

Report to	Planning Committee
Date	11 April 2019
By	Director of Planning
Local Authority	Horsham District Council
Application Number	SDNP/18/05657/FUL
Applicant	Amberley Developments Ltd
Application	Development of 15 new residential dwellings consisting 2 no. one bedroom and 2 no. two bedroom apartments, 2 no. two bedroom, 6 no. three bedroom, 2 no. four bedroom and 1 no. five bedroom dwellings, an ecological corridor and landscape buffer
Address	Land adjacent to Strawberry Villas, Newland Gardens, Amberley, West Sussex

Recommendation: That planning permission be refused for the reasons set out in paragraph 10.1 of the report.

Executive Summary

The application site is located within the settlement policy boundary of Amberley and is allocated for a minimum of 6 dwellings through the Amberley Neighbourhood Development Plan (NDP) (2017). The principle of residential development on the site is therefore acceptable.

The application proposes the erection of 15 dwellings of a mix which would deliver an acceptable proportion of smaller dwellings. The affordable housing tenure (all units are proposed as discounted market sales dwellings) does not comply with emerging policy SD28, which requires 75% of affordable units to be rented affordable tenure. However, given the adjacent site comprises largely of social rented units (10 out of 12 dwellings) and the fact that the South Downs Local Plan has not yet been adopted, the affordable housing provision is considered to be, on balance, acceptable.

However, as the amount of housing is proposed is considerably more than 6 units, the quantum of development that would be acceptable must be determined by both housing need and the capacity of the site in landscape terms. In this instance, the quantum of development proposed has not been informed by landscape evidence, which has resulted in an overdevelopment of the site when expressed in its current form which also exhibits an unacceptable layout and design. It is therefore considered that the resultant proposal does not conserve or enhance the landscape character of this part of the National Park.

The application fails to meet with the requirements of existing and emerging Development Plan policies in regard to landscape and design, and in the absence of any overriding material considerations, the application is recommended for refusal.

The application is placed before Members as it is significant development that raises key policy considerations.

1. Site Description

- 1.1 The site relates to a 0.54ha parcel of land in the southern part of Amberley village. It falls some 130m outside the Amberley Conservation Area and is separated from the main village which lies mainly to the north, being bounded to the north by the Millennium Green and to the east by the Amberley Playing Field. There is a small, 12 unit rural exception scheme at Newland Gardens some 30m to the west, otherwise the nearest dwellings are sited some 70m distance to the north and north east.
- 1.2 The site is an undeveloped greenfield plot that slopes gently from the north and east to the south and west, with scrub field boundaries and a line of cypress trees along the northern boundary. A drainage ditch flows along the northern and eastern boundaries of the site. The site is within 215m (at its closest point) to Amberley Wildbrooks site of Special Scientific Interest (SSSI) and the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar wetland site.
- 1.3 The site is accessed off Turnpike Road (B2139) via an existing private access road Newland Gardens, which serves the adjacent rural exception site. Turnpike Road has a 60mph speed restriction, which decreases to 40mph approximately 80m east of the existing access. A public footpath (No 3708) links Newland Gardens with the village to the north and west.
- 1.4 The adjacent site, Newland Gardens, is a rural exception site managed by Saxon Weald which comprises 10 No social rented affordable units and 2 No shared ownership affordable units that are subject to a local connection criteria and cascade.

2. Relevant Planning History

- 2.1 The following planning history is relevant to the application site:
 - SDNP/18/02756/PRE Development of 15 new dwellings consisting of two no. one bedroom dwellings, 4 No two bedroom dwellings, 6 No three bedroom dwellings, 2 No four bedroom dwellings and 1 No five bedroom dwellings, associated access, landscaping and amenity open space.). Pre-application advice provided 06.07.2018.

The advice was provided prior to the examination of the emerging South Downs Local Plan, when a number of policies, including SD28 'Affordable Homes' carried very limited weight due to the level of unresolved objection. The provision of an off-site contribution may have been acceptable at that point, given the allocation had been made by the Amberley NDP, and the Parish Council's stated view that affordable housing should not be provided on site.

The advice also stated the Landscape Officer's concerns in regard to the lack of demonstration of landscape or visual evidence being used to inform the capacity of the site and proposed layout, and lack of consideration and space given in the layout to Ecological mitigation. The 15 unit proposal might be acceptable, however convincing landscape evidence would need to be provided to demonstrate that the size, layout and design was not harmful to the landscape character and over-development of the site.
- 2.2 The following planning history relates to the adjacent site Strawberry Villas, which is also relevant:
 - DC/08/0847 Erection of 4 x 1 bed, 4 x 2 bed and 4 x 3 bed (total 12) affordable homes and apartments. Approved 11.06.2008.

