

Report to	<b>Planning Committee</b>
Date	<b>14 March 2019</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Mid Sussex District Council)</b>
Application Number	<b>SDNP/18/06068/FUL</b>
Applicant	<b>Britecroft Pyecombe Ltd</b>
Application	<b>Full application for 4 residential dwellings with access and associated landscaping.</b>
Address	<b>Land East of Church Lane, Church Lane, Pyecombe, West Sussex</b>

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**Recommendation: That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report.**

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### **Executive Summary**

The application site is an undeveloped greenfield site located within the settlement policy boundary of Pyecombe, where the principle of development is generally accepted. The application proposes the erection of 4 dwellings which would be served by an existing access off Church Lane, which is one of the main routes through Pyecombe village. Two pairs of semi-detached properties are proposed with associated parking, including 2 No visitor spaces, with an ecological buffer area provided along the western, northern and eastern boundaries.

The proposals would be an acceptable addition to the built settlement in Pyecombe for the reasons outlined in the report and would not cause harm to the landscape character of the area or amenities of neighbouring properties.

Suitable amendments have been made to the scheme to address comments received from consultees and a number of conditions are recommended.

The application is placed before Members due to the level of local objection to the application.

#### **I. Site Description**

- I.1 The site relates to a 0.26ha parcel of land in the southern part of the village to the east of The White House in Pyecombe. The site slopes from west to east, and north to south and is bounded by the A273 to the east, with the A23 further to the south. Residential development is located to the north, west and south.
- I.2 The site falls outside the Pyecombe Conservation Area to the north. However, the site is considered sensitive in landscape terms as it is visible from the A273 and along a sustained section of public footpath No 16Py, a bridleway leading away to the east which climbs up into an area of elevated open downland at Middle Brow. It is also visible from surrounding dwellings, which are sited on higher surrounding land.
- I.3 The site would be accessed via a spur road leading off Forge Close, a new access off Church

Lane that was provided when the southern part of the original allocation site was brought forward under permissions SDNP/15/04137/FUL and SDNP/16/02737/FUL.

## 2. Relevant Planning History

- 2.1 The site forms part of a wider allocation that was included in the Mid Sussex Local Plan (2004), and carried forward into the South Downs Local Plan Preferred Options (2016) under draft policy SD87, however the allocation policy was subsequently removed from the Pre-Submission version of the Local Plan due to the site having already been built out in the main part. For completeness, planning history for the full original allocation site is included below:

### Application site

- SDNP/14/00763/PRE Three proposed dwellings on land to the rear in Church Lane (PY1). Pre-application advice provided 02.04.2014  
The advice provided suggested that 2 dwellings would be more appropriate to reflect the relationship with the dwellings to the north and west and adequate distance from the boundary with the highway to the east to reduce noise issues. Concerns were raised in regard to the impact on the development from wider views, due to the levels of the site and the site being within the National Park, and any development should be seen in relation to the existing built form and the levels of the site to minimise its impact.
- SDNP/16/05721/PRE To construct 3 dwellings on land to rear of The White House. Pre-application advice provided 31.03.2017  
The advice provided stated it may be possible to provide 3 dwellings on the site by 'bookending' development with a semi-detached pair of dwellings and a detached dwelling.
- SDNP/18/02071/FUL Full application for 5 residential dwellings with garages, access and associated landscaping. Refused under delegated powers 15.10.2018, appeal in progress. The reason for refusal related to the quantum of development and subsequent layout, which would result in the overdevelopment of the site harmful to the character and appearance of the area failing to take the opportunity to conserve and enhance the landscape character of the area.

### Land Parcel to the East of Church Lane (immediately south of the application site)

- SDNP/15/00075/PRE Erection of 8 detached dwellings with attached garages, parking and access drive. Advice provided 15.01.2015  
The advice provided suggested that the proposal failed to respect the spacious character of the surrounding area and would not meet the requirements of the environmental role of sustainable development. The proposal would result in a cramped development wholly out of keeping with its immediate context, especially given the prominence of the site from public views within the National Park. The advice recommended a reduction in the quantum of development to 5No dwellings to avoid a cramped appearance out of keeping with local context.
- SDNP/15/04137/FUL Erection of 8 no. residential dwellings (2 no. affordable) with garages, access, associated landscaping and acoustic fencing (Amended description 03.12.2015). Approved 28.04.2016
- SDNP/16/02737/FUL Erection of 8 no. residential dwellings (2 no. affordable) with garages, access, associated landscaping and acoustic fencing (for amendment following part-implemented permission SDNP/15/04137/FUL the site layout to reposition Plots 6, 7 and 8 to allow a 15m buffer between the dwellings and Southern Water's pumping station to the south-west.) Approved 13.10.2016

