

Report to	Planning Committee
Date	15 June 2017
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/17/01088/OUT
Applicant	ICS Estates Ltd
Application	Outline planning application for the erection of up to 20 open market and 12 affordable dwellings with associated residential curtilages, parking and turning areas, the provision of a new vehicular access road, the provision of a new combined pedestrian/cycleway, the provision of a new footpath along part of the former Chichester/Midhurst railway line and the provision of a surface water detention basin.
Address	Land south of Barlavington Way, Midhurst, West Sussex, GU29 9TG.

Recommendation: That planning permission be refused for the reasons set out in Paragraph 10.1.

Executive Summary

The application site, a 1.5ha clearing within woodland, is located on the southern edge of Midhurst outside the defined settlement boundary, in West Lavington and originally formed part of an estate associated with West Lavington Hill House. Extensive clearance works have been undertaken more recently and in previous years. It is in an elevated position at the northern end and forms part of the landscape character which defines this southern edge of Midhurst.

Outline planning permission has been proposed for a residential development of up to 32 dwellings, which would comprise 20 open market and 12 affordable homes. The only Reserved Matter to be considered as part of the application is the proposed access arrangements. An access is proposed adjacent to the junction between Southlands Park and the A286 and there are additional footpaths and permissive paths proposed through the scheme to link it with Barlavington Way, Well Lane and the dismantled Chichester-Midhurst railway line which is safeguarded as a future cycle route. Indicative plans have also been provided to show how the development could be accommodated within the site.

The proposal constitutes major development and is therefore subject to the tests in paragraph 116 of the NPPF. It is considered that there are no exceptional circumstances which could be demonstrated to be in the public interest which would justify the granting of planning permission. The SDNPA can demonstrate a 5 year housing land supply and that the objectively assessed need in the National Park is also being addressed through the draft housing requirements, which are moderated in light of landscape considerations in accordance with the NPPF.

This site was rejected in the Strategic Housing Land Availability Assessment (SHLAA) because of its high landscape sensitivity and consequently has not been proposed as an allocation in the draft SDNPA Local Plan. This is re-affirmed in the recommendation below which raises concerns about the landscape impact that would be caused by the development of this site.

The proposals are considered unacceptable for the reasons outlined in the recommendation in section 10 of the report.

The application is placed before committee due to the scale of development, significance of local interest and potential impact upon the landscape.

1. Site Description

- 1.1 The site was originally part of the grounds of a large home called West Lavington Hill House which burnt down and was partially replaced by the dwellings on Southlands Park. These dwellings are to the north of the site and on higher ground. From this point the land slopes southwards through the site to Well Lane.
- 1.2 This greenfield site has been subject to extensive vegetation clearance, much of which was rhododendron scrub but other trees like Birch and Oak have also been felled within the application site and along the route of the vehicular access. The site is accessed via a cleared track leading into the site from the junction of Southlands Park and the A286. There is also an existing vehicular access in the north-west corner of the site at the end of Barlavington Way.
- 1.3 Woodland and other vegetation borders the east, west and southern boundaries. The northern boundary is also defined by woodland and other vegetation with the residential areas of Southlands Park and Barlavington Way further north. Further west is a watercourse and the dismantled route of the Chichester-Midhurst railway line.
- 1.4 A number of dwellings are located along Well Lane which is to the south of the site. There are two properties with large curtilages east of the site in between woodland and the A286. Further east, on the opposite side of the A286, are other dwellings and the Royal Oak public house to the north. There is also a public footpath which runs along Well Lane and out into the fields to the west to Pitsham Lane.

2. Relevant Planning History

- 2.1 SDNP/16/03725/PRE: Proposed residential development of up to 60 new dwellings, new access road, footpath/cycle ways and informal open space. Pre-application advice issued 20.09.2016 and advised:

- A planning application is unlikely to be supported in principle.
- Proposals are considered to be major development and paragraph 116 of the NPPF would apply.

If an application was submitted:

- Landscape led approach to any design/masterplan required.
- Improved footpaths links would in principle be supported.
- 40% of all new properties to be affordable dwellings with a tenure split of 70% affordable rent and 30% as shared ownership. These should be a mix of 1-3 bedroom with a majority of 2 bedrooms.
- Ecological and arboricultural assessments required.

- 2.2 SDNP/16/03059/SCREEN: The erection of up to 60 open market and affordable dwellings with associated residential curtilages, parking and turning areas, a new access road, new combined footpath/cycle ways and informal open space. Determined that the proposals were not EIA development on 07.07.2016.

3. Proposal

- 3.1 Outline planning permission is proposed for the residential development of the site with up to 32 dwellings. These would comprise 20 open market and 12 affordable dwellings (4 no.2 bedroom flats, 6 no.2 bedroom terraced houses and 2 no.3 bedroom semi-detached properties).
- 3.2 The proposed tenure would be 67% affordable rent and 33% low cost shared ownership. The application does however outline that this may need to be reviewed if this tenure mix proved to be unviable.
- 3.3 The only Reserved Matter to be considered is the proposed access arrangements, all other considerations of the layout, scale and appearance of the dwellings and associated

landscaping have not been applied for. Naturally, as part of the outline application, consideration must be given to the very principle of development on the site with regard to the indicative amounts of development highlighted by the applicant.