3. Proposal

- 3.1 The application seeks to provide a total of 15 dwellings comprising of 1 No 5 bed, 2 No 4 bed, 6 No 3 bed, 3 No 2 bed and 2 No 1 bed units. A two storey apartment block would accommodate four of the smaller units (2 No 1 bed and 2 No 2 bed flats) in the north western corner, with lower, chalet style dwellings provided along the southern and eastern

boundaries. Two storey detached and semi-detached units are proposed along the northern boundary and within the centre of the development.

Affordable Housing

- 3.2 The application initially proposed an offsite affordable home contribution, and during negotiations the offer was amended to include two options: Option A being for 4 affordable units on site (26.6%) and Option B being for 7 affordable units on site (46.6%), all of which would be a discounted market sales housing tenure. The offer was subsequently amended at a later stage to provide 8 a discounted market sales housing units following concerns raised by officers that 7 units would be contrary to SD28, which advocates that where the calculation of the on-site affordable housing requirement results in a fraction of a unit, the requirement should be rounded up to the nearest whole number.

Layout & Access

- 3.3 The development is laid out in a u-shaped, double cul-de-sac arrangement. Access will be provided off Newland Gardens in the south eastern corner of the site. The location of this is understood to be restricted due to a covenant on the strip of land between Newland Gardens and the development site. Public footpath 3708 to the west of Newland Gardens provides pedestrian access towards the village, and access to Millennium Gardens is indicated on the northern boundary.

Design and Landscaping

- 3.4 A mix of natural materials is proposed including tile and clay roof and hanging tiles; red and brown brick facing materials, knapped flint, and black timber. The submitted landscaping plan proposes the removal of the non-native cypress tree stand to the north, which is welcomed, and provision of a 5m buffer along the northern and eastern boundaries adjacent to the watercourse as required for ecological and flood risk reasons. Replacement and additional native tree, shrub and wildflower planting is also proposed.
- 3.5 The hard surfacing, including access and driveways would be block paved, except for the transition point around plots 13 and 14 which would be a resin bound surface. A 1.2m post and rail fence is proposed along the site boundary with a small feature wall to the south of plots 9 and 10. A small area of public space is proposed on the southern boundary of the site to the south of unit 15.

4. Consultations

4.1 Amberley Parish Council: Support. Comments:

- The foul water drainage plan must be agreed by HDC Drainage.
- Full details of the maintenance and management of the SuDS system should be secured.
- Clarification required on the intended access arrangements for Newland Gardens Road, the maintenance of which is currently paid for by Newland Gardens' residents via their annual service charge.
- Confirmation should be provided on how the dwellings will be heated.
- Assurances should be provided in regard to the provision of adequate mobile phone reception and broadband download speed.
- The provision of social rented affordable housing is not supported on the site as this sector is adequately provided at Newland Gardens, and public consultations held in connection with the Amberley NDP and this development proposal demonstrated little demand in the parish for this form of affordable accommodation.
- The provision of housing at a discounted market value is supported, with a preference for the applicant's suggested Option A (*officer note: Option A was for provision of the flatted block for affordable 80% market housing i.e. 4 units or 26% affordable housing provision*).

4.2 Design: Objection. Comments:

- There is no clear link between the wider contextual analysis and quantum calculations or proposed built form.

- The landscape assessment does not contribute towards a better understanding of the site or define parameters for development which is critical given the amount of built form exceeds the allocation policy.
- The lack of contextual analysis of the site and wider landscape adversely impacts the amount and scale of built form, layout and the relationship between built form, open spaces and landscape planting. The current proposal fails to meet the high standards of design required in the National Park.
- General concerns include:
 - The appropriate parameters for scale, height and density in relation to neighbouring built development are not clearly defined;
 - The built-form is out of scale with neighbouring properties, this will impact residential and visual amenity in this edge of settlement location;
 - The amount of development and the standard road layout limits opportunities for amenity landscape planting, public realm or SuDS;
 - The excessive roof zone gives an unwelcome proportion of building;
 - Provision of garages give the scheme a suburban feel, and the way in which some of these adjoin main buildings introduces an awkward collection of elements and roof profile junctions;
 - A modern interpretation of tradition details is required, including depth and variety to building elevations.

4.3 **Drainage:** No objection, subject to conditions.

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

4.5 **Flood Risk:** No objection, subject to conditions.

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

4.7 **Housing:** Objection. Comments (provided on the initial proposal for affordable housing to be dealt with by way of an offsite contribution):

- Weight is being placed upon a neighbouring exception site adjacent to the application site with comment being made that occupancy of the site tends to be from outside of the local area.
- A small number of households are currently active on Horsham District Council's housing register with a connection to the Amberley parish.
- Prior to completion of a local connection scheme applications are invited from locally connected households, and based on previous experience this will increase demand for affordable tenure units.
- Given there is demand for affordable housing within the parish affordable housing should be provided on site rather than a financial contribution in lieu.