### Parcel of land to the south of St Helens

- SDNP/17/01260/FUL Erection of detached house with associated car parking and access drive. Approved 08.05.2017

- SDNP/17/02701/FUL Erection of detached house with associated car parking, covered car port, and access drive. Amendment from previous consent SDNP/17/01260/FUL. Approved 15.09.2017
- SDNP/17/04981/FUL Erection of a pair of attached houses with associated car parking and access drive. Refused 27.11.2017. Dismissed at appeal 16.05.2018.

### **3. Proposal**

3.1 The application seeks to provide 2No 3-bedroomed dwellings and 2No 2-bedroomed dwellings, arranged in two semi-detached pairs.

#### Layout & access

3.2 The layout follows the line of recent development to the south, with units 1-3 facing westwards, and the northernmost unit 4 facing southwards, effectively 'closing off' the line. All four private gardens back onto the A273 and are proposed to be protected by an acoustic fence.

3.3 The main access will be provided from Forge Close, which is a private road serving the houses to the south. Adequate turning is achievable within the site to allow access for fire tender, and bin storage will be provided in a central storage area to the east of the access on the southern site boundary. Two parking spaces are provided per dwelling, with units 3 and 4 provided with two covered parking spaces under a grass-roofed car port. Two visitor parking spaces are provided in bays off the main access into the site.

3.4 The site is sloped such that full wheelchair access is not achievable, however the dwellings will have ramped & 'accessible' stepped access to front doors in accordance with current building control regulations.

#### Design and Landscaping

3.5 The design of the dwellings is similar to that of the dwellings on the site to the south, and traditional in appearance, however smaller in scale, with lower eaves heights and roof forms. No roof lights are proposed.

3.6 The areas of hardstanding, including the access from Forge Close, paths and residential parking areas are proposed to be surfaced with permeable paving, and the visitor parking spaces with grass cellular pavers.

3.7 A landscape design plan has been submitted indicating the extent and type of proposed planting, and including an ecological buffer zone outside of private ownership, to be managed via a Landscape and Ecological Management Plan. The ecological buffer area to the west is also proposed as a public amenity space with a bench providing views out towards the downland to the east.

### **4. Consultations**

4.1 **Archaeology:** No objection, subject to conditions.

4.2 **Design:** Comments:

- The proposal is more sympathetic to its context than the previously submitted scheme (SDNPA 18/02071) due to the reduction in the amount of development and a design more sympathetic to landscape context.
- Development proposals should use site and context information to respond and contribute towards e.g. local distinctiveness (it should be landscape-led).
- The landscape appraisal assesses the landscape and visual (LV) impact, and suggests mitigation for adverse landscape and/or visual harm, however has not informed layout or design, and there is no clear link between the supporting site analysis information and other aspects of their proposal.
- The height, overall scale, siting, orientation and appearance of the dwellings are acceptable, but the proposal does not meet the high standards of architectural and landscape design we strive for in The National Park, is not of the highest possible design quality and will not make a positive contribution to the overall character and appearance of Pyecombe.

- The siting of units 3 & 4 (both 3 bed dwellings), the peculiar floor plan and awkward roof profile are a direct result of overdeveloping a constrained site.
- Materials and specification especially the public realm will be critical to the final success of the proposal and the following detailed design amendments should be secured:
  - Refuse and cycle storage should be provided to the rear of the dwellings, including the refuse store for unit 1 currently sited within a main access;
  - Rainwater harvesting;
  - High quality boundary treatments to the property frontages;
  - Replacement of amenity grass area to properties 3 & 4 removed and replaced with paving and feature shrub planting;
  - Increase of the width of stepped access to 1.8m and divided to provide units 1 & 2 with provide private access;
  - Provision of hardstanding area to the front of units 1 & 2 and stepped access to parking area/bin storage for unit 2;
  - Provision of a variety of shrub/ hedge planting and low retaining walls.
- Surface water drainage issues arising from the changes in level should be addressed appropriately in their detailed design.

4.3 **Drainage:** No objection subject to condition.

4.4 **Ecology:** No objection, subject to conditions. Comments:

4.5 **Highways:** No objection, subject to conditions.

4.6 **Landscape:** No objection, subject to conditions.