Access

- 3.4 A new vehicular access is proposed from the existing junction of Southlands Park and the A286. The entrance into the site would be set back from this junction and would then travel between properties on Southlands Park and a dwelling called Glade Cottage to the south, and next to woodland. It would be 4.8m wide with a 1.8m pavement on its northern side and approximately 90m long between the junction and the main area of the application site.
- 3.5 New pedestrian/cycle routes are proposed through the site to improve connectivity with the surrounding area, as follows:
- A secondary combined pedestrian and emergency access from the existing site accessed at the end of Barlavington Way.
 - A new footpath link with the former Chichester-Midhurst railway line. It would also link with an existing right of way along Well Lane south of the site.
 - A new footpath between Barlavington Way and the A286 along the northern edge of the site.
 - Permissive footpaths are proposed along the east and west edges of the site. These would converge on the proposed link with the railway line.
 - Provision has also been proposed for a footpath extension along the railway line.
- 3.6 A conceptual scheme for 32 properties has been submitted to demonstrate how they could be accommodated on site, in conjunction with woodland and ecological management. The drawings show:
- A shared drive running through the northern part of the site and then centrally through the site in a north-south direction.
 - A block of four flats would be located in the north western corner with associated amenity space, LAP and parking.
 - The density of development would increase within the site from north to south. Most properties would face towards the woodlands to the east and west (with rear gardens facing the central road. The exception to this would be at the southern end of the development with 6 properties facing southwards and the southernmost 5 properties facing north with rear gardens adjoining the woodland.
 - Open space would be introduced to create a small area between the properties and the woodland.
 - The scheme would include a mix of 2 and 2.5 storey dwellings, with the higher properties being located on the lower part of the site.
 - An infiltration basin for surface water management would be within the southern part of the site.
 - Supplementary planting and better woodland management around the woodland edges would be proposed.

4. Consultations

4.1 Arboriculture: Objection.

- Significant impact on the value of woodland habitat and its landscape value.
- Loss of 2 hectares of woodland. Unless restocked, should be subject to a management plan to improve the habitat value rather than be developed.
- The site is designated as priority habitat: deciduous woodland.
- There were mature trees, including a 135 year old oak cleared for one of the access ways, which have been removed.

- Though rhododendron dominated the woodland and the clearance of this is welcome, there has been loss of woodland habitat which even if classed as 'scrub' still is valuable habitat.
- Barbastelle bats recorded on the site along with various other bat species. Clearance of the woodland may have impacted on their populations and certainly their foraging habitats, which need to be assessed.
- Submitted reports made recommendations to retain mature trees on site, although many have been, there have also been trees lost which may have been beneficial to be retained in any landscaping scheme.
- The site would benefit from a woodland management plan and control of invasive Rhododendrum.
- Insufficient detail on landscaping proposals to determine whether there would be any beneficial planting as part of the proposals.
- In event permission is granted, recommend conditions regarding an arboricultural method statement and tree protection plan (protective measures in accordance with BS5837:2012), monitoring during construction, detailed landscape scheme, production of a woodland management plan for the wider woodland.

4.2 **Archaeology:** No objection subject to condition about watching brief.

4.3 **Dark Night Skies:** No response received, members will be updated.

4.4 **Design:** Objection.

- A vision for the site which includes the people and community that they are designing for is needed.
- Landscape strategy and analysis should inform the layout of the scheme
- Conflict between the public and private realms.
- Place making principles important.
- Concern about pedestrian routes and the pedestrian environment.
- Design rationale needs to be presented more clearly.
- Unrealistic to portray the site as sustainable in terms of location.
- Legibility important regarding focal points and character of key buildings.
- Lack of reference to the character of Midhurst but contemporary approach not precluded.
- Opportunity for green infrastructure and drainage to work together.

4.5 **Ecology:** Objection.

- Shortfalls in survey effort and impact assessment, further survey work required.
- Insufficient evidence to support the recommendations in ecological report and limited integration of the findings into the development layout.
- Insufficient evidence to sufficiently demonstrate that the development will manage any adverse effect on wildlife.

Habitats

- Supporting information based on 2015/2016 surveys (when some clearance had taken place).
- Habitats within cleared area have continued to develop and potentially increase in ecological value.
- Potential opportunities for heathland restoration.
- Further information required in ecological assessment on the current condition of the habitat within the site and how it would continue to develop in the absence of development.

Bats

- Insufficient survey information to fully assess the impacts.

- Surveys included considerable level of activity by rarer bats.
- No impact assessment provided relating to the development of the site and bat activity, including impact on nearby roosts.

Reptiles

- A largely thorough survey has been undertaken but not all areas of the site impacted by the development are covered. All areas of the site should be adequately surveyed.

Dormice

- No survey has been undertaken but species known to be present locally. Full survey required.
- Improved public access to woodland, new woodland management, public rights of way and scrub clearance all have the potential to impact dormice.

Outline masterplan and access

- Insufficient evidence to demonstrate how ecology has informed the design.
- The main access and footways have been identified to be located along the routes most important for foraging bats.
- Main highway access would be in close proximity to tree identified to have bat roost potential.
- Valuable area of wet grassland habitat outside of the main development (the detention basin, as shown on the plans) has been identified for site drainage infrastructure will be impacted upon.