4.8 **Landscape:** Objection. Comments

- The development does not meet the National Park's First Purpose or emerging Local Plan policies within the new Local Plan due to negative effects derived from the layout and design.
- There is no clear landscape rationale for the design chosen and no evidence of the landscape-led approach being undertaken.
- The scheme appears to be number-led rather than one which has sought to understand the landscape capacity of this site.
- There is confusion about views and visual impact.
- The design is inward-looking and poorly integrated with both existing development and the wider countryside.
- The number of units and overall layout generates an overly suburban character for a rural-edge site, due to:
 - Excessive hard standing (roads and driveways);
 - Number of cars, many of which are experienced from public spaces, and garages;
 - The orientation of buildings;

- Lack of positively designed public realm and ecological space;
- The ‘informal public open space’ provided is located next to a private property and unlikely to be used.
- The ecological ‘enhancements’ are restricted to the edge of development rather than integrated into it, and private gardens backing onto this area could encroach.
- The masterplan is silent upon water management (quantity and quality).
- The resultant scheme is an ‘anywhere place’ which follows the lowest common denominator, and fails to acknowledge local character or create a sense of place.

4.9 **Natural England:** No objection.

4.10 **Southern Water:** No objection. The applicant will need to make a formal application to Southern Water for a connection to the foul sewer.

4.11 **Tree Officer:** No objection.

5. Representations

5.1 4 letters of objection have been received, including from the Trustees of Amberley Millennium Green, raising the following concerns:

- Unclear whether service charges and grounds maintenance for the private drive, which are paid by residents of Newland Gardens would be extended to future occupants of the application site.
- The driveway has flooded previously, and will be exacerbated by the proposed development.
- Risk of flooding to adjacent properties to the south due to sloping topography of the site.
- The garden soakaway areas will lead to concentrated volumes of water running towards the southern boundary.
- Water currently pools within an area designated for parking, where ground will be compacted.
- Lack of provision of storm drains for the access roads and over-reliance on porous surfacing.
- A storm drain should be provided along the southern boundary to capture and remove surface water to a suitable outlet.
- The secure perimeter of the green must be maintained, and the proposed bridge at the eastern end of the development removed. Residents of Newland Gardens access the green via the footbridge over the stream from Ruffs Path. The green is securely fenced and another access point is unnecessary and undesirable.

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 Horsham District Local Development Framework (Core Strategy and General Development Control Policies) (2007), and the Amberley Neighbourhood Development Plan (NDP) (2017). 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 in July 2018 and further amended in February 2019. 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 against 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

Horsham District Local Plan

- 7.1 The following saved policies of the Horsham District Local Development Framework (2007) are relevant:

- CPI – Landscape and Townscape Character
- CP3 – Improving the Quality of New Development
- CPI2 – Meeting Housing Needs
- DC2 – Landscape Character
- DC4 – Areas of Outstanding Natural Beauty (AONBs)
- DC5 – Biodiversity and Geology
- DC6 – Woodland and Trees
- DC7 – Flooding
- DC8 – Renewable Energy and Climate Change
- DC9 – Development Principles
- DC18 – Smaller Homes/Housing Mix
- DC40 – Transport and Access

The Amberley Neighbourhood Development Plan

- 7.2 The Amberley Neighbourhood Development Plan (NDP) (2017) was adopted by the SDNPA on 15 June 2017 and also forms part of the Development Plan. Relevant policies include:

- EN1 Natural Environment
- EN2 Landscape Character and Open Views
- EN3 Protection of Trees and Hedgerows
- EN4 Renewable and Low Carbon Energy
- EN6 Dark Night Skies
- EN7 Local Green Space
- FI4 Surface Water Management
- HD2 Quality of Design
- HD3 Housing Types, Sizes and Tenures
- HD4 Housing Density

- HD5 Housing Site Allocation
- HD7 Outdoor Space
- HD8 Attention to Detail
- GA1 Footpath and Cycle Path Network
- GA3 Car Parking

The South Downs National Park Local Plan

- 7.3 The Pre-Submission version of the South Downs Local Plan was submitted to the Secretary of State for independent examination in April 2018. The Local Plan 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 now in its final stage before adoption with consultation on relatively minor Main Modifications having been undertaken 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.
- 7.4 The relevant planning policies of the Submission South Downs Local Plan are:
- SD1: Sustainable Development
 - SD2: Ecosystems Services
 - SD4: Landscape Character
 - SD5: Design
 - SD6: Safeguarding Views
 - SD8: Dark Night Skies
 - SD9: Biodiversity and Geodiversity
 - SD10: International Sites
 - 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
 - SD44: Telecommunications and Utilities Infrastructure
 - 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 Emerging policy SD26 'Development Strategy' requires a total of 6 dwellings to be provided in Amberley village. The supporting text of the policy states that Neighbourhood Development Plans that accommodate higher levels of housing will be supported by the National Park Authority providing that they meet local housing need and are in general conformity with the strategic policies of the development plan.
- 8.3 The Examiner of the Amberley NDP had regard to SD26 when considering allocation policy HD5, and considered that given the size of the plot there was scope for increasing the numbers of dwellings if there was a locally identified need for additional housing, hence the amendment of the policy wording to a '*minimum* of six dwellings.'

