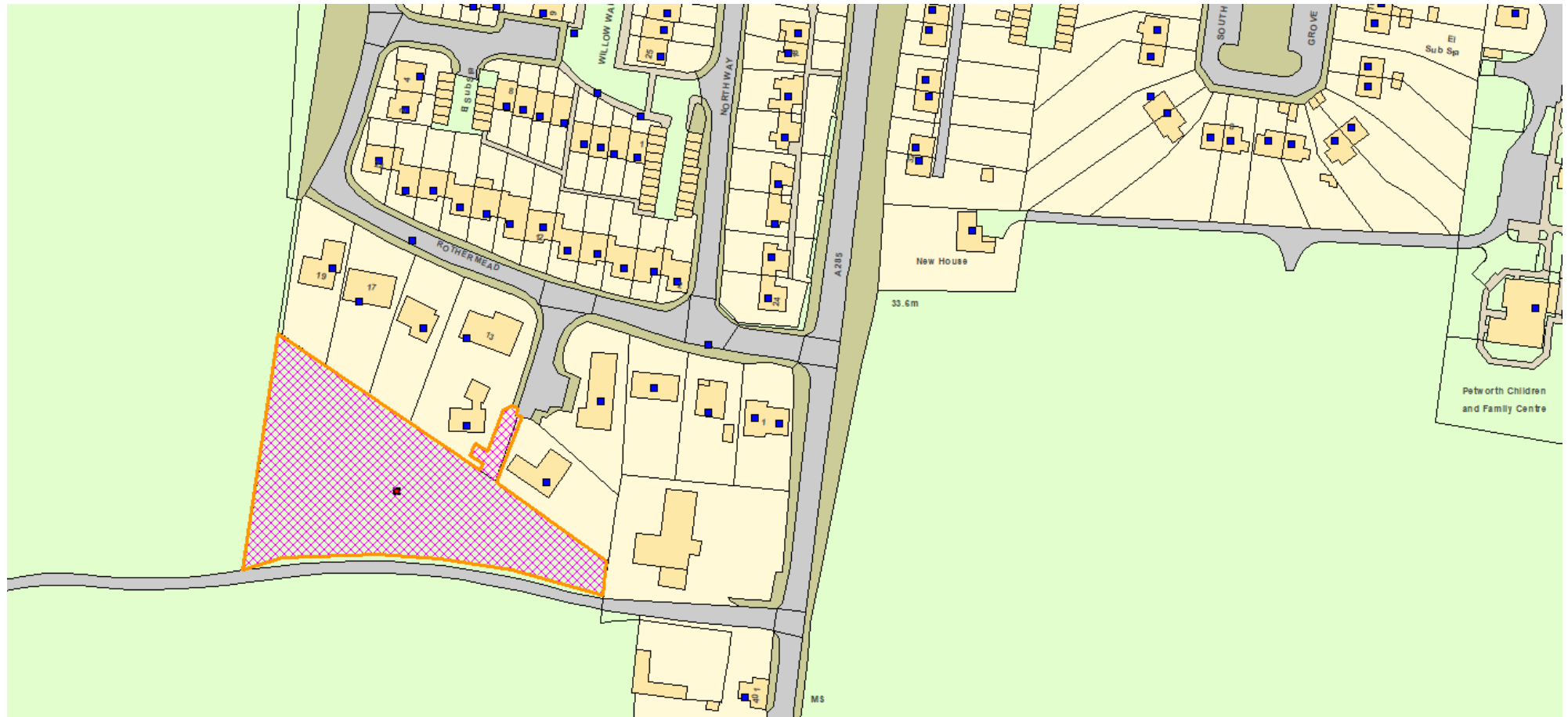


Report to	Planning Committee
Date	9 April 2026
By	Director of Placemaking
Local Authority	Chichester District Council
Application Number	SDNP/25/04030/FUL
Applicant	Mark Turner – William Lacey Group
Application	Full Planning Application for the Construction of 9 dwellings and associated access road, parking and landscaping.
Address	Land South of Rothermead, Rothermead, Petworth

Recommendation:

- 1) That planning permission be granted subject to:**
 - i. The satisfactory completion of a S106 agreement, the final form of wording for which is delegated to the Director of Placemaking, to secure:**
 - 3 Affordable Housing Units as set out in the report.**
 - ii. The conditions set out at Paragraph 9.1 of the report and any amendments or other conditions required to address technical matters.**
 - 2) That authority be delegated to the Director of Placemaking to refuse Planning Permission, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the 9 April 2026 Planning Committee meeting.**
-

Site Location Map



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Executive Summary

Key Matters

- This application relates to an allocated site to the south of Petworth and within its settlement boundary.
- The site is allocated for ten housing units within the Petworth Neighbourhood Plan (policy H8).
- The application is for nine units, three of which will be affordable.
- There are impacts upon the adjacent existing neighbours whose properties currently look out over the application site. However, these impacts are judged to be acceptable in terms of daylight and sunlight, overshadowing and sense of enclosure.
- Overall, the scheme is acceptable regarding matters such as design, materials, highway safety, parking, impact on surrounding amenities, affordable housing, mix of units, trees and dark night skies
- As a whole the scheme complies with the policies of Petworth Neighbourhood Plan, the SDNPA Local Plan and the Purposes of the Park.
- The application is before members because it is a site allocation and due to the representations received.

I. Site Description

- I.1 The site is a triangular field located to the south of Petworth on the western side of Station Road (the A285). Whilst the site can be accessed via Rotherbridge Lane, an informal agricultural track that accesses the fields to the south of the site it should be noted that the applicant does not own this access track and neither do they have a right of access over it. Therefore, access is proposed via the Rothermead Estate, as set out in the proposals section below.
- I.2 The site is bounded on the east, south and western sides by a hedge. The northern boundary is formed of a mix of hedge and low fences associated with the properties on Rothermead. The site is directly overlooked by numbers 19, 17, 15, 11 and 9 Rothermead.
- I.3 The site is located within the settlement boundary of Petworth and allocated as H8 in the Petworth Neighbourhood Plan. It is within flood zone 1. The Rothermead Estate, to the north of the site is a largely mid-late twentieth century estate with a mix of detached and terraced properties and large flatted blocks. All but one (number 9, which is a bungalow) of the properties immediately adjacent to the site are 2-storey properties. The rear elevations of numbers 19, 17, 15 and 11 Rothermead are in excess of 20 metres (m) from any of the proposed new houses within the application site. However, number 9 is within approximately 10 metres of the new proposed flank wall of plot 1. This is discussed further below under the neighbouring amenity section at paragraphs 7.36 – 7.47.
- I.4 The site is sustainably located and within 1km walking distance to Petworth and the amenities there. There are bus stops on station road served by the 99 service which provides a connection between Petworth and Chichester at a peak frequency of one service every two hours on weekdays. A further bus stop is located along the A272 Tillington Road, served by Service 1, which offers a connection between Midhurst and Worthing.