4.6 **Environment Agency:** No comments received.

4.7 **Flood Authority:** No objection, subject to conditions.

4.8 **Highways Authority:** No objection, subject to conditions.

Comments

- Road safety audit acceptable.
- Required visibility splays can be achieved, a relocation of the speed limit change is also proposed to lower speed limit at the junction.
- Width of access and footways along it are acceptable.

Sustainability and Accessibility

- Limited range of services and facilities within the immediate vicinity; but those present are within reasonable walking and cycling distance.
- Traffic conditions within the local area are conducive for walking and cycling which will be improved by new footways as part of the application.
- But limited range of services and facilities within the local area that could meet be reached by walking and cycling.
- Only facility that could be used to meet day to day needs is Midhurst town centre or Cocking post office. This would not meet all needs and travel to a larger retail store would be necessary. There are no notable employment, retail or health provisions within the village or surrounds that could be easily reached on foot.
- Concern about the safety of cycling routes into Midhurst.
- Ambition to create a cycle route along the railway line supported. Recommend a site specific contribution to support this.

4.9 **Housing:** Comments.

- Principal settlement in Chichester district with high housing need.
- 79 households on register but need actual need will be greater.
- Requirement of 40% affordable housing.

- 12.8 units required in the scheme (12 on site plus a financial contribution for the 0.8 fraction.)
- More compliant mix of affordable housing should be provided – affordable mix doesn't meet the Strategic Housing Market Assessment recommendations or need in the Parish.
- Affordable units are recommended to follow national space standards.
- Rented and intermediate affordable housing must not share communal entrance and hallways which would limit the flats to a single tenure but flat block could be re-configured to address design and mix of units on site.
- Affordable units must be pepper potted in groups not exceeding ten and must externally be indistinguishable from the market ones.

4.10 **Landscape:** Objection.

- Not seeing the development does not prevent landscape harm.
- Woodland mosaic habitats. The woodland has makes a positive contribution in terms of landscape character and purposes and special qualities which include:
- Landscape features (woodland and unimproved grassland)
- Forms part of the wooded mosaic setting to the settlement of Midhurst and is visible as an undeveloped area at the settlement edge. A development in this area would serve to urbanise the landscape setting to Midhurst.
- Maintains this area's historic continuity as an area of undeveloped woodland and/or scrub.
- 'A rich variety of wildlife and habitats including rare and internationally important species' (SDNP Special Quality) – the site supports foraging routes for 7 species of bat.
- The site forms part of a strategic network of characteristic green infrastructure along the southern slopes of the greensand – this area is referenced in the SDNP Viewshed Analysis Report (2015).
- The woodland provides an additional function, buffering the small remnant ancient woodland running alongside the disused railway.
- Given these positive contributions it is not clear how the proposed residential development will contribute benefits over and above this baseline and achieving National Park Purposes.

4.11 **Natural England:** Comments.

- Within 2.8km from the Singleton and Cocking Tunnels SAC, designated for its hibernating Bechstein's and Barbastelle bats.
- Site is within foraging distance of the SAC.
- Ecology survey recorded foraging and commuting activity from seven species, including Barbastelles.
- Given the housing is in the centre of the site with woodland retained around the edge and managed according to the Landscape and Ecological Management Plan, the proposal is unlikely to have a significant effect on the SAC through loss of foraging or commuting habitat.
- External lighting should be kept to a minimum to reduce the impact on bats. A detailed lighting plan should be required by a condition.

4.12 **Southern Water:** Comments.

- Cannot accommodate needs of proposal without development providing additional infrastructure, as it would increase flows of waste water into sewerage system and therefore increase risk of flooding. Recommend condition requiring drainage strategy dealing with foul water scheme. And also condition dealing with surface water.

4.13 **West Lavington Parish Council:** Object:

- Claim that a public consultation was held in Midhurst is misleading. Residents in West Lavington including the Parish Council have not been directly consulted and the results from a consultation are unrepresentative of public opinion.
- Greenfield area outside of the Settlement Policy Boundary, including in the SDNP Local Plan. It should be ruled out for new development.
- Strategic Housing Land Availability Assessment (SHLAA) rejected the site because it would cause adverse impact on the character and appearance of the landscape.
- Claim for affordable housing does not represent the needs of West Lavington. Midhurst and Easebourne have, under the SDNP's Local Plan already identified areas for new affordable housing.
- Adverse impact on the Dark Night Skies.
- Houses in Well Lane have flooded in recent years and this development will exacerbate this risk.
- Highway safety at the junction with the A286.
- Site already cleared of much vegetation including mature trees. This has damaged the habitats of indigenous flora and fauna. Removal of significant insect cover has also reduced food supplies for many species. This includes bats particularly those emerging from the old railway tunnel in Oaklands Lane whose flight paths have been identified in the Bat Survey.
- Impact on neighbouring amenities – noise, light and general disturbance to quiet rural environment.
- Not included in the draft Local Plan.
- No topographical survey information has been submitted.

4.14 **West Sussex County Council Strategic Planning:** Comments.

- Decision date postdates 1 April 2017, no S106 contributions are sought in light of CIL.