4.7 **Pyecombe Parish Council:** Objection. Comments:

- The Council strongly refute any reference in the Planning Statement to policies and site allocations from the 2004 Mid Sussex Local Plan, which has been replaced by the 2018 Mid Sussex District Plan.
- The removal of the allocation in the emerging South Downs Local Plan was due to the proposed number of dwellings already being surpassed so the current application must be refused on grounds of over development of the site.
- The current sewage works are unable to cope with the rise in the number of users and overflow to residential gardens on a regular basis causing huge environmental issues.
- Southern Water now flush the system on a fortnightly basis to avoid overspill and urgent talks should take place to rectify the problem before a decision is made.
- The revised scheme does not address previous concerns raised by residents.
- The suburban layout is at odds with the existing pattern of development because a large number of dwellings are still proposed.
- The location is sensitive being visible from higher ground.
- The scheme fails to promote or reinforce local distinctiveness.
- No reference has been made to the provision of safe access across the very busy London Road following the recent development at Forge Close, which should form part of the decision.
- The lack of a sufficient turning circle is prejudicial to highways safety.
- The lack of any allotted visitor parking will mean additional parking along the immediate highway.
- The impact on traffic flow at peak periods, and the junction at the bottom of Church Lane should be considered for traffic calming measures.
- Windows which overlook neighbouring properties must be constructed of obscured glass.
- The developer is 'tagging' this application to avoid provision of affordable housing and CIL. This application and the other 9 permitted dwellings should be considered as a whole to ensure the proper allocation of affordable units is included.
- Any archaeological investigations should be carried out prior to any decisions being made which may impact on the loss of a historic site.

4.8 **Southern Water:** No objection. Comments:

- The applicant will need to make a formal application to Southern Water for a connection to the foul sewer.

5. **Representations**

5.1 7 letters of objection have been received, raising the following concerns:

Principle

- The amendments to the revised development do not address any of the issues raised about the previous proposal.
- 2No 4-5 bedroom houses would be the maximum the village could take in this location.
- To help younger people one house should be provided split into two maisonettes.
- The village petition of 90% of its residents on the last application still stands.
- There are no facilities for additional children and the only shop is the M&S garage which is already busy.

Traffic and access

- There is still no visitor parking, and the access is only 5 metres wide so large delivery vehicles will be unable to pass parked cars without damaging the kerb or landscaping.
- Refuse vehicles will need to undertake 3 point turns on a restricted roadway.
- Emergency vehicles will not be able to access the new development.
- Increased risk of an accident at the Church Lane junction from cumulative traffic levels especially with the access for the dwelling under construction opposite The Plough.
- Construction vehicles will damage an already badly maintained road with no street lighting.
- The 4 houses will create at least a further 8 cars coming into Church Lane along with the recent development of 18 cars from Forge Close.
- Church Lane has very little lighting and no pavements which makes a busy environment and dangerous junction for horses, walkers and cyclists.
- Walking to the bus is more hazardous due to the new house being built on the corner of Church Lane.

Drainage

- The whole estate is low-lying and surface water drains sometimes overflow, which additional development will exacerbate.
- The foul water drains are being pumped every 30 days (or 2 weeks as Parish Council stated) to prevent sewerage overflowing into private gardens which is not a long-term solution.
- Sewage spills still occur and Southern Water are not managing this issue.
- The system is inadequate and needs upgrading before any further burden is placed on it.

Design & Layout

- The footprint is acceptable for the size of plot but is still over developed.
- No planting or boundary treatment details have been provided.
- There should be a close-board fence on the northern boundary for privacy of adjacent dwellings.
- The windows on properties 4 & 5 facing north should be obscure glazed.

5.2 A letter has also been received from Ward Councillor John Wilkinson, objecting to the proposal and raising the following concerns:

- Pyecombe is a pretty Downland village in danger of being spoilt by overdevelopment;
- The village has already accommodated c10 new dwellings with the associated pressure on its modest infra-structure;
- Any further new development would cause additional traffic on busy roads given that basic amenities such as schools, doctors and shops would necessitate car journeys to larger settlements;

- The development would not provide any significant economic benefits to the local community;
- Object to the application on the grounds of over-development of an unsustainable nature in a relatively small village without any obvious benefits to existing local residents.

5.3 A petition of 98 signatures from local residents was also submitted by the Parish Council, supporting the Parish Council in its objections to the application, accompanied by a letter asking the SDNPA to recognise the strength of feeling as the petition represented approximately 90% of parish households.