2. Relevant Planning History

- 2.1 The applicant has undergone two rounds of pre application discussions with the Authority (SDNP/20/02991/PRE and SDNP/24/04567/PRE) and the scheme was considered by the Design Review Panel (DRP) as part of the most recent pre application submission.
- 2.2 Advice from the design review panel is available online in full and comments included simplifying the design approach, especially roof form and to consider the potential for south facing gardens and the use of solar panels and air source heat pumps. The applicant has considered all the matters raised and has set out within their submitted Design and Access statement why they have or have not followed this advice. Following negotiations post

submission and some revisions to the scheme (see proposals section below) officers now support the scheme as a whole.

3. Proposals

- 3.1 Planning permission is sought for nine dwellings, three of which will be affordable. Of these affordable units two will be 2-bedroom units and one a 3-bedroom unit. The affordable housing units are plots 3, 4 and 5 as shown on the layout plan. The mix of Market Housing is two x 4 bed units and four x 3 bed units.
- 3.2 The proposed new access is past 11 Rothermead and vehicles will be able to turn within the site and exit in forward gear. Two car parking spaces are allocated to each unit with an additional two being allocated as visitor parking. The two parking spaces adjacent to 11 Rothermead are to serve this property.
- 3.3 It is envisaged that the surface treatment of the access road will be of bounded gravel or block paving, the final details to be secured under **condition 6**. The road and courtyard area will serve all properties and aims to have an informal, rural character. The houses are accessed from the road via short footpaths to their front doors. Again, it is envisaged that the material for these paths be a bounded gravel or similar and details are also reserved under **condition 6**.
- 3.4 All proposed housing meets the nationally described space standards.
- 3.5 The proposed residential units are designed to echo the more traditional houses within the wider surrounds of Petworth rather than emulate the 21st Century estate immediately adjacent. The proposed materials are a mix of clay tile or slate roofs, clay tile hanging, brick quoins and stone. Windows and doors are timber framed, black rainwater goods are proposed and obscure glazing will be installed where required. Details, including samples of these materials are reserved via **conditions 3 & 5**.
- 3.6 The existing native hedge around the edge of the site will be retained and bolstered by additional planting with mature trees planted at 6m intervals. The exact positioning of these trees and their species will be agreed via **condition 6** and regard will be had to the size and spread of the species to ensure there no pressure to prune from prospective occupants of the development. It should be noted that the applicant proposes a restrictive covenant to ensure these boundary hedges and their trees are retained. Management and maintenance of these features will be secured through **condition 6(h)**.
- 3.7 Walls are proposed in some places; it is envisaged the material of these will be brick and stone to match the houses. Again, this detail is covered by **condition 6(d)**. In addition to walls, close boarded fences are proposed between plot boundaries. These are located immediately adjacent to the proposed buildings and will be largely shielded from any public view, in this context these fences are acceptable.
- 3.8 The planning statement notes that water fixtures and fittings will be incorporated throughout to minimise consumption and that homes will achieve high standards of fabric efficiency in accordance with building regulations. The application proposes air source heat pumps and solar panels and the inclusion of Electric Vehicle (EV) charging connections for each property. **Conditions 8 & 9** require further details in relation to sustainable construction.
- 3.9 In terms of eco-systems services measures, the application proposes bird and bat boxes on suitable elevations, additional tree planting, permeable surfaces, hedgehog gateways and the selection of plants for wildlife. All these will be secured via **condition 6**.
- 3.10 As noted within the submitted planning statement and updated report from the applicant's ecologist, providing Biodiversity Net Gain (BNG) on-site is not possible. A BNG plan is secured via **conditions 18 & 19** to secure a 10% BNG in accordance with policy and this is further discussed at paragraphs 7.13 – 7.17 below.
- 3.11 The drawings have been revised during the course of the application and in response to design officer comments. These amendments have been subject to a re-consultation and are detailed in full in the updated addendum design and access statement.

3.12 The amendments include minor alterations to the plot layout, the addition of tile hanging to plots 1 & 2, the removal of the front dormer to plot 2 and the addition of a central chimney between plots 1 and 2. Slate roofs are proposed to plots 3 – 5, brick and stone panels to the first floor level and changes are proposed to the dormer on this plot. On plot 6 the previously proposed tile hanging is swapped for a stone façade with brick details, and the roof is changed to slate to better blend with the solar panels, additionally the previously proposed large rooflight is removed to protect the dark night skies. On plots 8 & 9 a chimney is added to the centre of the ridge and tile hanging is added to the first floor of plot 8.

4. Consultations

4.1 **WSCC (West Sussex County Council) Fire & Water** – no objection.

4.2 **Environmental Health** – no objection subject to conditions.

4.3 **Hampshire County Council (HCC) Ecology** – Clarification on reptile strategy required. The ecologist recommends a Reptile Mitigation Strategy is sought via condition. She also recommends a pre commencement condition for Biodiversity Gain Plan and HMMP.

Officer Note: Conditions 18 – 21 address ecology matters.

4.4 **Southern Water** – No objection.

4.5 **West Sussex County Council Highways** – No objection.

4.6 **West Sussex County Council Flood Risk, Lead Local Flood Authority - No Comment** – site is under nine units and therefore do not advise.

Officer Note: Committee members should note that, due to the number of units proposed this application falls below the threshold (10) at which the Lead Local Flood Authority (LLFA) would consider the application. Therefore, SDNPA has taken advice from external consultants Water Safety Plan (WSP) in relation to this site.

4.7 WSP advises notes that the four pillars of Sustainable Drainage Systems (SuDS) are not followed and that there could be the potential for lined surface level SuDS features. Given the size, type and location of the development they recommend conditions to ensure the development properly addresses SuDS and drainage matters.

4.8 Members should note that officers have reviewed this advice and, as set out further below under the flood risk and drainage section, it is considered that pre commencement conditions can resolve these matters as raised and are appropriate in this instance. Any further updates from the applicant will be reported to members at committee.

4.9 **SDNP Design Officer** - No objection. Comments made and revised drawings submitted in response to these. Any further comment to be reported to committee.

4.10 **Petworth Parish Council** - Objection. The Parish Council comment that “whilst the planning committee does support the general development, concerns are raised over the following, resulting in an objection”.

- Light being blocked to the bungalow at number 9 Rothermead.
- Access to the development is insufficient.
- Consideration for the existing residents has not been considered.

Officer Response: Since this comment a daylight/sunlight report has been submitted which demonstrates that the proposed development complies with the BRE (British Research Establishment) daylight/sunlight standards and does not materially impact daylight or sunlight levels to this property or its garden. Additionally, following receipt of further information, there is no objection from West Sussex County Council Highways regarding the access. Residential amenity issues are discussed at paragraphs 7.36 – 7.47 below.

4.11 **SDNPA Rights of Way Officer** – Objection - Fails to comply with policy as does not enhance or provide mitigation towards enhancing local public rights of way and safeguarded routes.

