

Report to	<b>Planning Committee</b>
Date	<b>12<sup>th</sup> August 2021</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council</b>
Application Number	<b>SDNP/20/05682/CND</b>
Applicant	<b>Kebbell Homes</b>
Application	<b>Variation of Condition 2 of Planning Approval SDNP/15/06484/FUL (SDNP/15/06484 - 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>

---

**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 Deed of Variation linking this variation application to the original permission and to the already secured S106 agreement with its 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 £300,670 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 are 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 Deed of Variation is not completed or substantial progress has not been made within 3 months of the 12 August 2021 Planning Committee meeting.**

---

**Executive Summary**

This application seeks amendments to the residential scheme which was approved in March 2017 for 85 dwellings (together with further amendments approved in March 2019 on SDNP/18/03762/CND) on a 3 hectare area of previously undeveloped land (allocated for residential development in the Petersfield Neighbourhood Plan) situated adjacent to the existing residential area around Barnfield Road and Heathfield Road on the eastern side of Petersfield.

The amendments relate predominantly to small architectural changes to a number of the properties in the proposed development and some landscaping and layout changes, made primarily in response to the

Road Safety Audit undertaken in connection with the development. There has been particular interest relating to amendments to the road/path layout at the southern part of the site and the perceived impact on pedestrians and residents. Amendments have been made during the process of the application to seek to address these concerns.

The main considerations relate primarily as to whether the amendments constitute what could be considered as minor material amendments. Secondly there is then the consideration as to whether the amendments, in themselves are acceptable, in keeping with the character of the surrounding area and would result in a high design quality scheme.

It is considered on balance, that the proposal now before the Committee continues to broadly meet 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 previous consideration of development of the site.

## **1. 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.
- 1.4 The land has been fenced off and minor works in connection with the development have been commenced, thus meaning the original permission remains extant.
- 1.5 A temporary footpath has been constructed to the south of the proposed access road to enable access for pedestrians and cyclists whilst construction of the road and development is carried out.

## **2. Proposal**

- 2.1 There are a significant number of amendments proposed in this application, albeit they are arguably all minor in their nature so as to be reasonably considered within a S73 application as minor material amendments.
- 2.2 The amendments can be summarised as follows:-
  - Some plots set back and bell mouths adjusted to increase required visibility. Road access widening in places, landscaping rationalised to improve defensible space and increase footpath separation.
  - Ridge heights to a significant number of properties minimally reduced and in a small number of cases minimally increased. Small changes to eaves heights, removal of dormers in some cases. Removal of gable parapets to some properties. Window alterations from Georgian style to cottage.

- Plots 9-12 reduced from 5 to 4 apartments with Plot 13 being reallocated to Block 59-67
- Plots 29 & 30 changed from detached to semi-detached.
- One element of the block forming Plots 59 – 67 (and now incorporating Plot 13) increased in height by 243mm to provide additional floor.
- Elevation changes to a number of properties, including window sizes, style, Juliet balconies etc.

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

- 3.1 SDNP/15/06484/FUL - 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. Approved 30 March 2017
- 3.2 SDNP/18/03762/CND – Variation of condition 2 on SDNP/15/06484/FUL - Supersede approved plans to enable minor architectural changes. Approved 8 March 2019
- 3.3 SDNP/20/03356/NMA - Non-material amendments to planning consent SDNP/15/06484/FUL. Refused 13 October 2020 (Refused on the basis that the amendments could not be considered to be non-material)

### **4. Consultations**

#### **4.1 Petersfield Town Council – Object**

- Would affect the safety of the access to the site.
- There have been substantial changes made to the original 2017 application such that a new full application is warranted.
- Concern at the proposed treatment of the cyclepath/pedestrian path linking Tilmore Brook to Penns Place with risk to public safety for any group using the path.
- The shared path has been in existence since 2001. Recognised as a main cycling/walking route within the PNP and within the East Hants Cycling and Walking Infrastructure Plan (LCWIP). Heavily used by residents of all ages but particular concerns are the impact it has on the most vulnerable. It is an integral part of the proposed SDNP initiative to link Petersfield and Midhurst. The proposed treatment would call into question the safety for this path in the future.
- The reduced width of the path plus interactions with the roadway predominantly proposed for motorised traffic render the question of safety as acute. The absence of a crossing, plus introduction of a vehicle bay without suitable distance between the bay and the cyclepath exacerbate the issues surrounding safety.
- Concern at the suitability of the temporary traffic measures that have been introduced. The temporary route is only half the recommended width of a share cyclepath and contains a very sharp bend around a temporary building. Treatment of the path is in contravention of Policy GAP1, GAP2 and GAP3 (PNP).
- Council wishes to see far more work done in addressing protection of pedestrian and cycle routes during construction. Imperative that the outcome, post construction, is the provision of facilities that are safe for all to use, regardless of age or vulnerability. If this cannot be achieved by protecting the existing routes then alternative routes within the site, potentially around the edges, need to be enhanced and upgraded.