- 8.4 The principle of residential development on the site is therefore accepted, however because the proposal seeks to provide more than the minimum of 6 dwellings, the acceptable quantum of development must be informed by the consideration of the landscape capacity of the site, and local housing need. These matters, and others including design and layout; affordable housing provision; ecology and trees; drainage; and access are considered in more detail below.

Quantum of Development

Housing Need

- 8.5 Saved Policy CPI2 states that development should provide a mix of housing sizes, types and tenures to meet the needs of the District's communities. Saved policy DC18 states that for developments of 5 homes or more, the housing mix and type should meet the identified need for smaller homes. Proposals will be expected to make efficient use of land, however must also respect local character.
- 8.6 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 bedroom properties, which is reflected in emerging policy SD27.
- 8.7 Planning guideline 12 of the Amberley Village Design Statement (VDS) (2005) supports development where the size of new buildings is restricted and encourages 'small pockets' of low-cost housing for local people. The supporting text in section 5.5 of the Amberley NDP 'Housing and Design' states that that new housing development will be appropriate in scale, design and tenure to the needs of those with a local connection, or for those key workers essential for supporting the community. Accordingly, Policy HD3 seeks a mix of house types, sizes and tenures on new housing developments that meet the housing needs of the Parish of Amberley and the local area¹.
- 8.8 This is evidenced in the most recent local housing needs assessment carried out in 2015 by Action in Rural Sussex (AiRS), which identified a need for smaller housing of 1 or 2 bedrooms, 'Lifetime Home' type homes and affordable housing to meet the community's needs. The Survey also identified a future requirement for mainly 3 bedroom market dwellings, and a modest demand for 'downsizer' market housing. Community engagement during the NDP process also revealed a requirement for small open market housing for downsizing. This is also evidenced in the submitted Statement of Community Involvement (October 2018), which states that responses indicated a need for more 2 bedroom dwellings.
- 8.9 In summary, there is a clear and evidenced local need for smaller and affordable dwellings to be provided on the site. It is less clear whether there is a current requirement for 15 dwellings or the mix proposed, particularly the larger dwellings, however the Parish Council have advised that the mix is in line with local requirements.

Landscape Capacity

- 8.10 Saved policy DC2 supports development that protects and/or conserves and/or enhances the key characteristics of the landscape character including the development pattern of the area and sensitivity to change. Emerging policy SD4 is much stronger in requiring new development to both conserve and enhance landscape character, and be demonstrably informed by landscape character, reflecting the context and type of landscape in which the development is located.
- 8.11 Policy HD4 of the Amberley NDP (2017) states that the density of new developments should be appropriate to its location by virtue of size, siting and relationship to existing properties, to ensure that new development does not harm the established character and appearance of the local area. Policy EN1 states that development in the Parish will only be permitted where it contributes to the special qualities of the SDNP, safeguards the natural

¹ Parish of Amberley, and the villages and hamlets of Rackham, Greatham, Parham, Wiggonholt and Houghton

beauty of the area and does not detract from the National Park's visual qualities and essential characteristics.

- 8.12 One of the modifications identified by the Examiner, and agreed in the SDNPA's Decision Statement was the reduction of the size of the developable area of the site to 0.35ha to exclude the area of mature trees along the boundary. Although the adopted proposals map does not appear to reflect this change, the Examiner's report is a material consideration of significant weight.
- 8.13 In this instance, the submitted information states that the area proposed for development is approximately 0.45ha. Notwithstanding the 5m buffer provided along the watercourse, and submitted technical arboricultural protection details, which are satisfactory to both the County Ecologist and Tree Officer, it is clear that the area proposed for development is larger than that supported by the Examiner.
- 8.14 The submitted information states that the proposal represents a density of 33.3 dwellings per hectare (dph), which is similar to that recommended by the NDP Examiner, who felt that development in the region of 10-11 dwellings could be appropriate on the site (31dph). The submitted information also cites nearby denser development at Hurst Cottages (41dph) and Newland Gardens (35dph), which are both more visible than the development site, and highlights that density has been reduced on the southern and eastern edges of the site.
- 8.15 However, the consideration of density is not the starting point for determining the acceptable quantum of development in a National Park. The Landscape officer has raised concerns in regard to the amount of development proposed by the scheme, which appears to be number-led rather than one which has sought to understand the landscape capacity of the site. The submitted information lacks landscape analysis or rationale for the amount of development proposed. In contrast with the main, denser settlement area, this site, together with the adjacent Newland Gardens, forms a separate, edge of settlement pocket of development, where a lower density would allow a more sensitive transition from the open countryside.

