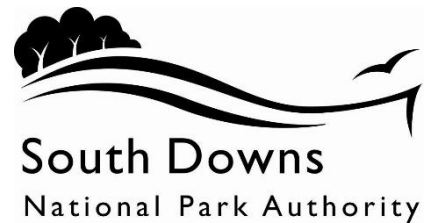


Contact details
Committee Officer on 01730 814810
Email committee.officer@southdowns.gov.uk



SOUTH DOWNS NATIONAL PARK AUTHORITY PLANNING COMMITTEE

A virtual meeting of the Planning Committee will be held online at **10.00 am on Thursday, 11 June, 2020.**

Trevor Beattie

Chief Executive (National Park Officer)

AGENDA PART I

1. Apologies for absence

2. Declaration of interests

To enable Members to declare to the meeting any disclosable interest they may have in any matter on the agenda for the meeting.

3. Minutes of previous meeting held on 12 March 2020 (Pages 5 - 14)

To approve as a correct record the minutes of the Planning Committee meeting held on 12 March 2020.

4. Matters arising from the previous meeting minutes

To enable any matters arising from the 12 March 2020 Planning Committee minutes that are not covered elsewhere on this agenda to be raised.

5. Updates on previous Committee decisions

To receive any updates on previous Committee decisions.

6. Urgent matters

To consider any matters on the agenda which the Chair agrees should be considered as a matter of urgency due to special circumstances.

DEVELOPMENT MANAGEMENT

7. Application Number: SDNP/19/04720/FUL - Land rear 34 Lavant Street (Pages 15 - 38)

Local Authority: East Hampshire District Council

Proposal: Erection of 29 apartments and approximately 241 square metres of office floor space following demolition of existing buildings.

Address: Workshop and Land rear of 34 Lavant Street Petersfield Hampshire

To consider a report by the Director of Planning (Report PC19/20-57).

8. **Application Number: SDNP/19/02919/FUL Soldiers Field Stables, Findon** (Pages 39 - 106)

Local Authority: Arun District Council

Proposal: Hybrid application comprising:

- (1) Full planning application for the replacement of an existing dwelling, haybarn, erection of new stable yard with ancillary groom's accommodation, a new unit of holiday accommodation and relocation and enlargement of existing manege
- (2) Outline planning application for the redevelopment of the existing stable yard with 2 no. dwellings and garages

Address: Soldiers Field Stables Soldiers Field Lane Findon BN14 0SH

To consider a report by the Director of Planning (Report PC19/20-58).

9. **Application Number: SDNP/19/03768/FUL – Iford Farm** (Pages 107 - 128)

Local Authority: Lewes District Council

Proposal: Consolidation of Iford Estate Farming Operations to include the construction of agricultural buildings (for housing of livestock, grain handling and storage), a silage clamp and new access road from Piddinghoe Road

Address: Iford Farm The Street Iford BN7 3EU

To consider a report by the Director of Planning (Report PC19/20-59).

10. **Application Number: SDNP/19/03160/OUT Lower Yard, Newton Valence** (Pages 129 - 204)

Local Authority: East Hampshire District Council

Proposal: Outline: redevelopment of existing redundant farmstead with ten two storey dwellings (4 x 2 bed; 3 x 3 bed and 3 x 4 bed) six double car ports, parking area and upgraded access after demolition of existing buildings.

Address: Lower Yard, Selborne Road, Newton Valence, Alton. Hampshire.

To consider a report by the Director of Planning (Report PC19/20-60).

STRATEGY & POLICY

11. **Adoption of Affordable Housing Supplementary Planning Document (SPD)** (Pages 205 - 290)

To consider a report by the Director of Planning (Report PC19/20-61).

12. **Enforcement Update** (Pages 291 - 292)

To consider a report by the Director of Planning (Report PC19/20-62).

13. **Summary of Appeal Decisions Update** (Pages 293 - 310)

To consider a report by the Director of Planning (Report PC19/20-63).