#### **4.2 Design Officer – Comments**

- Most of the relevant elevations are fairly unobjectionable, but there are certain elevations where there is a preponderance of windows with small panes and lots of glazing bars. If achieved through the use of timber windows, this will be acceptable.
- Agreement with the comments made by the Landscape Officer.

- Previous comments on the earlier application in 2019 covered the issue of how better to integrate the car parking in what is a highly urban development on the edge of the countryside. Cannot see that the proposed changes have made the problem any worse and the front property designs with structures and hedges seem to still be in place to help mitigate some of those car parking impacts.

#### 4.3 Landscape Officer – Objection

- Concerned that the road alignment changes take the scheme further away from the original design intent of the permitted scheme, of a narrow, informal rural edge to something far more engineered and suburban.
- Object to reduction and pulling back of shared surfaces, creating more highway dominance in the small mews originally designed for pedestrians. This will create a big change in character
- Grasscrete added around parts of the site perimeter and footpaths are now curved. This is plastic mesh which serves to extend into the permitted open space, reducing its amenity, its quality particularly in the long term and its character. This space was permitted as flowering grassland mix. *Officer Comment: This element has since been removed from the scheme.*
- Increase in the size of bell mouths to each shared surface mews.
- Addition of hardstanding outside Unit 24 where the knock on effect of realigning the footpath has been shown. Paths need to be following desire lines otherwise they won't get used. This change also pushes hardstanding into tree RPA's but this hasn't been identified as using the no-dig technique. It is not clear why this is necessary given the permitted scheme did not include it. The change is a reaction to a problem, but clearly is creating other problems yet to be addressed and resolved. *Officer Comment: This has since been removed from the scheme.*
- The changes proposed to the Mews where they meet the open space along the NE part of the site, also provide future vehicular access into the adjacent site, which is not supported, the proposals reduce the amount of vegetation at these points. Alterations to planting are also proposed here, adjacent to Units 43 and 52 breaking up what was permitted as a continuous run of well-connected vegetation.
- Following the above, there is nothing in place to prevent cars driving around the mews using the grasscrete and footpath. So the change will require more bollards.
- Other concerns include implications for lighting, pushing lighting columns closer to the woodland along the main access road. The green space almost centrally located includes a tree planted now right on the edge instead of centrally within the space. It isn't clear why these changes have been proposed and affects what was originally a focal point for the site.
- When taken together the results of the changes proposed generate a reduction in the quality of the public realm. They pull the scheme further away from the design intent and ambitions set out and permitted in the earlier scheme and create knock-on effects that have not been fully acknowledged or mitigated for.

#### 4.4 Highways Authority – Comments

- The site layout is generally consistent with the previously approved plans.
- There are amendments. The footway running north/south on the western side of the site where it appears to have been narrowed through the installation of a grasscrete area. This is outside the Highway Authorities area of adoption but appears to narrow the available footway width and this is not a desirable approach. In addition the installation of grasscrete at the point where the path meets Barnfield Road prevents future connections for cyclists into the site from this route. Cycle movements should be accommodated at this point.
- It is noted that the main road into the site has altered from previous approved designs.
- The width of the road has been maintained at 5.5m from the original application SDNP/15/06484/FUL. However there have been amendments to the centre of the site.