Officer Response: The proposed development is an allocated site. Whilst views of the site are available from Public Footpath 673-I these are limited, at some distance away and already impacted by the southern end of the Rothermead estate which backs onto the site. The impact of the proposed development will be mitigated by the traditional form of the rooflines and the proposed hedgerow enhancement. It would not be proportionate or reasonable to require any off-site mitigation financial contribution towards mitigation in relation to this scheme.

- 4.12 In relation to the comments made regarding the potential impact of the proposals on the safeguarded Petersfield to Pulborough line and the schemes failure to potentially enhance this – again such a request is considered disproportionate when considered in the context of this particular application.
- 4.13 The final point made by the officer, that the scheme has failed to allow the potential for future pedestrian access through to the draft site allocation CH092-093, whilst true, cannot be mitigated at this stage either. This is because the New Local Plan is at an early stage and this draft proposed site allocation is not adopted policy at this juncture. Therefore, to request such mitigation in relation to a draft allocation site is premature at this stage and could not be fairly and reasonably related to the proposed development.

5. Representations

- 5.1 Nine letters of objection had been received at the time of writing from neighbouring occupiers in relation to the application. Any additional representations received as a result of the amended drawings and updated documents will be reported to members as part of the update sheet. Collectively the objections received thus far raise the following matters:

Amenity

- Loss of amenity through overshadowing, increased sense of enclosure, potential loss of daylight and sunlight and loss of privacy. Especially in relation to the occupants of number 9 Rothermead.
- Noise and disturbance from increased comings and goings.
- Does not show the development in the context of neighbouring properties – particularly number 17 Rothermead.
- Specific objection to plots 7, 8 and 9 in terms of height, massing, their relationship to the topography of the site and the proximity of these buildings in relation to number 17 Rothermead.

Highways and Parking

- New access is dangerous and there is no space for a fire appliance to turn within the development.
- Width of proposed access road is below standard.
- Turning circles shown are not adequate, should not rely on private driveways.
- Will increase traffic.

National Park Purposes, Ecology & BNG

- Birds disturbed during nesting season.
- More trees should be planted.
- Dark night skies should be protected.
- Does not meet first purpose of National Park.
- Does not comply with SDLP9 and fails to provide required 10% BNG.
- Fails to comply with the statutory BNG requirement under the Environment Act 2021.

- The application would result in the permanent loss of ecological unit's contrary to the NPPF.
- Fails to conserve and enhance this part of the National Park.

Design

- Size and height of the buildings is too large.
- Houses proposed will not look in keeping with the town.
- Scheme is not tenure blind – affordable housing units are smaller and have smaller gardens.
- Does not consider the comments of the DRP.

Miscellaneous

- Ground is too unstable to be built on due to high ground water.
- Application does not provide sufficient information.
- Affect future values of properties.

- 5.2 **Officer Response:** It should be noted that revisions have been made to the scheme during the course of the application and additional information has been submitted which included an updated Transport Note and also a Daylight/Sunlight Assessment. WSCC have now confirmed no objection to the proposed development in terms of vehicular movements, highways safety and access and the parking spaces proposed.
- 5.3 The daylight/sunlight assessment confirms that there will be no material adverse impact upon the internal daylight and sunlight experienced by the occupiers of number 9 Rothermead. There will be an undeniable change in outlook from this property and, whilst officers fully acknowledge this and the concerns raised by the occupants of this property, the impact of the proposed development on the amenity of the occupiers of number 9 is not considered so great that a reason for refusal on the grounds of loss of amenity could be sustained in this instance. This is further discussed at paragraphs 7.36 – 7.47 below.
- 5.4 With regards to the comments made on highways safety, access and parking, there is no objection from WSCC Highways and, given the small scale of the site and its proposed cul-de-sac nature, it is considered that the access arrangement is acceptable.
- 5.5 As noted within the executive summary the scheme is a site within the settlement boundary allocated by the Neighbourhood Plan for housing development. In this context the scheme is considered to comply with the purposes of the National Park. Matters of ecology and BNG are further addressed at paragraphs 7.13 – 7.17 below. In summary officers are satisfied that, given the circumstances of this site, the information provided and the comments of Hampshire County Council (HCC) ecology, that there will be no adverse impact on protected species arising from the development that cannot be mitigated against via appropriate conditions. BNG is secured by the BNG Plan, this will have to include further details of the required credits (to be obtained from within the Park) to provide the required 10% BNG in relation to the site and is secured by **conditions 17, 18 & 19**.
- 5.6 With regards to matters of design, these are set out in greater detail at paragraphs 7.6 – 7.12 of the report below but in summary the architectural approach is considered acceptable and the proposed layout and building sizes are considered appropriate for the site. Whilst the affordable housing units are smaller than the market dwellings, they have the same architectural rationale and use the same material palette as the remainder of the site. They meet nationally described space standards, although it should be noted that the garden of plot 4 is smaller than that recommended by the adopted Design Guidance. This is considered further below.
- 5.7 Members should note that this scheme was considered by the DRP at pre-application stage and their comments are available on the public file. Whilst the applicant has endeavoured to address the points raised by the DRP and in some instances has made positive changes (the use of solar panels for example). They have not 'complied' with all comments made,

however, their justification for the approach taken is covered with the originally submitted and addendum Design and Access Statement. Members should also note that the advice of the DRP is that only, advice. It is not a set of rules which any applicant must follow. Officers are satisfied that the applicant has worked with SDNPA to address matters raised and has justified their approach to both site layout, access and architectural design.

- 5.8 In relation to the remaining comments, the applicant is not required to further investigate ground conditions with regards to structural stability. The submitted Drainage Strategy refers to groundwater monitoring and house prices are not a planning consideration.

6. Planning Policy

The New South Downs Local Plan

- 6.1 The First Publication (Regulation 18 Consultation) of the New South Downs Local Plan took place in 2025, with future consultation planned to take place in Summer of 2026. Currently, the New South Downs Local Plan does not carry weight in decision making. As it progresses through the adoption process, it will gain more weight for the purposes of decision making.

Local Nature Recovery Strategy (LNRS) (See Appendix I)

- 6.2 The Local Nature Recovery Strategy (LNRS) for Hampshire was published on 8 December 2025 and is a material consideration, especially where the development plan pre-dates the publication of an LNRS. For the purpose of determining planning applications, the LNRS provides guidance on biodiversity priorities and measures to be incorporated into development proposals. This proposal accords with the LNRS through the landscaping and ecological mitigation proposed.