Members of the Planning Committee

Alun Alesbury, Heather Baker, Pat Beresford, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Gary Marsh, William Meyer, Robert Mocatta and Vanessa Rowlands

Ex officio Members (may participate on Policy items but not vote): Margaret Paren and Ian Phillips

Members' Interests

SDNPA Members have a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regard themselves first and foremost as Members of the Authority, and will act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

Members are required to declare any disclosable pecuniary interest that is not already entered in the Authority's register of interests, and any personal interest and/or public service interest (as defined in Paragraph 18 of the Authority's Code of Conduct) they may consider relevant to an item of business being considered at the meeting (such disclosure to be made at the commencement of the meeting, or when the interest becomes apparent).

Access to Information

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Recording of Meetings

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As part of the Authority's drive to increase accessibility to its public meetings, this meeting will be filmed for live and/ or subsequent broadcast via the internet; at the start of the meeting the Chair will confirm if all or part of the meeting is to be filmed. The images and sound recording may be used for training or any other purposes by the Authority. By entering the meeting room and using the public seating area you are consenting to being filmed, recorded or photographed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you have any queries regarding this, please contact the Governance Officer committee.officer@southdowns.gov.uk

Public Participation

Anyone wishing to speak at the meeting should register their request no later than 24 hours before the meeting by e-mailing public.speaking@southdowns.gov.uk. The public participation protocol is available on our website www.southdowns.gov.uk/

Feedback

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SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE 12MARCH 2020

Held at: The Memorial Hall, South Downs Centre, North Street, Midhurst at 10am.

Present: Alun Alesbury (Chair), Heather Baker, Barbara Holyome, William Meyer, Vanessa Rowlands and Diana van der Klugt,

Ex Officio Members for Planning Policy items only (may participate on Policy Items but not vote, no participation on Development Management Items): Margaret Paren and Ian Phillips.

Officers: Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Lucy Howard (Planning Policy Manager), Mike Hughes (Major Planning Projects and Performance Manager), Kelly Porter (Major Projects Lead), David Easton (Development Management Lead), Richard Ferguson (Development Management Lead), Rafa Grosso-Macpherson (Senior Development Management Officer), Hannah Collier (Senior Planning Policy Officer), Becky Moutrey (Solicitor), Robin Parr (Head of Governance), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Ruth Childs (Landscape Officer), Mark Waller-Gutierrez (Specialist Lead) and Michael Scammell (Conservation Officer).

OPENING REMARKS

357. The Chair welcomed Members to the meeting and informed those present that:

1. South Downs National Park Authority (SDNPA) Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and acted in the best interests of the Authority and of the Park, rather than as delegates representing the interests of their appointing authority or any other interest groups.
2. The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.

ITEM 1: APOLOGIES FOR ABSENCE

358. Apologies were received from Pat Beresford, Thérèse Evans, Gary Marsh, Robert Mocatta.

ITEM 2: DECLARATION OF INTERESTS

359. The Chair disclosed a non-prejudicial interest on item 7, as he had previously acted on behalf of Comer homes in a professional capacity.
360. Heather Baker disclosed a non-prejudicial interest on item 7 as she was acquainted with one of the speakers from a previous role as a District Councillor for Fernhurst.
361. William Meyer disclosed a non-prejudicial interest on item 8 as a Member of the Lewes Liberal Democrats. Whilst Party members had raised an objection to this application, William Meyer had not taken part in any discussions with them on this application.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 13 FEBRUARY 2020

362. The minutes of the previous meeting held on 13 February 2020 were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES

363. There were none.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

364. There were none.

ITEM 6: URGENT ITEMS

365. There were none.

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ITEM 7: SDNP/19/00913/FUL - FORMER SYNGENTA SITE, HENLEY OLD ROAD, FERNHURST, WEST SUSSEX. GU27 3JE.