- This amendment has been to remove the raised table from the S38 adoption and to provide a more traditional arrangement for pedestrians to cross the internal road network when travelling east/west across the site. The Highway Authority do not accept raised tables as a design feature within the adoptable road layout. It is preferred that the layout is designed to limit speeds without the need for vertical traffic calming. It is not considered that this amendment will increase speeds within the site.
- It is noted that there are a number of objections to the site however it is key to note that this is not a new application, and the principle of the development has been approved through previous planning applications. The Highway Authority are therefore only able to comment on elements of the application which have changed. It should be noted that the development is required to make a contribution through the S106 agreement towards offsite walking and cycling improvements within the immediate area.
- The shared use path to be created on the new access road is the same width as the existing link and ties into the route through to the Leisure Centre. There are specific comments regarding how you access the shared use route to the south from the site.
- This has been addressed in the latest Highway adoption plan through provision of additional flush kerbs on the corner of the site access radius to enable cyclist to join the cycle path and re-join the carriageway as necessary.
- In summary the changes to the access road itself reflect the approved Highway Adoption layout and there are no changes in Highway terms which are considered to be unacceptable within the adoptable areas.
- The provision of the grass crete area however remains a point for further discussion as the Highway Authority seek clarity on its provision and whether this can be removed to allow improved walking and cycling provision both north/south and east/west through the site.  
*Officer Comment: This element has since been removed from the scheme.*

## 5. Representations

### 5.1 9 letters of objections received making the following comments:-

- Concerns about changing alignment of existing footpath/cycle path from Heathfield Road to Penns Place.
- Carriageway of Heathfield Road is only 4.8m wide between the 35m section between the two houses. Forward visibility is restricted by a bend. Part of main access to site is narrow. Would appear cyclists/pedestrians would be sharing a narrow carriageway with construction traffic or a narrow path with pedestrians.
- Assume that a row of conifers will be felled opposite Oakwood House so a footway can be constructed. Doubt that this will provide a safe route for pedestrians.
- Does not comply with Clause 4.27, Policies SD19, SD20, SD21 and SD23 of the SDLP and GAP1 and NEP6 of the PNP.
- A cycling link to Barnfield Road could be part of this route, but this would be finished partially in grasscrete (*officer comment: this element now removed from the scheme*).
- Cycle connections and cycle routes have been overlooked through and across the site.
- Residents living at southern end of site exiting along Heathfield Road have limited forward visibility due to the bend causing risk to cyclists and pedestrians.
- No provision for cycle connectivity towards the Leisure Centre. No transition for cycles through the estate to the existing footway/cycleway.
- At odds with the primary source of government guidance on the design of cycling infrastructure (Local Transport Note (LTN) 1/20).
- Solutions are possible. Plan suggest various footpaths will allow pedestrian movement.
- The previous shared 3m cycle/pedestrian path has been removed and replaced by a footway

only 2m wide which is inappropriate for a shared facility, also being tortuous and away from the pedestrian desire line. (*Officer Comment: It is assumed the objection is referring to the existing temporary footway which has been introduced purely during construction and, which does not form part of the application*)

- Alongside the new path some visitors parking bays are proposed. Where are they supposed to turn around on a single track road?
- If traffic is to and from Heathfield Road, The shared Taro Trail/Tilmore Brook cycling walking route will not be a viable link between Petersfield Station and the Rother Valley Trail.
- This development will obtain significant gains in terms of house prices. Developers should fund effective cycle infrastructure around the site and not damage existing infrastructure.
- Concern about access in place during construction phase, with regard to temporary path, and also shared access from Heathfield Road.
- Fail to see why the applicant has not yet met all the conditions that were part of the permission. No proper building has started and to keep coming back to vary conditions makes a mockery of the process.
- Unclear what the removal or variation of the conditions are. If more changes are to be made then the original plans should be resubmitted as a whole.

5.2 I neutral response expressing difficulties with accessing the website to find information on the application. (*Officer comment: The information has been available to view on the website for the course of the application.*)

## **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 comprises the South Downs Local Plan (SDLP) 2014-2033 and The Petersfield Neighbourhood Development Plan (PNDP) 2013-2028. The relevant policies to this application 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,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

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

### National Planning Policy Framework and Circular 2010

6.4 Government policy relating to National Parks is set out in English National Parks and the Boards: UK Government and Vision and Circular 2010 and the National Planning Policy Framework (NPPF), which was issued and came into effect on 24 July 2018 and revised in February 2019 and July 2021. The Circular and the NPPF confirm that National parks have the highest status of protection and the NPPF states at Paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in the national parks and that conservation and enhancement of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### Major Development

6.5 Paragraph 176 of the NPPF also outlines that “the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”..

6.6 Paragraph 177 also states “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development

*(60) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

*a) the need for development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy:*

*b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way: and*

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

6.7 Footnote 60 to paragraph 177 provides further clarification; “For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.