The South Downs National Park Partnership Management Plan 2026-2031 (See Appendix I)

- 6.3 The Environment Act 1995 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 the strategic context for development” and “are material considerations in making decisions on individual planning applications.”
- 6.4 This document was adopted by the National Park Authority on 9 December 2025. The Plan sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies include;
- Aim 1 - Nature Recovery
 - Aim 2 - Climate Action
 - Aim 3 - Clean Water
 - Aim 7 - A Thriving Rural Economy

Petworth Neighbourhood Plan

- 6.5 The Petworth Neighbourhood Plan was adopted in July 2018. The most relevant policies of the neighbourhood plan are noted below and the Plan as a whole can be found by following links at the end of this report;
- PPI – Settlement Boundary
 - Policy PP2 – Core Planning Principles
 - H3 – housing type and mix
 - H4 – Affordable Housing
 - H8 – Housing Allocation
 - ESD1 – Character and Design
 - ESD8 – Sustainable Design
 - GAI – Parking Requirements

6.6 The most relevant policies of the adopted South Downs Local Plan (2019) (a longer list of other relevant policies and applicable legislation can be found in Appendix I)

- SD2 Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD8 Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodlands and Hedgerows
- SD17: Protection of the water environment
- SD19: Transport and accessibility
- SD20: Walking, Cycling and Equestrian Routes
- SD22: Parking Provision
- SD26: Supply of Homes
- SD27: Mix of Homes
- SD28: Affordable Housing

6.7 Relevant supplementary planning documents (SPD) and other guidance

- Parking for Residential and Non-Residential Development SPD 2021
- Ecosystems Services TAN
- Design Guide SDP
- Sustainable Construction SPD
- Affordable Housing SPD

6.8 Most relevant sections of the National Planning Policy Framework 2024

- Section 5: Delivering a sufficient supply of homes.
- Section 12: Achieving well designed and beautiful places
- Section 15: Conserving and enhancing the natural environment.

7. Planning Assessment

Principle of Development

7.1 The proposal is not considered to constitute major development for the purposes of policy SD3 and paragraph 190 of the National Planning Policy Framework (NPPF). The NPPF accompanying footnote 67 advises that ‘major development’ in designated landscapes is a matter for the decision maker, considering 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.

7.2 In this case, the proposal relates to an allocated site and is relatively discreet in broad landscape terms, being seen against the exiting backdrop of Petworth Town.

7.3 Policy SD26 ‘Development Strategy’ requires a total of 150 dwellings to be provided in Petworth in the plan period. Petworth Neighbourhood Plan (Policy H8) identifies this site for housing development for ‘approximately 10 dwellings’. Policy H8 notes that the development of the site should be landscape led and should “i) provide for vehicular access either across the adjacent grain dryer site to Station Road or from the cul-de-sac from Rothermead through the site of 11 Rothermead” and “ii) Deliver a planting and landscape strategy to minimise landscape impact along the southern and western boundary.” The policy also notes that the development must be accompanied by a landscape visual impact assessment, which the

application is and that any visual impact should be minimised through the site layout, building and planting and screening strategy.

- 7.4 It is considered that the proposed development complies with both policy H8(i) and H8 (ii) and the landscape impact is considered acceptable, as set out further below under paragraphs 7.6 – 7.12. There are also further supporting paragraphs to policy H8, these are referenced in the assessment below where appropriate.
- 7.5 Taking into account the above and the analysis below, the principle of housing development in this location is acceptable.

Landscape and Design

- 7.6 The National Park is afforded the highest level of Landscape protection under the National Park Purposes and duty, and relevant legislation. Policies SD 4 and SD 5 only permit development where it will conserve and enhance landscape character and where sensitive and high-quality design makes a positive contribution to the overall character and appearance of the area.
- 7.7 The site is allocated within the neighbourhood plan. Whilst on the edge of the settlement in terms of its location the site is within the formally adopted settlement boundary of Petworth, both in the neighbourhood plan and the South Downs Local Plan. It is also on ground lower than the existing settlement and is bounded on the northern and eastern sides by existing buildings.
- 7.8 Whilst the proposed new development will be seen from the wider environs of the Park, including the Public Right of Way approximately 300m to the West, these views are against the backdrop of the surrounding 20th century housing estate. The proposed new dwellings follow the architectural vernacular of other more traditional properties in Petworth and this approach is considered appropriate in this context.
- 7.9 During the course of the application minor changes have been made at the request of officers, these include changes which are detailed in the proposals section above and include alterations to materials, minor changes to the plot layout and the inclusion of appropriate trees within the hedge line. The changes also included splaying the boundary line between plots 3 and 4, so that plot 4 has a slightly increased garden size. There is a limit to which this garden can be increased in size given its location in between plots 3 and 5. The revised back garden of this plot is approximately 43 square metres (sqm) in area. Given that the dwelling provided on this plot is 79 square metres the SDNPA Design guide directs that the garden should be around 47 sqm in size. Considering the fact that this garden is south facing and that the property also has a small front garden, as well its back garden, it is considered that this slight under-provision is acceptable in this instance.
- 7.10 Following these amendments the scheme is considered to represent an acceptable approach to a difficult shaped site. The proposed units will have a cohesive materiality which establishes the character of proposed cul-de-sac, however there is enough variation between the properties to provide interest and reflect the ad hoc nature of different architectural approaches across Petworth. The SDNPA design officer has no objection to the scheme and recommends conditions to secure materials and landscaping details.
- 7.11 Paragraph 5.40 of the Petworth Neighbourhood Plan, which supports policy H8 as a whole notes that for this site *“the landscape strategy should seek to achieve a softer urban edge to the town compared to the existing houses in Rothermead”*. The applicant has worked with officers during the pre-application process and as part of the application process and the scheme successfully achieves this desired ‘softer’ edge. The gardens of all the plots face onto the site boundaries, and all of these gardens are bounded by the existing (to be enhanced) hedgerow as part of the scheme. The built form is kept away from the boundary line and it is, to some degree, therefore screened from the wider environs, providing the softer edge desired by policy H8.
- 7.12 As a whole, the scheme conserves and enhances the landscape of this part of the Park and, as noted above, the retained and improved hedge around the edge of the site will soften the impact of the buildings when viewed from the wider countryside surrounds. The proposed

traditional materials and design as well as locating the car parking spaces along the northern edge of the site or in car barns help the development to blend in as part of Petworth and the surrounding countryside. Overall, the scheme is considered to accord with policies SD 4 and 5 of the Local Plan and ESD1 of the Petworth Neighbourhood Plan.