5. Representations

5.1 38 objections, 1 neutral response and 1 letter of support have been received, which raise the following:

Objections:

Traffic & Access

- Cycle track along Well Lane has a narrow entrance on to a fast and dangerous road, and is already used by the vehicles of to six properties.
- Second cycle track runs parallel to the railway line.
- Traffic surrounding the areas would increase causing an increase in pollutants into the area.
- Increase in accident risk at the junction of Southlands Park with the A286. Already been a number of deaths on this stretch of the A286.
- Existing problems relating to road configuration and traffic volumes will be exacerbated by the scheme, but no solutions have been offered to mitigate these risks.
- Traffic survey report contains errors raising concerns over data interpretation and attention to detail.
- More vehicles using the access road to Southlands Park will cause further hazards to pedestrians who wish to catch the Southbound bus or visit the Royal Oak.
- The secondary access via Barlavington Way will be used as a rat run.
- Refuse collection vehicles struggle to pass along Barlavington Way due to parked cars along the narrow street.

Overdevelopment/Inappropriate Development

- West Lavington is a small village community and its village feel would be destroyed by the large influx of people.

- Unacceptable over development of an area which has never been developed.
- Lack of need for housing provision runs counter to existing local plans and economic and employment opportunities in the area.
- A number of brownfield sites already exist that meet the proposed housing requirements for Midhurst.
- The site was rejected in the SDNPA SHLAA 2016 due to 'having a potential adverse impact on the character and appearance of the landscape'.
- There is an adequate 5 year housing supply in the SDNP.
- Unwelcome and unnecessary proposal that does not meet local needs.
- Would connect Midhurst with Cocking Causeway in an unacceptable sprawl.
- Will urbanise the rural gateway into and out of Midhurst.
- Affordable housing is not necessary in the area.
- The density of the development is at odds with the grain and character of development in the area.

Amenity

- The development would have an adverse effect on the residential amenity of the neighbours due to loss of privacy.
- The SE corner of the development will result in the loss of privacy of neighbouring properties.
- Will create additional noise and disturbance due to its size and connection to a large estate in the NW corner.
- The proposed cycle tracks will result in loss of privacy to affected properties along Barlavington Way.

Landscape and Visual Impact

- Out of character with the surrounding houses.
- The Design and Access Plan portrays more commonly associated with a science or technology park than a residential development in a semi-rural area.
- Detrimental to the character and appearance of this area of the National Park landscape
- Contrary to the National Park's first purpose.
- The site is very visible from the ridge of the Downs and the South Downs Way.
- The proposal relies on the screening effect of the trees; those to the south are largely deciduous and provide very little screening in winter, and those to the west are mature conifers that will need to be felled within a few years if they are not to become dangerous.

Ecology

- Displacement of wildlife.
- The site comprises rare lowland heath habitat, although recently neglected allowing wild rhododendron to proliferate.
- Vegetation and trees have been removed from the site before any wildlife survey was carried out.
- Proximity to existing bat colony at the mouth of the old railway tunnel.

Flooding

- The high risk of surface water flooding risk to the west of the site and history of flooding in the region of Mill Lane at the southern end.
- Water run-off would exacerbate flooding problems around Railway Cottage.
- The disturbance of the ecology and soil will lead to further flooding in Well Lane, made worse by the tree and shrub clearance already implemented.

Other

- The proposal does not satisfactorily deal with the issues raised in pre-application advice.
- Two planning proposals submitted by the same developer on nearby land have already been rejected.
- Street lighting and internal/security lights from the properties will have a detrimental effect on dark night skies.
- Negative impact on local services which are already stretched, i.e. doctors, schools.
- Lack of justification.
- The relevant Parish Council (West Lavington) has not been consulted.

Representation in support:

- Light pollution and highways issues could be successfully mitigated.
- Only badgers would be affected by the development.
- Flood risk is low and could be further mitigated through SuDS.
- There is limited available affordable housing.
- The development would be screened by existing trees.
- Benefit to cultural heritage by establishing railway line as PRoW.
- The design is not standard, and appears to be 'passivhaus.'

Neutral response:

- The proposed cycle path would connect directly to a vehicle turning area including for large lorries.
- A safer route would be a single pedestrian/cycle path along railway line.

5.2 **Midhurst Town Council:** Objection.

- Majority of the proposed housing is outside of the settlement policy boundary.
- No identified housing need in West Lavington parish.
- Adequate sites identified for Midhurst in the SDNP Local Plan to meet the Town's needs and the National Park's overall housing numbers.
- Site has twice been specifically excluded from development by virtue of the SHLAA.
- Will place further pressure on the already oversubscribed local schools as well as a further burden on the area's medical facilities.
- Will exacerbate the danger to traffic on an already fast and unsafe road.
- Will have an adverse effect on the existing rural entrance to Midhurst and will diminish its landscape value by way of light pollution, potential visibility of the development and the movement of vehicles.
- Will have an adverse effect on wildlife following site clearance already been undertaken. This greenfield site and can still revert to something of its former state.
- Impact on wildlife from human intrusion and domestic pets and will be wider than the actual site area.
- Concern about the principle of development. Opportunistic application before the SDNP Local Plan is adopted, despite considerable evidence against it.
- Unaware of any public consultation other than previous plans being posted to small number of recipients.
- Wholesale clearance of mature hardwood trees and shrubs and claim there is no wildlife value is unacceptable.