## 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 Mid Sussex District Local Plan (2004). The more recent Mid Sussex District Plan 2014-2031 does not include land in the National Park. The relevant policies are set out in section 7 below.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

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

### National Planning Policy Framework and Circular 2010

6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

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

6.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### The South Downs National Park Partnership Management Plan

6.5 The South Downs National Park Partnership Management Plan 2013 is a material consideration in the determination of the application. The following policies are relevant:

- 1: Conserve and enhance natural beauty and special qualities of the landscape;
- 3: Protect and enhance tranquillity and dark night skies;
- 5: Conserve and enhance populations of priority species
- 50: Housing and other development.

## 7. Planning Policy

7.1 The following saved policies of the Mid Sussex District Local Plan 2004 are relevant:

- C4 Areas of Outstanding Natural Beauty
- G1 Sustainable Development
- G2 Sustainable Development
- B1 Design
- B3 Residential Amenities
- T4 New Development
- T5 Parking Standards

- H1 Housing Allocation
- H2 Density and Dwelling Mix
- H3 Infill within Built-up Areas
- H4 Affordable Housing
- B4 Energy and Water Conservation
- B7 Trees and Development
- B24 Light Pollution

#### The South Downs National Park Local Plan

7.2 The Pre-Submission version of the South Downs Local Plan (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1 February 2019 to 28 March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.”

7.3 The relevant planning policies of the Submission South Downs Local Plan are:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD16: Archaeology
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD21: Public Realm, Highway Design and Public Art
- SD22: Parking Provision
- SD25: Development Strategy
- SD26: Supply of Homes
- SD27: Mix of Homes
- SD28: Affordable Homes
- SD50: Sustainable Drainage Systems
- SD51: Renewable Energy

## **8. Planning Assessment**

### Principle of development

8.1 The first statutory purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and development within it must accord with this purpose.

8.2 The site forms part of a larger site previously allocated for approximately 20 No dwellings under policy PY1 of the Mid Sussex Local Plan (2004). The allocation was carried forward with a significantly reduced number of dwellings (8No) in the Preferred Options South Downs Local Plan (2016) under draft policy SD87. Policy SD26 sets out a housing provision of 8 dwellings for Pyecombe, but as this number of dwellings has already been built out following permission SDNP/15/04137/FUL, a separate allocation policy is no longer required. The criteria of either PY1 or SD87 allocation policies therefore cannot be given any overriding weight, and the current proposal would be treated as a ‘windfall’ application.

8.3 The site falls within the settlement policy boundary for Pyecombe as defined by the Mid Sussex Local Plan (2004) and retained in the South Downs Submission Local Plan (2018), where the principle of development is generally accepted. Emerging policy SD25

'Development Strategy' supports development within settlement policy boundaries providing this is of a scale and nature appropriate to the character and function of the settlement in its landscape context, and makes efficient and appropriate use of land.

- 8.4 The principle of residential development on the site is therefore accepted, however the overall acceptability of the scheme will be dependent on considerations relating to housing provision, design and landscape impact, highways, drainage, ecology, and archaeology. These matters are considered in more detail below.

#### Housing provision

- 8.5 Saved Policy H2 states that new housing developments shall include a mix of dwelling types, sizes and affordability, take account of the local housing needs and include a significant proportion of smaller dwellings. Policy H3 also requires efficient use to be made of the land in terms of density. As part of the evidence base for the South Downs Local Plan, the SDNPA carried out a Housing and Economic Development Needs Assessment (HEDNA) in 2017 for the wider National Park Area. This outlines that the greatest need in terms of market housing is for 2 and 3 bed properties, which is reflected in emerging policy SD27.
- 8.6 In this instance, the proposal for 4 new dwellings on the remaining part of the site (0.26ha) would represent a density of approximately 15 dwellings per hectare, in 2 blocks of development.
- 8.7 Concerns have been raised in regard to overdevelopment of the site and that two detached dwellings would be preferable. However, officers are of the view that the proposed housing mix is appropriate, both responding to the local housing need and representing an efficient use of land, in accordance with the NPPF (2018), and especially given the extent of large detached dwellings already provided by the newly developed sites to the south.
- 8.8 Saved Policy H4 requires an affordable housing provision in new housing developments of 15 or more dwellings are proposed or which exceed 0.5 hectares in size. In accordance with NPPF paragraph 63, which states that affordable housing policies may set out a lower threshold of 5 dwellings or fewer in designated rural areas, emerging policy SD28 requires 1 affordable dwelling for developments of 4-5 dwellings. Despite the relatively advanced stage of the South Downs Local Plan, an affordable housing provision was not sought for the previously refused scheme of 5 dwellings due to the extent of unresolved objections prior to examination. As the current application has progressed, the weight that may be given to SD28 has significantly increased, however as the application has been with the Authority since late 2018, discussions have been ongoing on the basis of the saved policies of the adopted Mid Sussex Local Plan (2004). An affordable housing provision has therefore not been sought on this occasion.