Biodiversity Net Gain and Ecosystem Services

- 7.13 Policy SD2 requires applicants to consider ecosystems services and SD9 S (b) of the South Downs Local Plan notes that development proposals should identify and incorporate opportunities for net gain in biodiversity. Policy ESD7 of the Petworth Neighbourhood Plan supports these policies and requires all development proposals to result in biodiversity net gain and to enhance wildlife corridors where possible.
- 7.14 BNG of 10% is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. A BNG metric and accompanying Biodiversity Net Gain report has been provided by the applicant. This notes that BNG cannot be provided onsite for the habitat units as there is insufficient modified grassland retained for enhancement and there is no creation of a more biodiverse grassland habitat. Additionally, whilst hedgerow enhancement and tree planting is proposed this will be in private gardens and therefore cannot be counted for the purpose of BNG. Because of these restrictions, the size of the site and the amount of development the required BNG will have to be mitigated for off-site.
- 7.15 The site does not host any irreplaceable habitat as defined by the BNG Regulations and it is not a designated site as defined by the Local Plan. Paragraph 5.73 of the Local Plan notes that the purpose of Policy SD9 is to set out a positive strategy to ensure the conservation and enhancement of biodiversity and geodiversity across the national park. The site is an allocated site and its existing on-site BNG consists of low value grassland, bramble scrub and hedges which will be retained. The applicant has committed to the provision of offsite BNG This will be secured via the Biodiversity Gain Plan, secured by **conditions 18 & 19**. As part of this plan the applicant will have to demonstrate, through the Biodiversity Gain Plan, proof of purchase of the relevant credits.
- 7.16 In this particular instance and considering the material circumstances of the site including the low distinctiveness of the existing habitat and the constrained nature of the site, this approach to BNG is considered acceptable.
- 7.17 In addition to the proposed BNG measures the applicant has also committed to restrict the removal of hedgerow via a covenant, to plant additional trees within these hedgerows and to use to use swift bricks and bat bricks/boxes in the buildings and hedgehog highways where appropriate, these are secured by **condition 6**.

Trees and Dark Night Skies

- 7.18 There are no significant existing trees on the site. During the course of the application the applicant has agreed to 'bolster' the existing hedge with additional planting and also to plant additional trees across the site.
- 7.19 In relation to Dark Night Skies; the site is on the edge of Petworth and seen against the background of Rothermead Estate. The originally proposed large rooflight at plot 6 has been removed from the scheme and the applicant has committed to a dark night sky compliant lighting scheme; this is secured by **condition 12**. The scheme is considered to be in accordance with Policy SD8 and will not have an adverse impact on the dark night sky quality of this particular part of the Park.

Bat Conservation - Conservation of Habitats Regulations (2017)

- 7.20 Bats are protected species and a key reason for designation (designated feature) of three international sites in Sussex. The South Downs Local Plan (SDLP) and its accompanying Habitat Regulations Assessment (HRA) take a precautionary approach and identify two, zones, a 6.5km zone and a 12km zone within which development could impact the Special Areas of Conservation (SAC's). The SDNP Habitats Regulations Assessment (HRA) notes that within the 6.5km zone all impacts to bats should be considered. These include direct loss to the SAC itself and direct impacts on the SAC itself. It also includes loss or impacts on

functionally linked habitat including roosts, greenfield sites, mature vegetation including woodland and hedgerows and riverine environments suitable for foraging areas and flight lines. In addition to direct loss, impacts may arise from disturbance, lighting, or sound/vibration for example during construction.

- 7.21 The sites lie 3.8 kilometres and 3.9 kilometres from The Mens SAC and Ebernoe Common SAC respectively. The applicant has submitted an ecological impact statement.
- 7.22 An Appropriate Assessment has been completed by the Authority and this demonstrates that, when the direct mitigation measures referred to in these assessments (appropriate lighting control) are taken into account, the development will not have an adverse impact upon The Mens SAC or Ebernoe Common SAC. These direct mitigation measures will be secured by planning **conditions 6, 7 & 12**.
- 7.23 The Assessment has been submitted to Natural England and members will be updated with any response received.

Housing Mix and Affordable Housing

- 7.24 The application proposes nine units, three of which are proposed by the applicant to be affordable homes, as noted above two of these affordable units would be 2-bedroom units and one of them a 3-bed unit. Whilst policy SD27(a) would normally seek some 1-bedroom units within the affordable housing mix, in the context of this site, with the provision of garden space and parking, it is considered that a provision of larger units, which could be occupied by families, is acceptable in this location.
- 7.25 Out of the remaining six market units, two would be 4-bedroom units and four would be 3-bedroom units. It should be noted that the applicant's planning statement and the layout plan refer to plot 6 as being a 3-bedroom unit but, because this is a large unit and has a study shown at ground floor which could be used as a bedroom, officers have considered this as a 4-bed unit for the purposes of balancing the mix.
- 7.26 Policy SD27(b) seeks the provision of 10% 1-bedroom units, 40% 2-bedroom units, 40% 3-bedroom units and 10% 4-bedroom plus units. Petworth Neighbourhood Plan (H3) seeks a 40% provision of 1 and 2 bed units, 40% 3-bed units and 20% 4-bed units.
- 7.27 This scheme does not meet either of these housing mix requirements and is weighted towards three and four bedroom units. However, paragraph 7.36 of the Local Plan acknowledges that, in the case of smaller housing sites, it may not be possible to achieve the exact proportions set out in policy SD27. The Petworth Neighbourhood Plan also notes that regard should be had to the nature of the development site and character of the area as well as up-to-date assessment of need.
- 7.28 The provision of market housing in this instance is weighted towards 3-bedroom units (60%) with a 20% provision of 4-bedroom units. Such a weighting is considered appropriate in this edge of settlement location given the limited scale of the site, the overall number of dwellings proposed and taking into account that there are other similarly sized family homes in close proximity such housing forms part of the character of the area.

Parking, Cycling and Highways

- 7.29 The development is served by a single point of access, via the existing cul-de-sac at 11 Rothermead. This access will accommodate both vehicles and pedestrians, WSCC have commented upon the safety of such an arrangement and conclude that such an approach is considered acceptable in this location given the modest scale of development proposed and the speed at which vehicles are likely to be travelling.
- 7.30 The scheme provides two allocated car parking for each residential unit plus two for visitors, a total of 20 spaces. The parking calculator generates a demand of 22.28 spaces for this development. Petworth Neighbourhood Plan also sets out Parking requirements (Policy GA1), this requires more parking at a ratio of two spaces per 2 and 3 bed unit and three spaces per 4 plus unit which equates to a total of 20 parking spaces.
- 7.31 The SDNPA adopted Parking SPD is a landscape led document that notes (paragraph 3.1) that the overarching principles of 'landscape led' and sustainable location' should be used in

conjunction with the outputs of the parking calculator for residential development. The parking calculator itself is not the definitive tool for identifying parking levels on any scheme. In this instance the site is well linked and walkable to Petworth Town Centre, each property benefits from two allocated spaces and there are two additional visitor spaces. To provide any more parking on this site would require the removal of the proposed on-site trees and would mean the cul-de sac becomes a place dominated by parking. Considering the above the amount of car parking proposed is considered acceptable and accords with policy SD22.

- 7.32 One EV charging point per property is shown within the submitted Design and Access Statement. Possible bike storage and refuse storage locations are also shown within this document. Given the availability of space within the plot and the individual gardens of properties this indicative layout is considered acceptable in the first instance – precise positions and the appearance of these items is secured by **condition 6**.
- 7.33 No specific location is shown for visitor cycle spaces, however the provision of some visitor cycle stands is requested via **condition 6(f) & 13**. Given the imposition of these conditions and the private amenity space available to all units this approach is considered acceptable in this instance.
- 7.34 The proposed development is considered to accord with SD19 and SD22 of the South Downs Local Plan. The proposed vehicular and pedestrian access, layout and parking provision is considered acceptable from a road safety point of view by WSCC Highways Authority, who have no objection to the scheme.