6. **Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is the saved policies of the Chichester District Local Plan (CDLP) First Review 1999.

National Park Purposes

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

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

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.4 Major development

Paragraph 116 of the NPPF outlines that planning permission should be refused for major developments in designated areas (including national parks) except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations and the impact of permitting or refusing it, upon the local economy;
- The cost of, and scope for, development outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.5 The Development Plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.
- 6.6 The South Downs National Park Partnership Management Plan 2014-2019 is a material consideration in the determination of planning applications, as outlined in national planning practice guidance, and has some weight pending the adoption of the SDNP Local Plan. It outlines a vision and long term outcomes for the National Park. The following policies are relevant:
- Policy 1: conserve and enhance natural beauty and special qualities of the landscape.
 - Policy 3: Protect and enhance tranquillity and dark night skies.
 - Policy 5: Conserve and enhance populations of priority species.
 - Policy 28: Improve and maintain rights of way.
 - Policy 37: Encourage cycling and the promotion of a safer network.
 - Policy 48: Support the town and villages in and around the National Park.
 - Policy 50: Housing and social and economic needs of local people, high design and energy efficiency.

7. Planning Policy

- 7.1 The following saved policies of the Chichester District Local Plan First Review 1999 are relevant:
- RE1: Development in the Rural Environment.
 - R4: Public Rights of Way and Other Paths.

- H4: Density and size of dwellings.
 - H9: Social Housing in the Rural Area.
 - BE11: New Development.
 - BE14: Wildlife Habitat, Trees, Hedges and other Landscape Features.
- 7.2 The Chichester District Council Interim Statement on Planning and Affordable Housing 2007 is relevant policy guidance.
The South Downs Local Plan: Preferred Options 2015
- 7.3 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16 July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2 September to 28 October 2015 and the responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Pre-Submission Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation, the policies within the Preferred Options Local Plan are currently afforded limited weight.
- 7.4 The relevant planning policies of the draft SDNP Local Plan are SD1, SD2, SD3, SD5, SD6, SD7, SD9, SD11, SD12, SD14, SD16, SD17, SD18, SD22, SD23, SD24, SD31, SD35, SD37, SD39, SD41, SD42, SD44.

8. Planning Assessment

8.1 Principle of development

8.2 The site is outside of the settlement policy boundary of Midhurst which is defined in the CDLP 1999 and is therefore within designated countryside. Policy RE1 restricts new open market dwellings in the rural area and in the absence of a rural housing exception scheme being proposed, there are therefore in principle objections in regard to both saved policies RE1 and H9 and national planning policy which is further strengthened by the National Park designation.

8.3 The application is for major development and it is therefore subject to paragraph 116 of the NPPF. It advises that planning permission should be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. The 3 assessment criteria in paragraph 116 are listed in paragraph 6.4 above and are considered in more detail below.

Need for the development and scope for developing elsewhere outside the designated area or meeting the need for it in some other way

8.4 There is a housing need nationally and across the National Park, which is a public interest consideration in regard to the first bullet point of paragraph 116. The NPPF requires local planning authorities to identify housing need for their areas and ensure an adequate supply for the Local Plan period. The housing need in the National Park is quantified in the Authority's Strategic Housing Market Availability Assessment (SHMA)2015. This assessment, which is part of the evidence base for the draft Local Plan, identifies the objectively assessed need (OAN) in the National Park. Part of the justification for the proposals are that only approximately half of the OAN is being met through the draft SDNP Local Plan housing requirements and that there is not any scope for adjoining authorities to accommodate any of this need and that the OAN has not been tested at an Examination.

8.5 Crucially, however, the NPPF through paragraphs 49 and 14 are clear that local planning authorities are not obliged to meet OAN in full where this would give rise to conflict with other policies, in this case paragraphs 115 and 116 of the NPPF, that the need should only be met insofar as it is consistent with restrictive policies. The subsequent housing requirement in the draft SDNP Local Plan has been moderated by landscape considerations which have

strongly influenced the overall housing requirement, housing allocations for settlements and the identification of sites.