Summary

- 8.16 In summary, the proposed development would provide an acceptable number of smaller dwellings that is broadly in line with saved and adopted policy, and the requirements of emerging policy SD27, albeit with a large percentage of 4+ bedroom dwellings. It also responds to the identified local need for smaller dwellings to be provided.
- 8.17 However, the proposed number of units and resultant layout is not based on the consideration of the site's landscape capacity but rather generated from number-led considerations, and based on a developable area some 30% larger than that supported for the site by the Examiner. This approach has generated a proposal with an overly suburban character for a rural-edge site, due to the amount of hard surfacing, car parking and garages and lack of positively designed public realm and ecological space. The proposal therefore fails to meet the National Park's First Purpose, saved policy DC2, emerging policy SD4, and policies HD4 and EN1 of the Amberley NDP (2017).

Design & Layout

- 8.18 Emerging policy SD4 states that the design, layout and scale of proposals must conserve and enhance existing landscape character features which contribute to the distinctive character, pattern and evolution of the landscape, and safeguard the experiential and amenity qualities of the landscape. Policy SD5 supports proposals that adopt a landscape-led approach and integrate with, respect and sympathetically complement the landscape character and appearance of the area through sensitive and high quality design. Policy SD2 supports development that has a positive impact on the ability of the natural environment to contribute goods and services through high quality design. These include the provision of more, better and joined up natural habitats, resilience to climate change, carbon storage, and the opportunities for health and wellbeing.

- 8.19 The supporting text of policy HD5 states that development will be expected to comply with a design brief agreed between the Parish Council and SDNPA to ensure that the impact on the setting of the National Park and the village is minimised. The SDNPA has not been approached by the Parish in this regard, however it is understood that the developer has worked directly with the Parish in bringing the scheme forward.
- 8.20 Policy EN1 of the Amberley NDP (2017) states that Development in the Parish will only be permitted where it contributes to the special qualities of the SDNP, safeguards the natural beauty of the area and does not detract from the National Park's visual qualities and essential characteristics. Policy HD2 states that Proposals for new development will be assessed against the established standards laid down in the Amberley VDS (2005). Planning guideline 11 of the Amberley VDS states that further development on the boundaries of the built up area should be restricted to smaller buildings to soften the transition to open ground and retain the 'soft edge' and uneven character of the existing settlement pattern. Planning guideline 15 states that new buildings should vary in size and shape to reflect local character.
- 8.21 Paragraph 8 of the NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Paragraph 127 supports development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, and establishes and maintains a strong sense of place.
- 8.22 Both the Landscape and Design officers have objected to the proposal due to the lack of any evidence that the design and layout has been informed by a landscape-led approach. The Design officer has also raised concerns in regard to the lack of any clear link between the wider contextual analysis and amount of built form, which is critical given that the amount of development exceeds that of the allocation policy. This lack of analysis has resulted in a form of development where the amount and scale of built form, layout and density limits opportunities for positive elements such as amenity landscape planting, public realm and sustainable drainage systems. The amount of built form, hard standing, expansive roof zones and juxtaposition of buildings and roof profiles does not provide sufficient depth or variety to building elevations. There is a lack of positively designed public realm and ecological space, and the 'informal public open space' provided is located next to a private property and as such unlikely to be used. The resultant scheme does not reflect its context, or conserve and enhance local landscape character.
- 8.23 In summary, it is considered that the scheme does not meet the high standards of design required in the National Park. It has not been informed by adequate analysis of the site's landscape context, and consequently the opportunity to conserve and enhance the landscape character of the site and its setting has been missed. As a result, the proposal would detrimentally impact the intrinsic landscape character of the area, and fail to conserve and enhance the site and its setting. The proposal is therefore contrary to the First Purpose of the National Park, saved policy B1, emerging policies SD2, SD4, SD5 and SD25, policies EN1 and HD2 of the Amberley NDP (2017), and the NPPF.
- 8.24 Concerns have been raised by the Trustees of the Millennium Green in regard to the indicated pedestrian access from the site to this area of public open space which is currently bounded by a secure fence. However, the access is considered to be a positive element in planning terms, promoting pedestrian movement and permeability in relation to the wider village and amenities and promoting well-being, in accordance with Policy GA1 of the Amberley NDP which seeks to improve the existing footpath network, allowing better access to local amenities and services, green spaces, and any new housing. Provision of the access would in any case be subject to separate negotiations with the landowner and Trustees.