Sustainability

- 7.35 The submitted eco-systems services statement commits to water efficient appliances and fittings being used throughout the development and also notes that the development would meet approved document L of the building regulations with high fabric performance and renewable energy systems including solar panels and air source heat pumps. The planning statement notes that sustainable construction methods that prioritise environmental performance and biodiversity enhancements will be used in line with policy SD48. **Conditions 8 & 9** secure these aspirations.

Residential Amenity

- 7.36 In relation to matters of overlooking, overshadowing and loss of daylight and sunlight there is a particularly close relationship between proposed plots 1 and 2 and the existing bungalow at number 9 Rothermead.
- 7.37 The dwelling at 9 Rothermead has its front elevation facing the road and the rear elevation looking eastwards into its back garden. The garden of the property is mainly at the (east facing) rear of the property but also wraps around to the south of the property. Due to the orientation of the property and the currently undeveloped nature of the adjacent site this dwelling also has windows in its flank elevation which look southwards, over its garden and then out across the application site and towards the Downs. These windows are believed to serve a bathroom/garage (which, due to the use it serves, is not considered further), a kitchen and a living area (it should be noted this room has two windows, one facing east towards the back garden and the other overlooking the development site). The property also has a small summer house in this south-facing portion of the garden.
- 7.38 The view from these flank elevation windows is further improved for the occupiers of this property through the choice of boundary treatment which comprises beech hedge along the rear garden boundary with a ‘dropped’ close boarded fence and wall treatment immediately opposite the kitchen and living room windows. This affords the property wide reaching views towards the Downs to the South.
- 7.39 The distance between the south facing elevation of 9 Rothermead and its own boundary is approximately 4.5 metres. The distance between its flank elevation and the proposed new elevation of plot 1 on the application site is just over 10 metres. The view out of the kitchen window and the living room doors, looking southwards would undeniably change for the occupants of this property. Instead of looking out across a field and towards the Downs there will be the flank wall of Plot 1. It should be noted at this juncture that the only window

within the proposed flank wall of Plot 1 will be at ground floor level and obscured and the proposed door will be solid – both these details are secured by **conditions 3 & 4**. The flank wall of the proposed property at plot 1 will rise to six metres from ground level on the application site at approximately 10 metres from 9 Rothermead. It then rises to eight metres from ground level on the application site at approximately 12 metres from number 9 Rothermead. Given these distances and the lack of fenestration in the first floor of the proposed new property at Plot 1, it is not considered that the development would adversely impact the privacy of occupants of number 9 Rothermead.

- 7.40 The applicant has submitted a daylight and sun lighting report that shows the loss of some daylight and sunlight to number 9 Rothermead, however, this loss is within the parameters set by the British Research Establishment guidelines on Daylight and Sun lighting levels to existing properties. This document also confirms that the new proposed development would not unacceptably overshadow the garden of this property either. Therefore, taking this report into account and noting that one of the affected windows is a secondary window as set out in paragraph 6.37 above, it is not considered that a reason for refusal on grounds of loss of daylight/sunlight or overshadowing could be sustained in this instance.
- 7.41 However, whilst the daylight/sunlight and overshadowing criteria are met there is still the matter of sense of enclosure to consider. Paragraph 5.35 of the Local Plan states that *“Proposals affecting residential properties in particular should not be unduly overbearing or compromise others reasonable privacy unless outweighed by innovative design solutions that mitigate these impacts.”* Supporting paragraph 5.39 to policy H8 of the Petworth Neighbourhood Plan notes that *“the design of the development will need to take into account the relationship with neighbouring properties to avoid the loss of privacy and to protect residential amenity and the character of the area as required by other development plan policies”*.
- 7.42 The proposed development of plots 1 and 2 would impact to some degree the amenity of residents within number 9 Rothermead with regards to increased sense of enclosure (undue overbearing). However, it must be noted that the development would only impact two windows (one of which is a secondary window) and only one outlook from this property. Whilst the kitchen window could conceivably lose almost all of its view (very acute angle viewpoints potentially being available into the development site) and feel more enclosed than it currently does, the living room window would still retain angled views out over the gardens of the new dwellings and the property would retain views out across its own rear garden and towards the East.
- 7.43 The loss of a view is not a material planning consideration. However, overbearing is a material consideration and the retention of ‘a view’ from a window, even if it is not the same as that currently experienced, can contribute towards whether an occupier would feel an increased sense of overbearing or not. In this instance a view and a significant sense of ‘openness’ would be retained by the secondary living room window, despite the impact of the proposed development. The kitchen window would experience a stronger degree of sense of enclosure and its wider view to the Downs would be obscured by the flank wall of the proposed development at plot number 1. However, there will still be some wider outlook from this window, over its own garden and the parking/hedgerow of the new development before the intervention of the flank wall of Plot no.1. There could also be views out past the front elevation of Plots 1 & 2 and into the centre of the cul-de-sac and gardens of the new properties, however these would be at an acute angle and would be unlikely to reach the Downs in the distance, as currently experienced.
- 7.44 Taking into account these factors and bearing in mind that were a more ‘standard’ boundary treatment in place at this property the perceivable impact would be less, it is not considered that a reason for refusal could be sustained on grounds of undue overbearing on this property.
- 7.45 With regards to the impact of the development upon other adjacent properties which back onto the site the following should be noted; numbers 19, 17 and 15 are all located in excess of 21 metres from the redline boundary of the site, the proposed layout is such that the main windows of plots 8 and 9 face east – west and there are no windows within the flank elevation of plot 9, and therefore no overlooking from this property to the gardens of 15m

17 or 19. Number 13 Rothermead is shielded from the development by number 11 Rothermead and is also over 20 metres away from the redline boundary. Number 11 Rothermead is part of the overall allocation site and is shown with a blue line, which means the owner has a legal interest in the wider site. Again, whilst the occupants of this property will notice a change in outlook, it is some distance from the built form on the application site and will be partially shielded by the proposed hedgerow boundary treatment.

7.46 It is appreciated that the outlook from the properties which border the site in particular would change and that the development would increase the number of comings and goings in the immediate vicinity of the site. The building of housing on this field will result in a less rural feel for the occupants of the nearby properties in particular. However, the site has been allocated for housing development since July 2018 and this allocation notes that access to the site could be through number 11 Rothermead. Additionally, it should be noted that permitted development rights for the proposed new housing have been removed via **condition 17**.

7.47 There is no objection from the Highways Authority to the scheme, subject to conditions. There will be no material impact to these adjacent properties in terms of daylight/sunlight, overlooking or increased sense of enclosure and, whilst their views will be affected, the impact upon views from residential properties is not a material planning consideration.