6.8 The 2017 permission was regarded as a major development for the purposes of the NPPF and members were content that the relevant tests had been met. The original decision is considered to be a material consideration and nothing has changed in policy terms. Members are therefore assessing the changes in relation to a permission for major development granted in 2017.

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

6.9 The Development Plan policies listed below have been assessed for their compliance with the NPPF and are considered compliant with it.

#### National Planning Policy Framework (NPPF) 2021

6.10 The NPPF has been considered as a whole and its following sections are particularly relevant in the assessment of this application:

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Making effective use of land
- Achieving well-designed places
- Conserving and enhancing the natural environment
- Meeting the challenge of climate change, flooding and coastal change

#### The South Downs National Park Partnership Management Plan 2020-2025

6.11 The Environment Act 1995 (as amended) requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting out the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National park over the next five years. The priorities of most relevance to this proposal are: 1.1, 1.2, 3.1, 5.2, 5.3, 7.1, 9.1 & 9.2

#### Other Relevant Material Considerations

6.12 The following are relevant considerations:

- Adopted Sustainable Construction SPD
- Adopted Parking for Residential and Non-Residential Development SPD
- Ecosystems Services Technical Advice Note 2019.
- Dark Skies Technical Advice Note 2021.
- Draft Design Guide SPD (currently out to consultation so limited weight can be given to this document)

## **7. Planning Policy**

7.1 Whilst the SDLP must be read as a whole, the following policies are particularly relevant:

- SD1: Sustainable Development
- SD2: Ecosystem Services
- SD3: Major Development
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity & Geodiversity
- SD11: Trees, Woodlands and Hedgerows
- SD19: Transport and Accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD21: Public Realm, Highway Design and Public Art
- SD22: Parking Provision
- SD25: Development Strategy
- SD26: Supply of Homes
- SD27: Mix of Homes
- SD28: Affordable Homes
- SD42: Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD51: Renewable Energy
- SD54: Pollution and Air Quality

7.2 Whilst the PDNP must be read as a whole, the following policies of the PDNP are particularly relevant:

- HP1 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
- GAP2 Improve the town pedestrian and cycle network
- GAP3 Safer Streets
- GAP7 Parking



- CP1 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

## 8. Planning Assessment

Principle of Development with specific consideration as to whether the scheme falls within the definition of what could be considered to be a 'minor material amendment'.

- 8.1 The principle of development of the site was established through the allocation of land for housing within the Petersfield Neighbourhood Plan (Policy H5). The approval of the original scheme in March 2017, together with a further S73 application in 2019, and the commencement of works on site having been undertaken means that there is currently an extant permission.
- 8.2 The applicant has now submitted an application, which essentially seeks further amendments to the approved plans and has requested that this be considered as 'minor material amendments' to the original approval.
- 8.3 Section 73 of the Town and Country Planning Act 1990 allows for such applications to be made to vary conditions associated with the planning approval (in this case Condition 2 relates to the approved plans and the applicant is seeking amended plans to be approved). The Planning Guidance on the central government website confirms that there is no statutory definition of a 'minor material amendment' but *'it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.'*
- 8.4 In this particular case, whilst there are clearly a number of changes to a number of properties, including reduction (and increase in a small number of dwellings) of ridge heights, removal of dormers and gable parapets, materials proposed within the scheme, the layout of the site remains in line with the previously approved central spine, with mews style lanes off the main spine, together with a central green corridor running from west to east through the centre of the site. There are subtle changes in terms of the layout brought about as part of the Road Safety Audit and these relate primarily to increasing the visibility splays and providing larger bell mouths at junctions. The relocation of one unit from the south western side of the site to the mid-eastern edge incorporates only modest changes in the respective buildings. Given that the layout of the development remains primarily the same as that approved, with the amendments being, in the main, small massing and height changes, it is considered that the proposals can be defined as 'minor material amendments' and therefore the correct procedure/application route has been progressed by the applicant.

Impact of the Proposals in Terms of Design and Landscaping.