Affordable Housing

- 8.25 Saved Policy CPI2 states that residential developments of 15 dwellings or more will be expected to meet a target of 40% affordable homes.

- 8.26 Lack of affordable housing is a major barrier to sustainable communities in the SDNP, and development which seeks to protect and provide for the social and economic well-being of the parish would be in keeping with one of the key objectives of the emerging South Downs Local Plan. Emerging policy SD28 requires sites with gross capacity to provide 11 or more homes to provide a minimum of 50% of affordable homes on-site. Paragraph 7.58 of the supporting text specifies that where the calculation of the on-site affordable housing requirement 'results in a fraction of a unit,' the requirement will be rounded up to the nearest whole number. Applications proposing a lower proportion of affordable home provision must present robust evidence to demonstrate constrained viability or other exceptional circumstances.
- 8.27 The supporting text of Policy SD28 states that the SDNPA considers that social rent tenures are the most affordable to those in greatest need, and should be prioritised over other forms of rented tenure. This is based on evidence provided by the SDNPA's Housing and Economic Development Needs Assessment (HEDNA) (2017) and Strategic Housing Market Assessment (SHMA). However the SHMA also recognises that different communities within the National Park have different needs and aspirations, allowing flexibility to reflect local need. If a tenure mix is proposed which departs from the strategic tenure mix set out in Policy SD28, robust evidence (i.e. local housing needs survey, relevant housing market assessment published by a local authority, and housing registers (waiting lists)) should be provided.
- 8.28 In terms of available evidence, the AiRS (2015) survey is relatively dated, however identified a clear current and future need for affordable housing within Amberley Parish and strong support for this to be provided locally over open market housing. The submitted Statement of Community Involvement (October 2018) also states that 87% of consultation respondents wished for affordable housing to be delivered on site. Evidence has also been provided from the local Housing List (as of 4 February 2019) by the Horsham Housing Officer as follows:

Horsham Social Rented Housing List

Local Connection	Unit Preference within Amberley Local Area
Amberley	2x applicants for 1 bed units
Parham/Cootham	2x applicants for 1 bed units 1x applicant for 2 bed unit
National Park	4x applicants for 1 bed units
Outside National Park	44 applicants

- 8.29 The Housing Officer has advised that these figures would likely increase with any new build local connection scheme as households with a local connection would be invited to apply when the scheme came forward.
- 8.30 In this instance, the scheme would provide a total of 8No units of a discounted market sales housing tenure, which is a form of affordable housing included in the NPPF glossary, and would be managed via a local connection cascade as set out in policy SD28.
- 8.31 The Parish Council has stated their own view that the provision of social rented affordable housing is not supported on the site as this sector is adequately provided on the adjacent site (Newland Gardens), and public consultations held in connection with the Amberley NDP and this development proposal demonstrated little demand in the Parish for this form of affordable accommodation. The provision of discounted market sales housing units is therefore strongly supported by the Parish Council. Officers have engaged with the Parish Council, having met twice with them during the course of the application to gain an understanding of their position.

- 8.32 Notwithstanding the above, the evidence appears to suggest a clear local need for more social rented affordable accommodation.
- 8.33 The proposal does not meet the requirements of emerging policy SD28, which advocates that 75% of affordable housing provided should be of a rented affordable tenure, by reason of only providing discounted market sales housing. However, the status of Policy SD28 has been emerging over the course of the application and only limited weight could be applied to it at the outset. The immediately adjacent site (Newland Gardens) is a rural exception site of 100% affordable housing of which 10 of its 12 dwellings are of a social rented tenure, which is considered to be a material consideration.
- 8.34 Therefore, given these specific circumstances, and the timing of the application at this stage of the emerging Local Plan, the failure to meet development plan policy is considered to be outweighed by the material considerations outlined above. The provision of eight discounted market sales dwellings (with no rented affordable dwellings) is therefore, on balance, considered to be acceptable.

Drainage

- 8.35 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.
- 8.36 Concerns have been raised in regard to the surface water drainage and the potential for properties to the south of the development to be at risk from flooding. Concerns are also raised in regard to the capacity and management of the existing sewage plant, which currently serves Newland Gardens.
- 8.37 The Flood Risk Authority has no objection to the proposal, which is considered to be at low risk from surface and groundwater flooding. The proposed permeable paving and soakaways to control surface water runoff are considered acceptable, subject to a condition securing final details of sustainable surface water drainage (SuDS) designs and calculations, maintenance and management. The provision of further on-site solutions such as rainwater harvesting could also be sought through a landscaping condition.
- 8.38 Southern Water have advised that the applicant will need to make a formal application to Southern Water for sewer diversion. Network reinforcement of foul sewerage may be required to reduce the risk of flooding and the developer will need to work in conjunction with Southern Water to provide this.
- 8.39 Connection to the existing pump station would be subject to detailed investigation of existing system and available capacity, and permission to lay a foul outfall across Newland Gardens road and connect to the pump station would need to be sought from the relevant third parties. A 10.65m³ underground tank may need to be provided if there is insufficient capacity at the existing pump station. Final details of foul drainage could be secured via condition.

