member's reasons for deferral. It is also considered as an addendum to the report in **Appendix 2** and they should be read together in terms of a comprehensive assessment of the proposals.
- 10.2 It is now clear that the Building Regulations issue on fire access as previously reported is not a determining factor to justify the co-joining of the two developments. The main issue is therefore the provision of an access at Vernon House which is satisfactory to HCC which would negate the need for the schemes to be joined together (regardless of the ransom strip having been purchased) versus the current application proposals and the considerations of highway safety of using De Port Heights for access and the impact on existing residential amenities of residents from additional traffic. These considerations are addressed in the report in **Appendix 2**. As outlined in paragraph 9.5, HCC are stringently applying their guidance to the proposed access onto the A32 and officers consider that this arguably is not unreasonable for the reasons outlined. Members will be updated on the viability of the scheme in due course.
- 10.3 Notwithstanding the issues of the access at Vernon House, there is no objection from Highways for De Port Heights to be used from a technical perspective. Officers remain of the view that, on balance, the impact upon amenity would not be so significant to warrant refusing the application.

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

- 11.1 The application is recommended for approval subject to the following conditions:
- I. 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. The surfacing materials shall be consistent with those approved for the adjoining developments granted under planning permissions SDNP/16/02757/FUL SDNP/16/02767/FUL unless otherwise agreed in writing.  
Reason: In the interests of visual amenity.
4. Prior to the occupation of any dwelling, details of the soft landscape treatments shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented in full thereafter unless otherwise agreed in writing.  
Reason: In the interests of visual amenity.

## **12. Crime and Disorder Implication**

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

## **13. Human Rights Implications**

- 13.1 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.

## **14. Equality Act 2010**

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

## **15. Proactive Working**

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

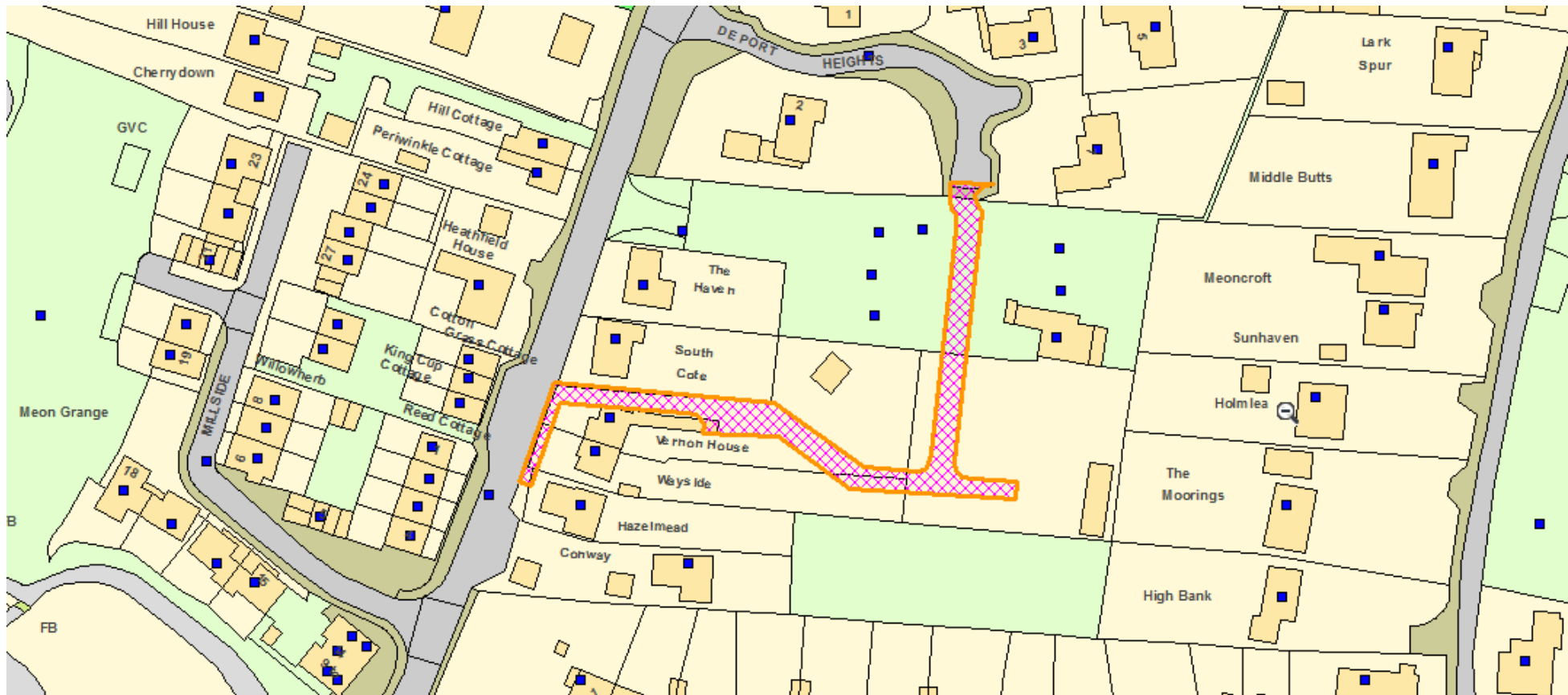
### **TIM SLANEY**

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Appendices	<ol style="list-style-type: none"> <li>1. Site Location Map</li> <li>2. Committee Report PC72/17, Excerpts of the November 2017 Update Sheet and Excerpts of the November 2017 Planning Committee Minutes.</li> </ol>
SDNPA	Legal Services, Development Manager.
Consultees	
Background Documents	<p>All planning application plans, supporting documents, consultation and third party responses</p> <p><a href="http://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">http://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a></p> <p>National Planning Policy Framework (2012)</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607721/16950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607721/16950.pdf</a></p> <p>South Downs National Park Partnership Management Plan 2013</p> <p><a href="https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/">https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/</a></p>

## Site Location Map



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