366. The Case Officer presented the application, referred to the update sheet and gave two further verbal updates, as follows:
- There was an amendment to the comments from the Local Highways Authority on item 4.5. The 6th bullet point should read: "It is agreed that the overall vehicular trip rate of 214 daily movements at peak times would be expected".
 - A further letter of objection had been received from a local resident. The main points included that they believed the scheme directly conflicted with the aims and principles of the National Park, and that there would be a disruptive impact on all areas of local life.
367. The following public speakers addressed the Committee:
- John Buchanan spoke against the application representing Fernhurst Parish Council.
 - Neil Rowley spoke in support of the application representing Comer Homes.
 - Alan Beaumont spoke in support of the application representing Comer Homes.
 - Gavin Wheatley spoke in support of the application representing Comer Homes.
368. Jamie Brown from the West Sussex Highway Authority joined the meeting.
369. The Committee considered the report by the Director of Planning (Report PC19/20-46), the update sheet and the public speaker comments, and requested clarification as follows:
- What methods were used to obtain the overall vehicular trip rate, and were vehicular movements outside peak times measured?
 - Why could only 20% affordable housing be achieved on this site?
 - Would the affordable units being offered as 'social rented' tenure be retained in perpetuity?
 - Clarification on the housing mix, and confirmation that the 2 and 3 bedroom houses with a study did not equate to a further bedroom, increasing the actual number of 4 bedroom houses.
 - Clarity on the carbon emission reductions to be achieved from the scheme.
 - Why gas was chosen as the main source of heating for the dwellings, and what alternative sources of heating had been explored? Additionally, what form of future-proofing had been put in place to enable alternative heat sources to be used in the future?
 - What enhancements would this scheme bring to the Cooksbridge Meadow Nature Reserve?
 - Had the enhancements to compensate for loss of bat habitat been included in the details of the scheme?
 - Would the footpath connecting to the village be wide enough for wheelchair users?
370. In response to questions, Officers clarified:
- Jamie Brown from the Local Highways Authority responded that it was expected that there would be 100 vehicle movements between 8-9am and 114 between 5-6pm. It was considered standard practice for traffic studies to focus on peak times when you would expect the highest volume of traffic.
 - Whilst both the South Downs Local Plan and the Fernhurst Neighbourhood Development Plan set out a requirement for 50% affordable housing, this site was subject to a viability assessment and other national planning policy requirements. As it was a brown field site, 'Vacant Building Credit' could be applied. This would reduce the requirement for affordable housing where a development was proposed on previously developed land that included vacant buildings. The Highfield building on this site can be used to offset against affordable housing, leading to 20% being offered rather than 50%. Officers confirmed that the offer of 20% is policy compliant.
 - Officers agreed to explore whether the 'social rented' tenure could be retained in perpetuity.

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- The floor plans clearly showed that the 2 and 3 bedroom houses had a separate study space which was not an extra bedroom.
- The overall scheme would reduce regulated CO₂ emissions to net zero relative to Building Regulations, 19% of which would be reductions via the built fabric of the dwellings and further 81% through the use of PV panels and the proposed wood burning stoves.
- The residential dwellings would be heated using both natural gas and 'Ecodesign Ready' wood stoves which were approved by Defra as low-emission wood burning stoves and which would meet proposed new EU standards. The applicants had explored alternative forms of heating to gas. They had agreed to explore air source heat pumps for the commercial units, however they proved to be undeliverable for the residential dwellings. The proposed infrastructure had been future-proofed to enable alternative sources of fuel, such as hydrogen fuels, which may replace natural gas in the future. The scheme was deemed policy compliant by Officers.
- The applicant was in discussions with the local Wildlife Trust to secure benefits to the Cooksbridge Meadow Nature Reserve through the S106 legal agreement. This would include enhanced planting on the boundary and improvements to the Right of Way, alongside information on the reserve for new residents.
- The enhancements to compensate for loss of bat habitat had been included in the details of the scheme and no further comments had been received from the Sussex Wildlife Trust.
- The footpath connecting the site to the village would be 1.5m wide.