#### Design and Landscape

- 8.9 Saved Policy BI states that proposals must demonstrate a sensitive approach in respecting the character of the locality. Policy H3 also requires that the character and form of new housing should respect that of the locality. Emerging Policies SD4 and SD5 support development that is informed by landscape character, reflecting the context and type of landscape in which the development is located, and utilising architectural design which is appropriate and sympathetic to its setting. Policy SD6 supports development that conserves and enhances views from publically accessible areas within, into and out from settlements which contribute to the viewers' enjoyment of the National Park.
- 8.10 The Landscape officer broadly concurs with the baseline analysis of the site and its context. The site is visually highly sensitive, with sustained, open views from Bridleway 16Py, a short distance to the east. The site is also the most sensitive part of the original allocation site being located on rising land. However, notwithstanding these visual and landscape sensitivities, the site is currently a small patch of undeveloped land that relates poorly to the built-up area context, and is in an un-managed and declining condition. Its landscape qualities have been reduced through degradation, and also by the A273 and associated road noise, and loss of tranquillity. Development of the site therefore presents an opportunity to enhance the site and improve landscape and visual amenity.



- 8.11 The proposal is of a lesser density than the previously refused scheme SDNP/18/02071/FUL, and removal of one dwelling offers opportunities for more soft planting and visitor parking, which was a matter of local concern. Further details have also been submitted to address concerns raised by the Landscape officer, providing site levels and gradients, and an indicative landscaping plan. A grass roof is proposed for the car port for units 3 and 4, and the ecological buffer zone provided along the western boundary also allows the public amenity benefit of a bench with long views out towards the downland to the east.
- 8.12 The SDNPA Design officer has also advised that the scheme is more sympathetic to its context than the previous scheme, and overall acceptable, although with some reservations concerning the provision of the two 3-bed semis. The height of the proposed dwellings responds to the topography of the site and neighbouring buildings, and the proposed scale (overall) and would not dominate or draw attention from the existing built form. The proposed appearance is not in conflict with the built development to the south, in terms of architectural style and detailing, and reads as an extension of this development. In this respect the design responds positively to its location and immediate setting. The quality and specification of materials will be critical to the proposal's success.
- 8.13 In summary, the design, scale and layout of the proposal is considered acceptable, subject to conditions securing further details to secure a sufficiently high quality of landscaping and materials alongside appropriate ecology mitigation.

#### Drainage

- 8.14 Concerns have been raised by residents and Pyecombe Parish Council in regard to the sewerage capacity following the rise in the number of dwellings at Forge Close, and problems with raw sewage overflowing into residential gardens. The foul sewer rises from Forge Close along the western boundary of the site up towards the dwellings off School Lane, and it is understood that an overflow of sewage has occurred on a number of occasions in the garden of a dwelling to the north east of the site, and more frequently since the development at Forge Close.
- 8.15 Southern Water has a legal obligation to connect new development to the sewerage system and a duty to ensure that the service provided to existing customers does not deteriorate as a result of new homes being built. When the 5 dwelling scheme was considered, Southern Water were in the process of introducing a regular jetting regime to keep the sewer clear, and no overriding concerns were raised by Southern Water or MSDC drainage. However, since this regime was introduced, further raw sewage spillages have occurred, and in response to this new evidence, the view of both Southern Water and MSDC Drainage has altered.
- 8.16 Southern Water have advised that the applicant will need to make a formal application to Southern Water for a connection to the foul sewer.
- 8.17 MSDC have asked for a 'Grampian' style condition to be attached to any permission, securing details of foul drainage, including any necessary on- and off-site works, to be approved prior to commencement of works, the associated works to be carried out prior to occupation of the new dwellings, and the foul drainage maintained to secure its operation through the lifetime of the development.
- 8.18 In regard to surface water drainage, emerging policy SD50 supports proposals that ensure against increase of surface water run-off, taking account of climate change. Sustainable drainage solutions include porous surfaces, rain gardens/balancing ditches and tree planting where feasible, and provide public amenity as well as biodiversity benefits. Soakaways are proposed, and the provision of further on-site solutions such as rainwater harvesting may be sought through a landscaping condition.