- 8.5 The approved scheme was considered to result in a high quality design with a landscape led layout. The contemporary architectural style of the original approval was considered to work well with the layout whilst respecting the character of the surrounding area. The later S73 application resulted in the loss of some of the original elements of detail such as brick detailing, terraces and parking located within garages to the rear of properties. It would be fair to say that the previously amended scheme resulted in a more car-centric development with visibility of vehicles more obvious to the front of plots.

- 8.6 The scheme now proposed includes some elements that have been included to improve visibility within the site in highway terms. Whilst the original scheme was considered to be acceptable in highway terms, this was caveated by being subject to a Road Safety Audit. In design and landscaping terms the layout amendments do result in a slightly more highway engineered feel with wider visibility splays and more engineered bell mouth junctions, however it is not considered, on balance, that these minor layout changes would result in the loss of a high quality scheme. Other elements that had caused concern to the Landscape Officer, including the widening of access points in the Mews along the north eastern edge of the site and introduction of grasscrete have since been removed and are now considered to be acceptable in this respect.
- 8.7 The introduction of a slightly wider area along the south western edge, by virtue of a grasscrete area had raised concerns and has since been removed from the scheme.
- 8.8 The changes to the buildings are subtle and mostly relate to the minor decrease in ridge heights to dwellings. In the limited cases where the ridge heights of properties have been increased these are considered to be minor in nature and do not detract from the original design of the development. The loss of architectural details like the gable parapets and a small number of dormers will result in the loss of some elements of interest in the scheme, but not to the extent as to consider the scheme to have an unacceptable impact in design terms. Officers consider that the matter raised by the Design Officer in relation to the quality of the window materials, can be addressed by a suitable condition. On balance, it is considered that the amendments in relation to design of buildings are acceptable and will still result in a high quality scheme.
- 8.9 It is considered that the scheme as now proposed continues to accord broadly with the policies and aspirations of the Petersfield Neighbourhood Plan (With particular reference to Policy H5 and the allocation of the site for residential development).

#### Highways Matters raised by interested parties

- 8.10 The main area which has raised concern is the amendments to the access to the site from Heathfield Road and the provision of suitable and safe pedestrian access from Heathfield Road to Penns Place.
- 8.11 The applicants have submitted amended layout plans which have removed the more contentious elements that have raised concern from local residents and the Town Council. In particular, the arrangement for the southern footpath/cycleway now aligns more closely to that previously approved and also subsequently secured as part of the S278 agreement on the earlier application. Given that the layout is so closely aligned to that previously approved, it is considered a refusal on this ground could not be justified, especially given the lack of a highway objection to the scheme. The removal of the parking spaces on the access road now also provides a more direct footpath, which is considered acceptable.
- 8.12 It is noted that concerns have been raised in relation to a recently constructed footpath closer to the tree belt at the southern part of the site. The footpath has been constructed on a temporary basis during the construction of the development and is intended to assist in safety for pedestrians and cyclists, given the construction vehicles which will be accessing and exiting the site. Notwithstanding, the route of the temporary footpath for cyclists and pedestrians has a number of sharp turns and 'blind spots' and the applicant has been informed to engage in further discussion with the Highways Authority and the SDNPA to consider a more suitable temporary arrangement. Officers are also liaising with the applicants given the proximity of the temporary footpath in relation to the southern belt of trees. Whilst this is not material to the consideration of this application, officers are liaising with the applicants to seek to address the matter.

#### Biodiversity Net Gain & Ecosystem Services

- 8.13 Given that the application seeks merely to introduce minor amendments to that already approved on earlier applications, it is not considered that further enhancements could be reasonably sought in relation to this application.

## **9. Conclusion**

- 9.1 The proposed scheme, with the minor amendments, is considered to be broadly in accordance with the aspirations of the Neighbourhood Development Plan, the Policies of the South Downs

Local Plan and will still 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 conditions set out below and subject to the completion of a deed of variation linking this variation application to the original permission and to the already secured S106 legal agreement with its 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 £300,670 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 s.106 agreement is not completed within 3 months of the 12 August Planning Committee meeting.

### Conditions

1. 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.

2. Notwithstanding details already approved under earlier permissions, 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 Policy SD5 of the South Downs Local Plan 2014-2033 and the NPPF.

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 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.

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 SD4 & SD5 of the South Downs Local Plan 2014-2033 and the NPPF.