Ecology and Trees

- 8.40 No impacts are anticipated as a result of the proposals to the designated SSSI, SPA, SAC and Ramsar wetland sites, which lies to the north of Amberley village, and Natural England have no objection to the proposal.
- 8.41 The County ecologist has considered the submitted ecological information, which identifies the site as being of low ecological value. The site has been found to support a low population of slow worm and the proposals include provision of a wildlife habitat buffer area around the northern and eastern boundaries between the watercourse and the proposed development, into which the reptiles will be translocated. Adherence to mitigation measures set out in the submitted Ecological Assessment, suitable lighting strategy, scheme of biodiversity enhancements, and Watercourse Buffer and Reptile Mitigation and Management Strategy could be secured via condition.

Impact on surrounding amenities

- 8.42 The development would be accessed directly from Newland Gardens, 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.
- 8.43 The siting and orientation of the dwellings are unlikely to cause significant harm from overlooking towards neighbouring properties. No concerns have been raised in regard to noise or disturbance as a result of development.

Access and parking

- 8.44 The Highway Authority (LHA) has no objection to the existing access, on site turning and parking arrangements. The access has acceptable visibility in both directions and would allow for two way traffic into and out of the site. A total of 37 car parking spaces would be provided, including 29 allocated spaces for residents and a further 8 for residents and visitors. The level of additional traffic is unlikely to generate a significant increase in traffic on the local highway network. The provision of cycle parking spaces could be secured via condition.

Dark night skies

- 8.45 Policy SD8: Dark Night Skies of the Submission South Downs Local Plan (2018) carries considerable weight. The site is located within the Dark Skies Intrinsic Zone of Darkness (EIa), which is classified as 'dark sky' and includes isolated areas that may not be connected to the main core. In these areas, glazing and particularly rooflights should be kept to a minimum, and external lighting should be limited to timed and/or sensor-controlled lighting designed and shielded to minimise light spillage. External lighting should only be used when needed.
- 8.46 No roof lights are provided, and a condition removing permitted development rights could be added to any grant of permission to ensure these may not added by future occupants without planning permission. A condition requiring an external lighting scheme could also be secured via condition.

Telecommunications

- 8.47 Emerging policy SD44 states that all new residential dwellings should be served by a superfast broadband connection, or an equivalent alternative technology, installed on an open access basis. This infrastructure could be secured via condition.

Community Infrastructure Levy

- 8.48 The market housing element of the development would be liable for a CIL contribution.

9. Conclusion

- 9.1 The principle of development is established by policies HD5 of the Amberley Neighbourhood Development Plan (2017) and emerging policy SD25 of the South Downs Submission Local Plan (2018). Although the proposal does not comply with the requirements of emerging policy SD26, this is considered to be currently outweighed by material considerations relating to the emerging status of Local Plan and the tenure of the adjacent exception site.
- 9.2 However the proposal would not conserve or enhance the landscape character of the area, by reason of the quantum of development, which is not supported by any analysis of the landscape capacity of the site. The resultant scheme is suburban in layout and character, with an excess of built form and hard surfacing and lack of positively designed public realm and ecological space. The proposal would fail to conserve and enhance the site and its setting, and is therefore contrary to the First Purpose of the National Park, saved and emerging development plan policies and the NPPF.
- 9.3 It is therefore considered that the proposal is not in accordance with the Development Plan in relation to landscape and design considerations, and in the absence of any overriding material considerations in this regard, the application is recommended for refusal.

10. Reason for Recommendation

10.1 The application is recommended for refusal for the following reasons:

1. The quantum of development proposed, which has not been demonstrably informed by any assessment of landscape capacity, would result in a form of development that is harmful to the intrinsic landscape character of the area. The proposal therefore fails to meet the National Park's First Purpose, saved policy DC2 of the Horsham District Plan (2006), emerging policy SD4 of the submitted South Downs Local Plan (2014-2033), policies HD4 and EN1 of the Amberley NDP (2017) and the NPPF.
2. The proposal, by reason of its layout and design, would fail to conserve and enhance the landscape character of the site and its setting. The proposal is therefore contrary to saved policy B1 of the Horsham District Plan (2006), emerging policies SD2, SD4 and SD5 of the submitted South Downs Local Plan (2014-2033), policies EN1 and HD2 of the Amberley NDP (2017), the NPPF, and the First Purpose of the National Park.