#### Ecology

- 8.19 The County ecologist has considered the submitted ecological information, which identifies the site as being priority grassland habitat that has deteriorated due to lack of management. The submitted ecological and reptile mitigation reports require a buffer zone to be retained along the western and northern boundaries of the main development site, and

a mitigation strategy to be incorporated into the landscaping plan, which is considered an acceptable approach. The landscaping plan has been revised to incorporate the proposed mitigation measures and biodiversity planting. The long term management of the buffer zone areas, which are outside private ownership, may be secured via a suitable landscaping management plan. The County Ecologist has requested minor amendments to be made to the Reptile Survey Report & Mitigation Report and Landscaping plan, and Members will be updated in regard to these at Committee.

#### Impact on surrounding amenities

- 8.20 The development would be accessed directly from Church Lane, and there would be a small increase in traffic, however this is not considered to significantly impact neighbour amenity in terms of noise or disturbance.
- 8.21 The siting and orientation of the dwellings are unlikely to cause significant harm from overlooking towards neighbouring properties. The residential development to the north and west is sited on higher ground directly overlooking the site. The closest dwelling, Staddlestones, is sited 23m from the northern elevation of Unit 4, and 18m from the garden boundary, which is comparable with the distance between Staddlestones and existing surrounding dwellings to the north. Staddlestones is also slightly offset to the east. Unit 4 has a row of 4 No upper storey windows, 2 of which serve bathrooms, and which can be obscure glazed. Given the location of the new dwellings in relation to the neighbouring properties to the west and south it is not considered that a refusal by way of overlooking or loss of privacy could be sustained.

#### Access and parking

- 8.22 The Highway Authority (LHA) has not objected to the proposed access and on site turning and parking arrangements. The access would have acceptable visibility in both directions and would allow for two way traffic into and out of the site. The proposal represents a reduction in scale over that previously commented upon by the LHA for 5 dwellings, which was also not anticipated to cause a material highways safety concern.
- 8.23 The proposal uses the existing access onto Church Lane. The LHA previously visited the site to assess the previous proposal and the existing access is sufficient. Methods for turning on site for delivery vehicles will function in a similar way to the existing dwellings and has been demonstrated by means of a swept path diagram. A communal refuse collection point is proposed allowing refuse and recycling to be collected from within the site.
- 8.24 Concerns have been raised about the lack of visitor parking, but the revised plans now show 2 spaces for visitors' cars, which will be surfaced with reinforced grass. Details of cycle parking may be secured via condition.

#### Archaeology

- 8.25 The County Archaeologist has no objection to the proposal, providing the assessment, recording and reporting of any archaeological features affected by construction are secured through the attachment of suitable conditions.

#### Community Infrastructure Levy

- 8.26 The development would be liable for a CIL contribution.

### **9. Conclusion**

- 9.1 The principle of the development is established by policy SD25 of the Emerging Local Plan with the site being within the recognised settlement boundary of the village. The proposals would accord with the criteria of this policy and the other policies cited in the report for the reasons outlined in the assessment. The proposals would conserve the landscape character of the area, and would not significantly affect the amenities of neighbouring properties. The application is therefore considered acceptable, and is recommended for approval.

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

10.1 The application is recommended for approval subject to the following conditions:

### General

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 strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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 A-G or any order revoking or re-enacting that Order shall be erected or undertaken on the site.

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 development and area.

### Construction

4. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- i) An indicative programme for carrying out the works;
- ii) The anticipated number, frequency and types of vehicles used during construction;
- iii) The method of access and routing of vehicles during construction;
- iv) The parking of vehicles by site operatives and visitors;
- v) The loading and unloading of plant, materials and waste;
- vi) The storage of plant and materials used in construction of the development;
- vii) The erection and maintenance of security hoarding;
- viii) No burning of demolition or construction materials on site;
- ix) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders where necessary);
- x) Measures to minimise the noise (including vibration) generated by the demolition/construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers;
- xi) No work to be undertaken on the site except between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays, and no work to be undertaken on Sundays, Bank and Public Holidays;
- xii) Details of any flood lighting, including location, height, type and direction;
- xiii) Measures to control the emission of dust and dirt during demolition/construction;
- xiv) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xv) A method to record the quantity of recovered material (re-used on site or off site);
- xvi) The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of highway safety and the amenities of the area.

5. Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i) The proposed grading and mounding of land area including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform in relation to a nearby datum point;
  - ii) The volume of cut/fill material;
  - iii) Where surplus material may be placed on site, or alternatively proposals for removing and distributing the soil resource from site.

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.

#### Archaeology

6. Prior to the commencement of the development hereby permitted, a Written Scheme of Investigation to secure the implementation of a programme of archaeological assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment should take the form of trial trenches located across the proposed area of housing, access roads and service trenches to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

Thereafter the provisions of the scheme shall be carried out in full accordance with the approved programme.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

7. Prior to the commencement of the development hereby permitted, a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with the approved Written Scheme of Investigation required under Condition 6, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the mitigation provisions shall be carried out in full accordance with the approved programme.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

8. On completion of all archaeological fieldwork as set out in the approved Written Scheme of Investigation and mitigation programme under Conditions 6 and 7 a report setting out and securing any post-excavation assessment, specialist analysis and reports, publication and public engagement as appropriate shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the post-excavation assessment shall be carried out in full accordance with the approved report.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

#### Drainage and Sustainable Development

9. Prior to the commencement of development hereby permitted, details of the proposed foul drainage and means of disposal, including on and/or off site works, shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Southern Water.

No dwelling shall be occupied, nor shall any discharge from the site into the public sewer be accepted, until the necessary drainage works have been carried out in accordance with the submitted details. The foul drainage shall then be maintained in order to secure its operation throughout the lifetime of the development.

Reason: To ensure satisfactory provision of foul water drainage.

#### Design and Materials

10. Prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of:
- i) Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment; schedules of plants and trees, noting species, sizes; and proposed numbers/densities where appropriate;
  - ii) Details of tree guards, staking and tree-pit construction;
  - iii) Boundary treatments and other built means of enclosure including gates and doors, (including boundary treatments to the property frontages), retaining walls and acoustic fence;
  - iv) Retained areas of grassland cover, scrub, hedgerow, and trees (including the reptile buffer zone and dormouse point);
  - v) Details of the grass roof proposed for the car port to units 3 and 4;
  - vi) Suitable private accesses to all properties (to be a minimum width of 1.8m);
  - vii) Treatment of surfaces, including paths, access ways, seating areas, patio areas and parking spaces, including their appearance, depth and permeability, kerbs, edges, steps and ramps;
  - viii) Ancillary structures (including cycle and refuse storage to the rear of dwellings; electrical charging points);
  - ix) Above ground rainwater harvesting solutions;
  - x) A timetable for implementation of the soft and hard landscaping works.
  - xi) A schedule of landscape maintenance for a minimum period of 5 years to include details of the arrangements for its implementation.

Thereafter the development shall be undertaken in full accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties.

11. Prior to the first occupation of the dwellings hereby permitted, a landscape management plan covering the areas outside of private ownership, including the ecological buffer zone, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, in accordance with the provisions set out in the approved Preliminary Ecological Appraisal Report (Corylus, 5 November 2018) report; and Reptile Survey Report & Mitigation Report (Corylus, 16 November 2018). The landscape management plan shall thereafter be implemented as approved.

Reason: To achieve an appropriate landscaping scheme which will contribute to the setting of the development and the surrounding character and appearance of the area, and secure ecological mitigation measures.

12. Prior to the commencement of the development hereby permitted, a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

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.

#### Ecology

13. Works shall be carried out in full accordance with the ecological mitigation and enhancement measures as set out:

- i) On approved plan HLA 299 01 (Rev B); and
- ii) Within the approved Preliminary Ecological Appraisal Report (Corylus, 5 November 2018) report; and
- iii) Within section 5.0 of the approved Reptile Survey Report & Mitigation Report (Corylus, 16 November 2018)

Reason: In the interest of biodiversity and to provide sufficient ecological mitigation and enhancements.

#### Lighting

14. No development above slab level shall be commenced until details of external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority. The lighting shall comply with the Institute of Lighting Professionals guidance. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to protect the South Downs International Dark Skies Reserve.

#### Highways and parking

15. Prior to the first occupation of the development hereby permitted, the car parking shall be constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

16. Prior to the first occupation of the development hereby permitted, details of covered and secure cycle parking spaces shall be provided (in accordance with the details to be approved in condition 10.) Thereafter the development shall be carried out in full accordance with the approved details.