- 8.6 The applicant outlines that the SDNPA cannot demonstrate an up to date 5 year housing land supply. This is on the basis that there is no up to date housing requirement in the adopted Local Plan 1999 to address the OAN; the recently adopted Chichester District Local Plan excludes the National Park; and the SDNPA's draft Local Plan requirement and SHMA have not yet been tested at Examination.
- 8.7 A number of appeal cases have been submitted by the applicant to support the justification provided. These highlight sites where Inspectors have either approved schemes where a 5 year HLS hasn't been demonstrated and other cases where it has been possible to demonstrate this but it has been determined that the requirement should not limit further permissions where they do not cause harm. These cases however are not wholly relevant as they don't relate to instances where there are specific policies within the NPPF which indicate that development should be restricted.
- 8.8 The SDNPA's Annual Monitoring Report (2016) clearly demonstrates that there is a sufficient 5 year housing land supply across the National Park. Housing supply isn't measured against the OAN and instead is measured against the Local Plan housing requirements and looking at the National Park as a whole for the purposes of monitoring the AMR clearly shows there is a 5 year housing land supply and that there shouldn't be a shortfall.
- 8.9 No information has been submitted with the application to dispute this position. Furthermore, the SDNPA became the local planning authority in 2011 and since has been developing the first draft Local Plan for the National Park and its evidence base. It would be unreasonable to assume that given this starting position, as a new authority, that a Local Plan would be adopted in the early formative years. Nevertheless, the National Park has been pro-actively planning for housing growth to meet local and affordable need as outlined in the 2010 National Parks Vision and Circular and identifying sites to through the Preferred Options draft and shortly in the Pre-Submission draft. It is proper and appropriate to use the latest evidence which is the Preferred Options and up to date evidence base which has been undertaken in developing the Local Plan.
- 8.10 In regard to Midhurst, the draft Local Plan allocates 150 new dwellings for the town up to 2032. There are a high number of households in need of affordable housing in Midhurst. Addressing the identified need outside of the SDNP would not be feasible given the need is specific to the town. In regard to the scope of the developing elsewhere outside of the National Park the identified need is specific to the National Park and Midhurst.
- 8.11 In terms of meeting the need in some other way, this site was rejected in the SHLAA due to its high landscape sensitivity. The Pre-submission version of the Local Plan identifies new draft allocations for Midhurst whereby the need can be met in some other way than developing this site. The draft in fact increases the housing allocation for Midhurst to 175 dwellings. The Plan also shows how this could be achieved through the draft allocated sites. The Pre-submission draft once published will have more weight than the Preferred Options version but until then it carries little weight. That said, it is clear that the need can be met in some other way to the development of this site but in any event the site is not suitable because of its landscape impact.
- 8.12 In regard to the impact upon the local economy, there would be short term construction jobs and there could be longer term spend in the town centre from new residents. These do not however outweigh the other considerations in this report.
- 8.13 Consideration of the environmental impacts and recreational opportunities and the extent to which the effects could be moderated as assessed in more detail below.

Detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated

Landscape Impact

- 8.14 The site is in an elevated position on the southern edge of Midhurst. The fact that a development is not highly visible does not result in no landscape harm being caused, rather there are intrinsic landscape considerations which also need to be assessed.
- 8.15 The existing woodland has been in a poor condition from a lack of ongoing management in controlling rhododendron in particular. Despite this, the site makes a positive contribution to local landscape character. The landscape Officer advises that these include:
- Landscape features (woodland and unimproved grassland).
 - The land forms part of the wooded mosaic setting to the settlement of Midhurst and is visible as an undeveloped area at the settlement edge. A development in this area would serve to urbanise the landscape setting to Midhurst.
 - The site maintains this area's historic continuity as an area of undeveloped woodland and/or scrub. The site was once part of a larger 'estate' garden, but has remained essentially wooded – this is also the likely origin of rhododendron on this site.
 - The site forms part of a strategic network of characteristic green infrastructure along the southern slopes of the greensand. The area is referenced in the Viewshed Analysis Report (2015) where it states; "maintain the ridge of undeveloped heathland and woodland to the south of the river, in the centre of the valley, which contrasts with the more settled farmland to the north and south." This area of ancient and heathy woodlands to the south of Midhurst, act as stepping stones for wildlife linking up the 'undeveloped heathland and woodland' strategically and also in this case, linking greenspaces in to Midhurst. Therefore, as Midhurst has expanded, these are the remaining woodlands continuing this characteristic pattern right along the ridge. This wooded landscape is also noted as key in these 'breath taking' views from locations such as Heyshott Down.
 - The woodland provides an additional function – buffering the small remnant ancient woodland running alongside the disused railway.
- 8.16 Whilst landscape benefits such as better woodland management are proposed, the presence of new residential development on this site would negatively impact upon the landscape for the reasons above. The proposals would not conserve or enhance landscape and scenic beauty of the National park, which should be afforded great weight.
- 8.17 The site is sensitive to new development because of its elevated and exposed nature and that it forms part of the landscape character. The proposals would not reflect the sensitive nature of the site in regard to landscape character. Rather, it could result in semi-detached, terrace and flats that would have an imposing landscape impact on the site which would be compounded by the scale of development which would create an unacceptable urban form of development that is otherwise detached from the settlement. Indeed, it would be an urban form of development, rather than a landscape led approach, within a wooded context and accessed via a long drive which itself would be an urbanising feature. The length of the access also highlights the detached nature of the proposals.
- 8.18 Despite the site being bordered by woodland, there is potential for dwellings to be visible from wider views given the elevated nature of the site and given the landscape context this would have a harmful landscape impact.
- Proposed access- Highway considerations
- 8.19 The Highways Authority have not raised an objection to the proposed access and in these regards no reason for refusal is proposed on highway safety grounds.
- 8.20 New paths are proposed with Barlavington Way, the Chichester-Midhurst railway line which is safeguarded for an extension to the Centurion Way and along the proposed vehicular access. These would provide a good level of permeability through the site and access into the countryside. However, the walking and cycling links would still result in a notable distance for people to walk/cycle into town.
- 8.21 Concerns were raised by the Highways Authority about the accessibility of reaching services and facilities either on foot or cycling. New footpaths and permissive paths are proposed which would help to improve accessibility, however, the site would still be detached from

services and facilities to the extent that car use could be more prevalent and the predominant option in terms of travel to local services and infrastructure.