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

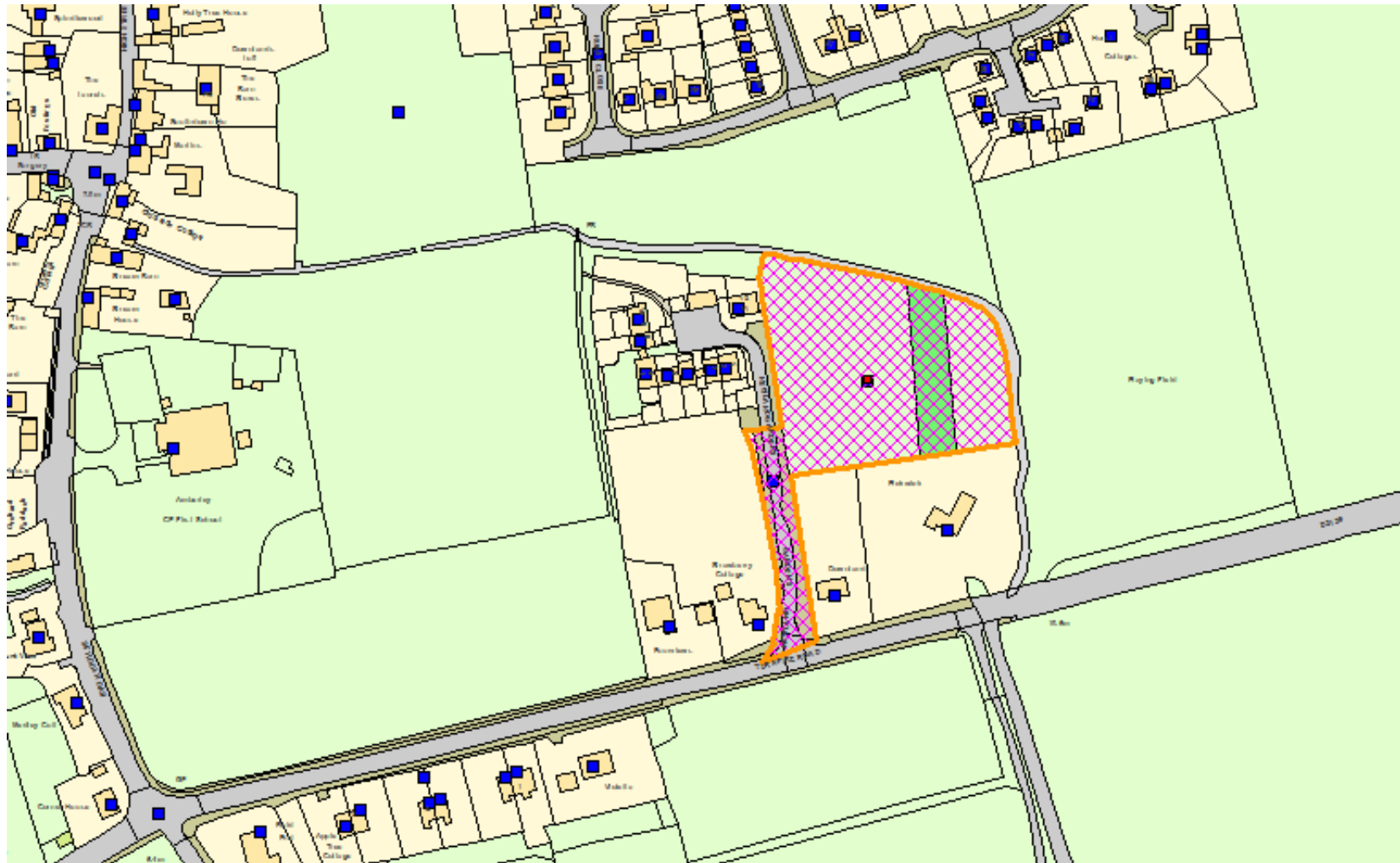
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Appendices 1. Site Location Map
2. SDNP/18/02756/PRE Officer's Report

SDNPA Consultees Legal Services, Development Manager.

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

Documents [Amberley Neighbourhood Plan \(2017\)](#)
[Examiner's comments on the Amberley Neighbourhood Plan](#)
[SDNPA Amberley Decision Statement \(Report PC17/17\)](#)
[Amberley Village Design Statement \(2005\)](#)
[National Planning Policy Framework \(2019\)](#)
[Horsham District Local Development Framework \(Core Policy and General Development Control Policies\) \(2006\)](#)
[South Downs National Park Submission Local Plan](#)
[South Downs National Park Partnership Management Plan 2014](#)
[South Downs Integrated Landscape Character Assessment 2005 and 2011](#)



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