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

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

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

### **12. Human Rights Implications**

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

### **13. Equality Act 2010**

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

### **14. Proactive Working**

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

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices I. Site Location Map  
SDNPA Consultees Legal Services, Development Manager.

Background Documents [All planning application plans, supporting documents, consultation and third party responses](#)

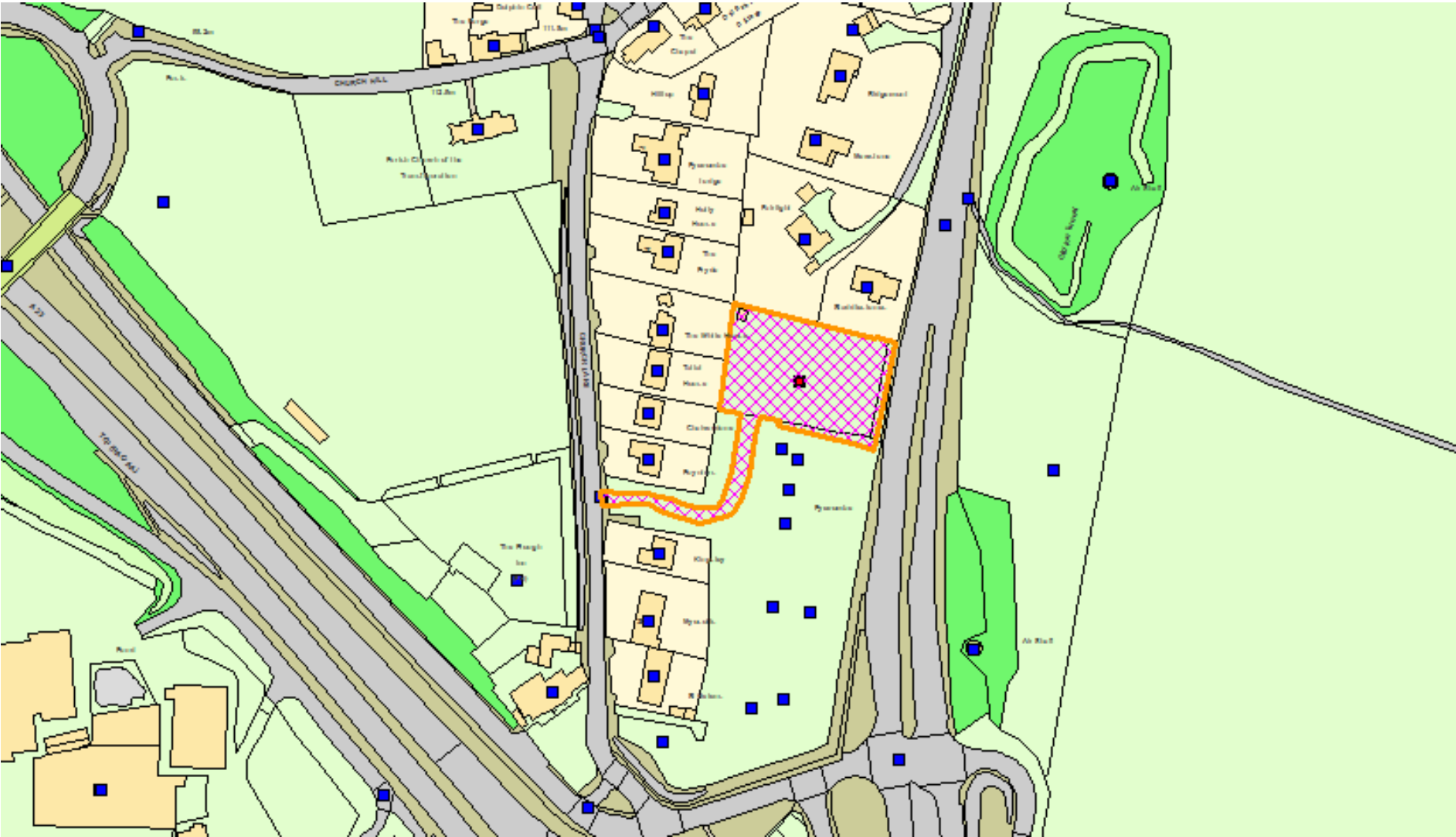
[South Downs National Park Submission Local Plan](#)

[Mid Sussex Local Plan \(2004\)](#)

[National Planning Policy Framework \(2018\)](#)

[South Downs National Park Partnership Management Plan 2014](#)

[South Downs Integrated Landscape Character Assessment 2005 and 2011](#)



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