Affordable Housing

- 8.22 A development of this scale is subject to the current policy requirement for 40% of new dwellings shall be affordable homes. There are currently 78 households on the housing register with various requirements for properties. A mix of 2 and 3 bedroom properties would help to meet the needs of these size of properties. However, primary need is one bedroom properties.
- 8.23 The 12 dwellings proposed would equate to a 37.5% on site contribution. The response from the housing officer is awaited and members will be updated. In regard to the 2010 Vision and Circular and the need to focus on affordable housing, it is considered that the highest level of affordable housing provision needs to be achieved.

Ecology and trees

- 8.24 The ecologist has raised significant concerns about the level of survey information provided and consequent detail in regard to assessing the impacts of the proposed development and how these could be satisfactorily mitigated.
- 8.25 Concern has been raised about how the existing condition of the habitat on site has been assessed. The ecological information provided highlights the site as a 'cleared area.' However, whilst there has been more recent further clearance, the information has not re-evaluated the cleared area since they were completed it is likely that the information is not properly reflective of the habitat present on site and its potential increasing value given the rhododendron has been cleared. As a result, further information is required to understand the latest site conditions to assess the sensitivity of the site.
- 8.26 In regard to specific species, the ecologist's advice is clear that more detailed survey work (including different techniques) and assessment is required to understand bat activity in and around the site. This is particularly important as rarer species including Barbastelle bats (one of the UK's rarest bats) have been recorded and given the site is within 500m of a known roost of another one of the UK's rarest bats – the Greater Horseshoe Bat.
- 8.27 Similarly, the ecologist has advised that further survey work for reptiles is needed as this has not covered all areas of the site impacted by the development. Most notably, the semi-improved grassland area described as a 'detention basin' for surface water management and in regard to it being used as part of a SuDS scheme.
- 8.28 The ecologist has raised concern about the impact upon hazel dormice in the absence of survey work and that they are known to be present locally. It is appropriate that any impacts of the development are assessed because the proposals involve improved access to the adjacent woodland with new pedestrian/cycle links, the would be the works associated with these routes and a more managed approach to the retained woodland.
- 8.29 Concern has also been raised about the overall masterplan and site access. The design of the scheme is indicative however concerns relate to the fact that there is limited evidence provided to demonstrate that the masterplan has sufficiently considered ecological sensitivities. For instance, the main footways in the scheme are located along important routes for foraging bats and the main access is adjacent to a tree with bat roost potential. Furthermore, comments about the masterplan also relate to the concern about the use of the semi-improved grassland south of the area proposed to be developed for SuDS.
- 8.30 A reason for refusal is therefore recommended on the basis that further survey work is needed in regard to the ecological potential on site and the presence of protected species, in conjunction with insufficient assessment of what the impacts would be and any mitigation.
- 8.31 The arboriculturalist has raised similar concerns insofar as the ecological and landscape value of the woodland. They also object about the loss of more notable trees on site which may have been beneficial to retain within any future scheme. Whilst the layout is indicative, as there have been no specific comments about the provision of the access and the ability to retain notable trees along it no specific reason for refusal relating to trees is recommended.

Impact on the amenities of neighbouring properties

- 8.32 The conceptual proposals suggest that any future scheme could have a limited impact upon neighbouring properties given the layout, site topography, proximity of neighbouring dwellings and the intervening woodland between them and the application site.
- 8.33 The access would run between properties on Southlands Park, which are on a higher ground level, and properties to the south. Given the distances between them and the access, the topography and intervening woodland and vegetation and the anticipated traffic movements it is unlikely that it would cause significant harm to the amenities of neighbouring properties.

Drainage

- 8.34 The site has a low risk of surface water flooding although there is a small area of relatively higher risk at the southern end because of the site's topography. The submitted Flood Risk Assessment proposes that permeable paving, swales, soakaways and infiltration basins would be used as the primary means of managing surface water run-off from the development. This method would in principle be acceptable, albeit any such details would need to be considered at a later stage if outline planning permission was granted.

Community Infrastructure Levy (CIL)

- 8.35 A residential scheme would be liable for CIL but as an application for outline planning permission has been submitted it is not possible to calculate what this amount would be. In the event planning permission was granted, CIL would need to be assessed in a subsequent Reserved Matters application. Apart from affordable housing, no other contributions would be sought. Were members minded to approved the application.

9. Conclusion

- 9.1 In light of the above considerations, the application is recommended for refusal in relation to the in-principle objection that the site is outside of the settlement policy boundary and does not constitute a rural housing exception scheme; there is no overriding justification for the development of this site in regard to meeting the OAN in full and that the draft housing requirement in the draft Local Plan is moderated by landscape considerations; the development would cause unacceptable landscape harm; and there is insufficient information to satisfy concerns about the impacts on protected species.
- 9.2 In light of all of the considerations above, there are not any exceptional circumstances and it is not in the public interest to warrant this major development.