Flood risk, Drainage and Sustainable Drainage Systems (SuDS)

7.48 Policy SD17 refers to the protection of the water environment, policy SD50 states that development proposals will be permitted where they ensure that there is no net increase in surface water run-off, taking account of climate change. SD50(2) notes that all other development proposals must give priority to the use of suitable sustainable drainage systems where required by the LLFA.

7.49 The applicant has provided a drainage strategy. This report notes the site is within flood zone 1, that the development will incorporate a storage system to discharge surface water at a suitably restricted rate and sets out that the strategy will incorporate a 3,400 litre rainwater storage tank for each dwelling for use in flushing toilets, washing machines and external uses.

7.50 In this instance the applicant has explored during the course of the application, the use of swales, rills and a basin to hold surface water run off on this site. However, due to high groundwater levels on this site, the use of holding tanks is the only technical solution available which will account for all surface water run-off.

7.51 The drainage strategy been independently reviewed by WSP on behalf of SDNPA.

7.52 WSP have noted that the development does not follow the four pillars of SUD's and that the developer should consider lined rain gardens, swales and basins. They have also queried the risk of flooding to future properties given the potential groundwater levels on this site.

7.53 Officers consider that in all other respects the scheme is acceptable and that there are a number of potentially acceptable solutions to address the comments of WSP, including the submission of an updated and more detailed drainage strategy which (potentially) could include (lined) surface level Sud's combined with an appropriately sized tanking solution and confirmation of whether flood mitigation measures are required for the proposed properties.

7.54 Bearing in mind the acceptability of the scheme in all other respects, committee members are asked to delegate the technical aspects of an appropriate drainage solution to officers, to be concluded via the submission of details through a pre commencement condition and in consultation with WSP who are advising the authority in respect of this site. Accordingly, it is recommended that a fully detailed drainage strategy and flood mitigation strategy is secured by **conditions 11 & 12**

Conclusion

- 7.55 Overall, this is an allocated site and the scale and design of the proposals are acceptable having taken into account consultee responses, representations, and the landscape character and appearance of the immediate and surrounding area.
- 7.56 There will be an impact upon number 9 Rothermead in terms of this property's outlook however this impact would not be so great as to justify a refusal of Planning Permission in this particular case.
- 7.57 The NPPF outlines overarching economic, social and environmental objectives to sustainable development. In these respects, the scheme would deliver a policy compliant development within a settlement boundary and provide on-site affordable housing. Environmentally the scheme would provide appropriate mitigation in relation to biodiversity net gain, ecosystems services enhancement and meet the sustainability credentials of the Local Plan.
- 7.58 The proposals substantially comply with the Local Plan and the NPPF, National Park Purposes and duty, and relevant legislation.
- 7.59 The application is, therefore, recommended for approval subject to a S106 agreement and conditions as set out below and with the suggestion that authority be delegated to the Director of Planning to negotiate the final form of the section 106 and make minor changes to conditions as required.

8. Reason for Recommendation

8.1 It is recommended that:

- 1) Planning permission be granted subject to:
 - i) The satisfactory completion of a S106 agreement, the final form of wording for which is delegated to the Director of Placemaking, to secure:
 - 3 Affordable Housing Units as set out in the report.
 - ii) The conditions set out at Paragraph 9.1 of the report and any amendments or other conditions required to address technical matters.
- 2) That authority be delegated to the Director of Placemaking to refuse Planning Permission, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the 9 April 2026 Planning Committee meeting

9. 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) and Section 51 of the Planning and Compulsory Purchase Act 2004.

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.

Materials, Details and Landscaping

3. No development shall be carried out above ground floor slab level until details of the following matters have been submitted to and approved in writing by the Local Planning Authority;
 - a) Large scale details of all external joinery at scale (1:20 in elevation, 1:20 section, 1:1 glazing bars) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
 - b) Full construction details of the dormer windows and chimneys including sections, elevations at 1:20;
 - c) Full details of rainwater goods, external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air; and

d) Full details of proposed meter and alarm boxes;

The works shall thereafter be carried out in full accordance with the approved details and shall be retained permanently as such.

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

4. Notwithstanding what is shown on the approved drawings, the window in the north facing flank elevation of plot 1 shall be obscure glazed. The door in this elevation of plot 1 shall be solid with no fenestration or openings. No other openings are permitted within this flank elevation of plot 1.

Reason: To protect the amenity of the occupiers of number 9 Rothermead.

5. No development above slab level shall be commenced unless and until a schedule, (showing the location of) of all external materials, along with samples of such materials (including finishes and colours) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

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.

6. No development above slab level shall take place until a detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, but not be limited to:

- a) Proposed planting plans and schedules of plants and trees, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment, to be sourced from a peat-free nursery;
- b) Construction of parking spaces;
- c) Locations for the installation of bird and bat boxes, including swift bricks;
- d) Location, height and materials/construction technique for all boundary treatments including gates, walls, fences (to include hedgehog highways) and hedges;
- e) Treatment of surfaces, paths and access ways;
- f) Design of ancillary structures including private and public cycle storage, refuse storage and EV charge points.
- g) A timetable for implementation of the soft and hard landscaping works;
- h) A schedule of landscape maintenance for a minimum period of ten years to include details of the arrangements for its implementation and also details of how the existing hedges will be retained in perpetuity; and
- i) location of individual water butts to serve each property.

All such works as may be approved shall then be fully implemented in full accordance with the approved details.

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the development, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds, avoiding pesticides, and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, 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.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape, in accordance with SD2, SD4 and SD5, and the SDNPA Design Guide SPD.

7. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide for (but not be limited to):
- i. An indicative programme for carrying out of the works;
 - ii. The arrangements for public consultation and liaison during the construction works;
 - iii. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
 - iv. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; These details shall take into account the recommendations of the Ecological Impact Assessment by Green Down Ecology dated September 2025, the Preliminary Ecological Appraisal by Green Down Ecology dated September 2025 and the Biodiversity Net Gain Report by Green Down Ecology dated March 2026.
 - v. The parking of vehicles of site operatives and visitors;
 - vi. Construction traffic routes and their management and control;
 - vii. Parking and turning provision
 - viii. Adequate provision for addressing any abnormal wear and tear to the highway;
 - ix. Loading and unloading of plant and materials;
 - x. Storage of plant and materials used in constructing the development;
 - xi. The erection and maintenance of security hoarding, where appropriate;
 - xii. Wheel washing facilities;
 - xiii. Measures to control the emission of dust and dirt during construction, including measures to prevent mud being deposited on the highway;
 - xiv. Protection of pedestrian routes during construction;
 - xv. Provision for storage, collection and disposal of rubbish;
 - xvi. Any re-use of on-site material and spoil arising from site clearance and demolition work and diverting waste from landfill (e.g. recycling); and
 - xvii. Working hours; these shall take into account of the Ecological Impact Assessment by Green Down Ecology dated September 2025, the Preliminary Ecological Appraisal by Green Down Ecology dated September 2025 and the Biodiversity Net Gain Report by Green Down Ecology dated March and limit construction activities to daylight hours only.