- 4. 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 SD4 of the South Downs Local Plan 2014-2033 and the NPPF.

- 5. No development above slab level shall commence until details of all external lighting to be installed at the site have been 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, Policies SD4, SD5 and SD8 of the South Downs Local Plan 2014-2033 and the NPPF. 6. Development shall be carried out strictly in accordance with the Ecology Mitigation Compensation and Enhancement Strategy, approved in writing by the Local Planning Authority under SDNP/19/03809/DCOND and all biodiversity mitigation and compensation and enhancement features shall be permanently retained. 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 SD9 of the South Downs Local Plan 2014-2033

- 6. Tree protection measures detailed in the Tree Protection plan (December 2015 – KEB20279-03A) shall remain on site during construction. 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 SD11 of the South Downs Local Plan 2014-2033, National Park Purposes and the NPPF.

7. Development shall proceed in accordance with the Construction Site impacts Policy approved under SDNP/19/03809/DCOND. The approved policy shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area, in accordance with Policy SD19 of the South Downs Local Plan 2014-2033.

8. Development shall be carried out strictly in accordance with the detailed remediation scheme approved by the Local Planning Authority under SDNP/19/03809/DCOND.

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 SD54 of the Local Plan 2014-2033.<sup>10</sup>. 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 SD54 of the South Downs Local Plan 2014-2033.

9. 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 SD54 of the South Downs Local Plan 2014-2033.

10. Development shall proceed strictly in accordance with details approved under SDNP/19/05326/DCOND in relation to drainage and shall be carried out before any part of the development is first occupied and shall be retained thereafter.

Reason: To ensure adequate provision for drainage..

11. Development shall be carried out strictly in accordance with details approved under SDNP/19/05326/DCOND in relation to details of the proposed pumping station, including above ground infrastructure and below ground infrastructure, compound fencing and hardstanding.

Reason: In the interests of amenity and the environment of the development, in accordance with Policies SD4 & SD5 of the South Downs Local Plan 2014-2033, National Park Purposes and the NPPF.

12. 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 Policies SD4 & SD5 of the South Downs Local Plan 2014 -2033 and the National Planning Policy Framework. 15. Development shall be carried out strictly in accordance with the details approved under SDNP/19/03526/DCOND in relation to the sustainable drainage scheme including detailed plans and specifications and shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: In the interests of sustainable development, in accordance with policy SD50 of the South Downs Local Plan 2014-2033 and the NPPF.

13. Development shall be carried out strictly in accordance with the scheme for foul and surface water disposal and the implementation timetable approved under SDNP/19/05326/DCOND.

Reason: To ensure adequate provision for foul water disposal in accordance with the NPPF. 17. Development shall be carried out strictly in accordance with the scheme for foul and surface water drainage approved in writing by the Local Planning Authority under SDNP/19/05326/DCOND before any part of the development is occupied and shall be retained thereafter.

Reason: To ensure adequate provision for means of foul and surface water disposal in accordance with the NPPF.

14. 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 SD19 of the South Downs Local Plan 2014-2033 and the NPPF.

15. 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 SD22 of the South Downs Local Plan 2014-2033 and the NPPF.

16. Notwithstanding details originally approved, no development shall proceed above slab level 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.

17. Notwithstanding details approved under earlier permissions, no development shall proceed above slab level until the applicant has submitted in writing an energy efficiency strategy for approval by the Local Planning Authority setting out how at least 10% of the development's 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.

### **Informative Notes**

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

1. This Planning Permission is subject to a Deed of Variation to the S106 Legal Agreement.
2. 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 with the applicant on the amended proposals to seek to achieve a scheme which would comply with the relevant policies in the Local plan and Neighbourhood Plan.