371. The Committee discussed and debated the application, making the following comments:

- The scheme was commended on its environmental considerations specifically on the following points: that the development would achieve BREEAM New Construction Design 'Excellent'; that there would be a 32% net gain for biodiversity; that there would be a reduction of regulated CO₂ emissions to net zero relative to Building Regulations; that the scheme included passive house (Passivhaus) standards; and the promotion of sustainable travel initiatives such as car sharing club and on-site minibus service to local amenities.
- There were some concerns that the courtesy bus may need to run earlier in the day and later in the evening to capture commuter hours and school drop off, if it was to be a viable alternative to individual car use.
- Despite reservations that the number of affordable housing units was only 20%, Members were pleased that 74% (32) of the affordable units were being offered as 'social rented' tenure.
- The design was felt to be slightly overbearing and urban for a rural setting. However Members understood that the starting point for design was in context to the landscape woodland setting and pagoda building, and that modern design can work successfully provided care is taken to detail and end results related to character of the area.
- The inclusion of accessible and adaptable dwellings was commended.

372. It was proposed and seconded to vote on the officer's recommendation.

373. **RESOLVED:**

- I. That planning permission be approved subject to the conditions set out in Section 9 of the Officers report and subject to the completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning with obligations relating to:
 - The provision of 32 social rented affordable units and 11 shared ownership affordable units;
 - The provision of a footway from the site to Fernhurst Village and other highway improvement works immediately outside of the site;
 - The provision of a Travel Plan and sustainable transport measures (including on-site minibus service, car parking management scheme and a car sharing club);
 - The provision of a Community Liaison Group and Estate Management Company;

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- The provision of Estate Management Plans (to include the maintenance and management of the landscaped areas, ecological measures, drainage, and SuDs, open spaces, lighting, estate roads and footways);
 - The provision of off-site ecological and other mitigation works to Cooksbridge Meadow Nature Reserve, and
 - The provision of employment and skills training.
2. That the Committee confirm in their decision they have taken into account:
- the environmental information as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
 - all matters referred to in the Director of Planning's report including comments received from statutory consultees and other interested parties, and
 - all other material considerations, and
3. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 12 March 2020
374. Jamie Brown left the meeting.

ITEM 8: SDNP/18/05444/FUL - GARDEN STREET AUCTION ROOMS, GARDEN STREET, LEWES. BN7 1TJ.

375. The Case Officer presented the application, referred to the update sheet and gave the following two verbal updates:
- The proposal description incorporated a housing mix which was out of date. The table on page 74 of the committee papers detailed the correct housing mix, which was: ten residential units comprising four no. two-bed split-level apartments, two no. three-bedroom houses and four no. four-bedroom houses.
 - Two further letters of representation had been received, both raising objections relating to the conservation area and the absence of affordable housing provision.
376. The following public speakers addressed the Committee:
- Elizabeth Thomas spoke against the application representing Friends of South Downs Society.
 - Jennifer Chibnall spoke against the application representing herself.
 - David Stechler spoke against the application representing himself.
 - Liam Russell spoke in support of the application representing the applicant.
377. The Committee considered the report by the Director of Planning (Report PC19/20-47), the update sheet and the public speaker comments, and requested clarification as follows:
- Clarification on the changes to the housing mix and which of the dwellings on the floorplans were 3 bed and which were 4 bed properties, as it was not clear on the plans whether they included an extra bedroom or a study.
 - Why there was no provision of affordable housing, which was in conflict with both the South Downs Local Plan and the Lewes Neighbourhood Development Plan (LNDP). The LNDP has specifically identified affordable housing for young people as a need for Lewes. Had an analysis of a different, more conservative design been undertaken to ensure that affordable housing could be viable with a different application?
 - Did the site include a strip of land which was not owned by the developer?
 - Would this development affect the views across to the downs from the junction of Garden Street with Southover Road in the northwest corner of the site?
 - Further clarification from the SDNPA Conservation Officer on their reasons for submitting no objection to this proposal that is within the conservation area of Lewes.
 - Did the application sufficiently preserve or enhance the character or appearance of the Lewes Conservation area, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, or the adopted 2013 Lewes Area Conservation Management Plan?

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- As a corner site, adjacent to 2 roads, clarification that the developers had taken the advice of the Design Review Panel in conducting a study of other corner developments in Lewes, as there were many good examples of buildings on steep-sided, corner sites.