The approved Plan shall be adhered to in full throughout the entire construction period.

Reason: In the interests of highway safety and the character and amenity of the area and in order to protect and enhance biodiversity in accordance with the Habitat and Species Regulations 2017, Wildlife and Countryside Act 1981, NERC Act, NPPF and Policy SD8 and SD9 of the South Downs Local Plan.

Sustainable Construction

8. Prior to the commencement of the development hereby permitted, detailed information in a Design-Stage Sustainable Construction Report in the form of:
- 1) Design-stage SAP 10 assessments for each dwelling;
 - 2) Design-stage BRE water calculations; and
 - 3) Product Specifications (including EV charging point, ASHP, PV and materials);

- 4) Sustainable materials strategy and building design details and demonstrating that each dwelling will:
- a) Reduce predicted CO₂ emissions using energy efficiency in the building fabric and low and zero carbon technologies by a minimum of 12% in total (Part L1A 2021) supported by design stage SAP 10 assessments for each residential unit on plots 01-12;
 - b) Provide the EV charge points as shown on the approved plans with a minimum power rating output of 7kW and a universal socket;
 - c) Have predicted water consumption of no more than 110 litres/person/day per dwelling;
 - d) Have separate internal bin collection for recyclables matching local waste collection services;
 - e) Provide external private compost bins for each dwelling with a garden over 50sqm;
 - f) To enhance the tree cover with new native planting as described in the Landscape strategy; and
 - g) Dwellings be designed to minimise overheating risk, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be built in full accordance with these approved details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

9. No later than six months after the first occupation of the development hereby permitted, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in full accordance with all the requirements set out in Condition No.8 (above) shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include 'As Built' SAP 10 assessments, photographic evidence of materials etc and other assessments.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

10. The development hereby permitted shall not be brought into use until details of refuse and recycling storage shall have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage facilities shall be implemented in full accordance with the approved details prior to the occupation of the development and thereafter be retained.

Reason: To conserve the residential and visual amenities of the locality.

Drainage & SuDS

11. No development shall commence until details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by Local Planning Authority. Hereafter, the development shall be carried out in full accordance with the approved details. No dwelling shall be occupied until the drainage system has been implemented in full accordance with the approved details.

Reason: To ensure satisfactory provision of foul water and surface water drainage. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

12. Notwithstanding the details already submitted no development shall commence until an updated Flood risk and Surface Water Drainage Scheme has been submitted to an approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) which

meet the four pillars of SuDS in consideration of the National Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100%vAEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms ensuring the parameters in the calculations account for all the water that drains in the system (CV value is equal to 1) . The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity.

Reason: To ensure satisfactory provision of surface water drainage. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

Dark Night Skies

13. No development shall commence above slab level until a sensitive external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall;

- a) be restricted to down lighters that do not exceed 1000 lumens, which shall be designed and shielded to minimise upwards light spillage. It shall also take into account bat foraging and commuting routes and be informed by measures outlined in the submitted ecological assessment by of the Ecological Impact Assessment by Green Down Ecology dated September 2025, the Preliminary Ecological Appraisal by Green Down Ecology dated September 2025.
- b) include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds set out in the Institution of Lighting Professional's for Environmental Zone E2, 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/21)';

The lighting shall be installed, maintained and operated in accordance with the approved details at all times and no other external lighting other than that approved shall be allowed.

Reason: In the interests of protecting the appearance of the area, residential amenity and biodiversity.

Parking and Highways

14. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority under condition 6.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

15. No part of the development shall be first occupied until the car parking spaces including a marked accessible bay have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority under condition 6. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

16. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the

implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Permitted Development Rights

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes E and F and Part 2 of Schedule 2, class A; inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the area and amenity.

Ecology, BNG, Trees

18. Development shall proceed in accordance with the measures set out in the Ecological Impact Assessment by Green Down Ecology dated September 2025, the Preliminary Ecological Appraisal by Green Down Ecology dated September 2025 and the Biodiversity Net Gain Report by Green Down Ecology dated March 2026;

Reason: To protect and enhance biodiversity in accordance with the Habitat and Species Regulations 2017, Wildlife and Countryside Act 1981, NERC Act, NPPF and Policy SD8 and SD9 of the South Downs Local Plan.

19. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Report by Green Down Ecology dated March 2026

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

20. No development shall commence until evidence that the off-site BNG credits have secured has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SD9 of the South Downs Local Plan (2014-33) and the SDNPA Biodiversity Technical Advice Note.

21. No development shall be commenced until a Precautionary Working Method Statement for reptiles has been submitted to and approved in writing by the local planning authority. This document should provide full details in relation to the size and type of habitats to be affected by the proposals and their suitability for herpetofauna, shown on an appropriate plan. Then a detailed strategy to avoid and mitigate impacts on herpetofauna will be required, along with enhancement measures and the procedure in the event reptiles are found on site.

Reason: To protect and enhance biodiversity in accordance with the Habitat and Species Regulations 2017, Wildlife and Countryside Act 1981, NERC Act, NPPF and Policy SD8 and SD9 of the South Downs Local Plan.

Informative:

- I. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun [and before each phase of development where development is phased] because none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition (“the biodiversity condition”) that development may not begin unless:

- i) A Biodiversity Gain Plan has been submitted to the planning authority, and
- ii) The planning authority has approved the plan.

The planning authority is the South Downs National Park Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found in the legislation

3. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page: <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/> Online applications can be made at the link below, alternatively please call 01243 642105. <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

TIM SLANEY

Director of Placemaking

South Downs National Park Authority

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 Email: Sarah.Round@southdowns.gov.uk
 Appendix: Appendix I - Information concerning consideration of applications before committee.
 SDNPA Consultees: Legal Services, Head of Development Management.
 Background Documents: [SDNP/25/04030/FUL | Full Planning Application for the Construction of 9 dwellings and associated access road, parking and landscaping | Land South of Rothermead Rothermead Petworth West Sussex](#)
[National Planning Policy Framework \(2023\)](#)
[South Downs Local Plan \(2014-33\)](#)
[The South Downs Local Plan Review - South Downs National Park Authority](#)
[South Downs National Park Partnership Management Plan](#)
[Adopted Affordable Housing SPD - South Downs National Park Authority](#)
[Adopted Parking SPD - South Downs National Park Authority](#)

[Adopted Design Guide SPD - South Downs National Park Authority](#)

[Adopted Sustainable Construction SPD - South Downs National Park Authority](#)

[Biodiversity Net Gain Technical Advice Note \(TAN\) - South Downs National Park Authority](#)

[Ecosystem Services Technical Advice Note \(TAN\) - South Downs National Park Authority](#)

[Petworth-Neighbourhood-Plan_July-2018.pdf](#)