### **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 Legal Services, Director of Planning

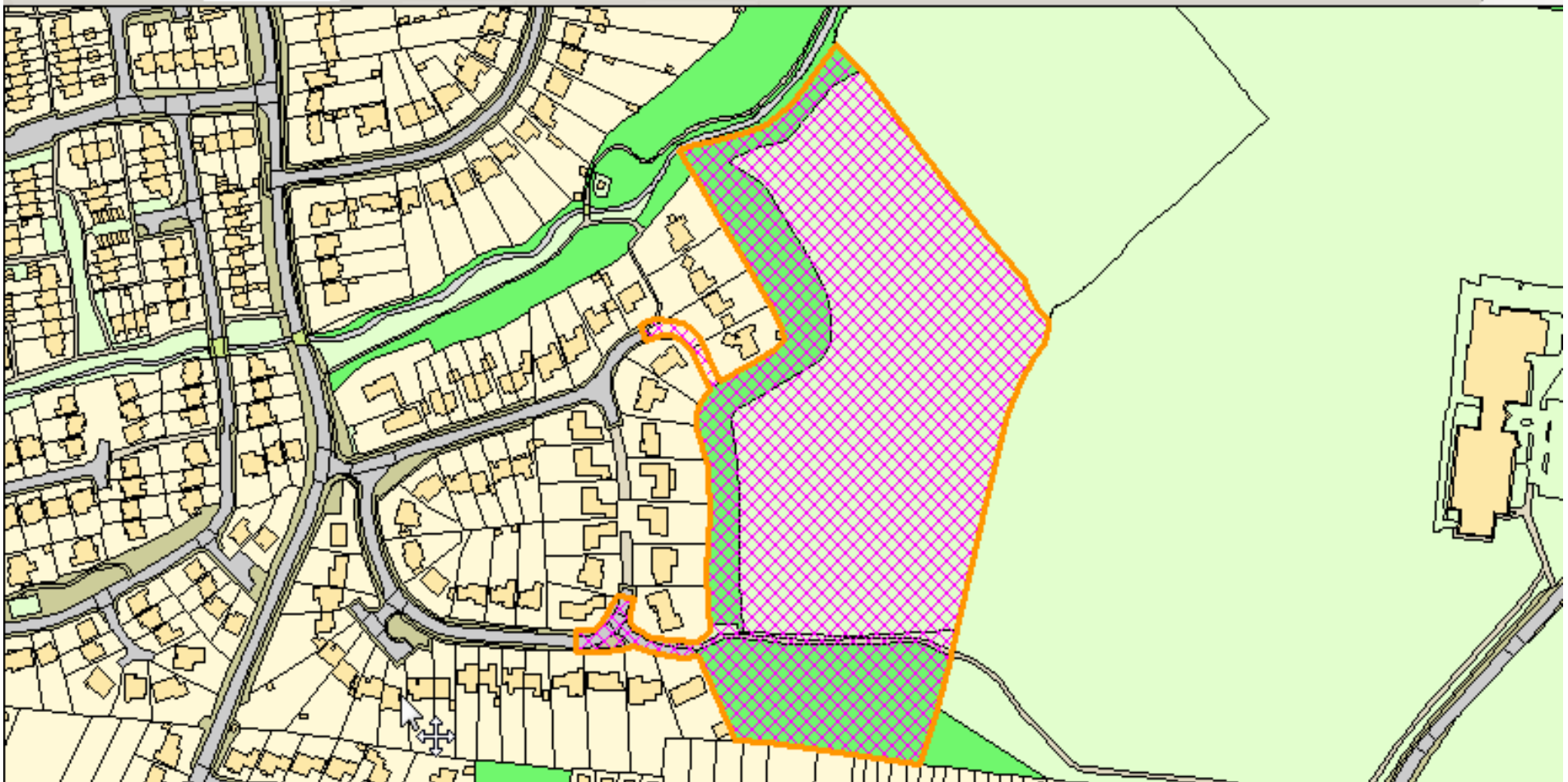
Consultees:

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

<https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=QLFT3PTULD300&activeTab=summary>  
National Planning Policy Framework  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)  
South Downs National Park Partnership Management Plan 2020-2025  
[https://www.southdowns.gov.uk/wp-content/uploads/2020/04/SD\\_PMP\\_2019\\_F\\_22-FINAL.pdf](https://www.southdowns.gov.uk/wp-content/uploads/2020/04/SD_PMP_2019_F_22-FINAL.pdf)  
The Petersfield Neighbourhood Plan  
<http://www.petersfieldsplan.co.uk/plan/>  
South Downs Integrated Landscape Character Assessment 2005 and 2011  
[https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD\\_LocalPlan\\_2019\\_17Wb.pdf](https://www.southdowns.gov.uk/wp-content/uploads/2019/07/SD_LocalPlan_2019_17Wb.pdf)  
South Downs Local Plan



### Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