378. In response to questions, Officers clarified:

- The officer clarified the housing mix on the floorplans. There were fewer 3 bed properties than originally proposed as two of the dwellings included a bedroom which failed to meet the minimum size standards for bedrooms. They were reclassified as 2 bed properties with a study included.
- This application had been in progress before the adoption of the SDNPA Local Plan and therefore at the time the weight to be attributed to disputed policies was far less. Despite this, and given that the application now fell to be determined against current adopted Plans, an independently assessed viability appraisal had demonstrated that the proposed development with the provision of affordable housing would not be viable. The developer had undertaken analysis of various options and was of the view that, due to the constraints of the site, affordable housing would still not be viable with a more conservative design.
- It was the Officers understanding that any land inside the red line shown on the Site Location Plan (see appendix 1 of the Officer's report) was owned by the applicant. They had not been made aware that there was any land not in the developer's ownership but would consider any evidence that came forward.
- The views from the junction of Garden Street with Southover Road may be impacted but the Downs would still be visible through gaps across the site. Due to the nature of the site, which drops steeply at the North West corner, it was considered difficult to develop the site without impacting the views.
- The Conservation Officer explained that, whilst the site is within the Saxon core of the conservation area, it is constrained as a housing site due to its levels and surroundings. On the North West side it had a steep bank up to Garden Street and Southover Road, and the North East side was bordered by the railway line. It was felt that the proposed design, whilst modern, put forward an ingenious and coherent response to a difficult site. It was also in line with other recent, more modern architectural developments in the area.
- Officers felt that the policy issues for building in a conservation area were correctly laid out. Members were reminded that the law required that special attention be paid to the desirability to preserve or enhance the character or appearance of a Conservation area. It was a matter of judgement for the Committee to decide, having regard to the wording of the legislation.
- The developers had followed advice following the 2018 meeting with the Design Review Panel, as detailed on item 2.5 of the Officers report, and conducted an analysis which had been incorporated into the application before the Committee.

379. The Committee discussed and debated the application, making the following comments:

- Members were not against the principle of development on this site and acknowledged the constraints of the site. It was recognised that this was an interesting development and that a lot of work had gone into the application. They also praised the use of renewable energy in the application.
- However it was agreed that, while the Committee was not against the principle of contemporary design in appropriate circumstances within Conservation Areas, the application here was not suited to this site, and did not take sufficient note of the desirability of preserving or enhancing the character and appearance of the Lewes Conservation Area, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, or the Lewes Conservation Area Management Plan. Any application for this site should reflect and respect the design characteristics and local materials of the Lewes Conservation Area.
- There was specific design concerns over the dominance and incongruity of the buildings and amount of glazing used for residential dwellings.
- Concerns were raised about the restriction of views to the Downs which was contrary to policy SD6 of the South Downs Local Plan on safeguarding views.

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- The design for this application could not be supported because it precluded the provision of affordable housing which went against the South Downs Local Plan policies. The Lewes NDP specifically identifies affordable housing for young people as a need for Lewes and this site was considered a suitable site for affordable housing being located near the station and walking distance to the town centre.
380. It was proposed and agreed to refuse the application for the following reasons, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee:
- The proposal, in this location, by virtue of its design, materials, mass and bulk, would be harmful to the character and appearance of the Lewes Conservation Area;
 - There was extensive use of glazing and inappropriate fenestration in comparison to dwellings typical to Lewes;
 - That the inappropriate design and costs associated led to an inability for the site to produce any affordable housing.
381. **RESOLVED:** That the application be refused for the following reasons, with the final form of words delegated to the Director of Planning in consultation with the Chair of Planning Committee: The proposed development by virtue of its mass, scale, bulk, design, materials and extensive glazing would appear incongruous and overly dominant within the street scene, and in other important views, and as such would harm rather than preserving or enhancing the special architectural or historic interest, character and appearance of the Lewes Conservation Area, and would be in conflict with policies SD5 and SD15 of the South Downs Local Plan. The incongruous and unacceptable design has significant construction costs associated with it which have eroded the viability of the development to provide policy compliant affordable homes. Given that the development will result in unacceptable harm, in conflict with policies SD5 and SD15, then the absence of any affordable housing provision from residential development on this site is considered to be in conflict with policy SD28 of the South Downs Local Plan.