10. Reason for Recommendation and Conditions

- 10.1 The application is recommended for refusal for the following reasons:
1. The proposals would result in an unjustified and unsustainable form of development outside of the defined settlement policy boundary of Midhurst and in designated countryside, which by virtue of the harmful landscape impact would not conserve or enhance the National Park landscape. Furthermore, given the countryside location the proposals do not constitute a rural exception scheme for affordable housing which addresses identified local need. The proposals are therefore contrary to saved policies RE1 and H9 of the Chichester District Local Plan First Review 1999, the Chichester District Council Interim Statement on Planning and Affordable Housing 2007, National Park Purposes, the South Downs Partnership Management Plan 2013, the English National Parks and the Broads: UK Government Vision Circular 2010 and the National Planning Policy Framework 2012.
 2. The proposal constitutes major development in a National Park, for which planning permission should only be granted in exceptional circumstances. The need for the development within the National Park has not been adequately demonstrated in accordance with paragraph 116 of the National Planning Policy Framework. The proposals are therefore contrary to the National Planning Policy Framework 2012, the English National Parks and the Broads: UK Government Vision Circular 2010 and National Park Purposes.

3. Insufficient information has been provided to demonstrate that protected species, namely bats, dormice and reptiles would not be harmed by the proposed development. Planning decisions should be based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination to ensure that any impacts can and will be appropriately mitigated. The proposals are therefore contrary to policy BE14 of the Chichester District Local Plan First Review 1999, National Park Purposes and the National Planning Policy Framework 2012 and the English National Parks and the Broads: UK Government Vision Circular 2010.

11. Crime and Disorder Implication

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

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

TIM SLANEY

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Appendices 1. Site Location Map

SDNPA Legal Services, Development Manager.

Consultees

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

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OM3JOHTUGXF00>

National Planning Policy Framework (2012)

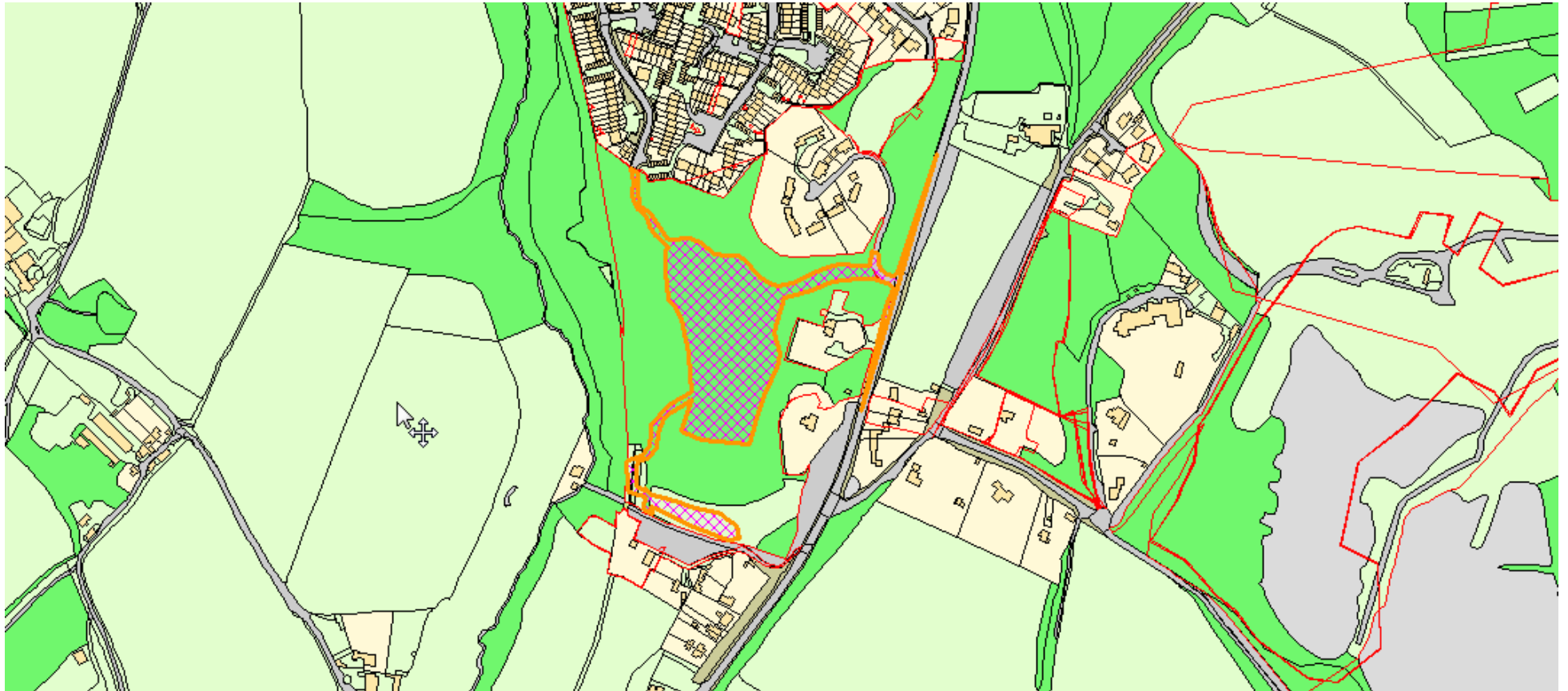
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf

South Downs National Park Partnership Management Plan 2013

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

South Downs Integrated Landscape Character Assessment 2005 and 2011

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



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