ITEM 9: SDNP/I8/05206/FUL - ALDI HOUSE, 1 BROOKS ROAD, LEWES, EAST SUSSEX BN7 2BY.

382. The Case Officer presented the application, referred to the update sheet which listed two further conditions, and gave the following verbal update:
- A further note had been sent by Aldi to Members outlining the benefits of the scheme.
 - There was a minor amendment to two disabled parking spaces following advice from the Highways team of East Sussex County Council.
383. The following public speakers addressed the Committee:
- Alastair Close of Planning Potential spoke in support of the application representing Aldi.
384. The Committee considered the report by the Director of Planning (Report PC19/20-48), the update sheet and the public speaker's comments, and requested clarification as follows:
- There were some concerns that the landscape officer had objections to the scheme and that they did not believe the scheme followed a landscape-led approach.
385. In response to questions, Officers clarified:
- The Officers had to balance many different views and weigh them up against policies. It was felt that this scheme was a great improvement from the first scheme, and that it delivered many benefits by achieving Building Research Establishment Environmental Assessment Method (BREEAM) Excellent.
386. The Committee discussed and debated the application, making the following comments:
- The Committee congratulated Aldi on their community engagement which had led to an acceptable scheme being presented.
 - It was noted that Aldi had worked hard to change original design and make it more landscape led.
 - The scheme was applauded for meeting BREEAM Excellent requirements.
387. It was proposed and seconded to vote on the officer's recommendations, subject to the minor corrections to the Recommendation, and subject to the two additional conditions as set out in

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the update sheet, and also subject to an amendment to condition 16 to include submission of further car parking information.

388. RESOLVED:

- 1) That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and the Update Sheet, and subject to the submission of further car parking information the consideration of which is to be delegated to the director of planning, and subject to a legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:
 - The relocation strategy, the lease extension of a year to the occupants of the industrial units and a developer contribution of £25,000 to town centre enhancements and employment initiatives.
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 12 March 2020

ITEM 10: SDNP/19/04275/CND - BROAD VIEW FARM BLACKNEST ROAD BINSTED ALTON GU34 4PX.

389. The Case Officer presented the application, referred to the update sheet, which included an update to condition 7 and two corrections to the recommendation, and gave the following verbal update:

- The applicant had submitted further landscaping details not detailed on the Update Sheet, which sought to address comments made by the Hampshire County Council Rights of Way (RoW) team regarding fencing and hedging along to western edge of the proposed car parking space. This would require an amendment to condition 4 to require this condition to be discharged.

390. The following public speakers addressed the Committee:

- Claire Fargeot spoke against the application representing herself.
- Claire Fargeot spoke against the application representing County Councillor Mark Kemp-Gee
- Ian Salisbury spoke against the application representing himself.
- Stephen Andrews spoke in support of the application representing the applicants.

391. The Committee considered the report by the Director of Planning (Report PC19/20-49) and the public speaker comments, and requested clarification as follows:

- Could the application previously approved be built out if this application was not approved?
- Clarification that the expiration date detailed on condition one was correct, and was three years from the 31st March 2017.
- Was it an offence to drive or cycle over a RoW without authority and whose authority was required?

392. In response to questions, Officers clarified:

- Permission was granted in 2017 for a number of buildings, including lodges which had now been built. The 2017 permission approved the construction of a building across a footpath. At that time approval was also given to a diversion order to divert the footpath. Objections to the diversion order meant that an Inspector appointed by the Secretary of State held a public inquiry. The Inspector did not permit the diversion of the footpath, therefore that building could not be built.
- The date detailed in condition 1 was correct and the previous permission had been partially implemented by virtue that the lodges had already been built.
- It was an offence to drive or cycle over a RoW without authority, however the owner of the land was entitled to permit him/herself or their guests to drive across a footpath as long as it did not obstruct the footpath. Parking on a footpath was not permitted as this would cause an obstruction.

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393. The Committee discussed and debated the application, making the following comments:
- The Committee commended Officers and the applicant for seeking to address the issues that had arisen and that they had been sensibly addressed.
394. It was proposed and seconded to vote on the officer's recommendations as set out in the Update Sheet, subject to the amendment to condition 7 as set out in the update sheet, and an amendment to condition 4 as detailed above.
395. **RESOLVED:**
- 1) That planning permission be granted subject to the completion of a Deed of Variation, the final form of which is delegated to the Director of Planning, to secure the previous S106 requirements in relation to the original planning permission SDNP/16/03835/FUL, which are:
 - Not to sever the legal ownership of the barn and tourist accommodation or any parts thereof from the remainder of the land (Broadview Farm).
 - Not to create any legal interest in the barn and tourist accommodation or any parts thereof separate from the remainder of the land (Broadview Farm).
 - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 12 March 2020.
 - 3) The conditions as set out in paragraph 11.1 of the Officer's report, subject to the amendment to condition 7 as detailed on the Update Sheet and subject to an amendment to condition 4, the final form of words delegated to the Director of Planning in consultation with the Chair of Planning Committee.

ITEM 11: SDNP/19/03160/OUT - LOWER YARD, SELBORNE ROAD, NEWTON VALENCE, ALTON, HAMPSHIRE.

396. The case officer presented the report, referred to the update sheet and gave the following verbal update:
- An email had been received by Officer and Members from a District Councillor for the area raising matters relating to the principle of development for the site, landscape matters and the ability to deliver the Whole Estate Plan.
397. The following public speakers addressed the Committee:
- Bob Fewings spoke against the application representing himself.
 - Pip Lucas spoke against the application representing himself.
 - Charles Louisson spoke against the application representing the Ropley, Hawkley & Hangers Ward of East Hampshire District.
 - Ian Ellis in support of the application representing the Applicant.
398. The Committee considered the report by the Director of Planning (Report PC19/20-50), the update sheet and the public speaker comments, and requested clarification as follows:
- What was the basis of the tenancy of the farm workers cottages and two affordable houses, and would either be kept in perpetuity?
 - Would the houses be supplied by mains water or a private water supply, and was it sufficient for 10 dwellings?
 - What consideration was given to the Newton Valence Village Plan, which did not appear to support this application?
 - What impact would this proposed development have on traffic using narrow rural roads?
 - Had the Landscape Officers comments been taken on board, considering this was an outline application, or would they be considered at the reserved matters stage?
 - What was the policy position under the newly adopted South Downs Local Plan were it not for the site being included in a Whole Estate Plan (WEP)?
 - How could the advantages of the WEP be secured and be enforceable?

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- Had a valid costing been received detailing why there was a need for six market properties in order to provide two affordable and two rural estate workers dwellings?

399. In response to questions, Officers clarified:

- This was an outline planning permission and not a full application, but many reserved matters were for determination. The tenure of the two farm worker cottages and affordable housing units would need to be rented tenure to be compliant with the affordable housing policy. This was still to be agreed and Officers would seek to secure this in the S106 agreement.
- The site was currently supplied by private bore hole but this application would ensure that mains supply from SE water would be connected if this application went ahead.
- The Village Plan had been given consideration in the assessment of the application and many of its objectives were embedded in the report's assessment, including retention of hedgerows, retention of road verges and concerns about light pollution. The Village Plan indicated that the local community were generally against new development throughout the village, however there were mixed views about how to redevelop and use agricultural sites. The preference for redevelopment of such sites was towards housing rather than business, and Officers had taken this into account. The site had a long history of pre-application enquiries which ranged from proposals for between 5 and 12 dwellings.
- Policy SD21, which addresses the impacts of development on historic rural roads and verges, had been taken into consideration. The existing site was not working at its full capacity as a farm, and it was felt that smaller vehicles from this development would have less of an impact than larger farm vehicles, which could have a significantly higher impact on the road verges and sunken lanes. The application sought to maintain the existing access, rather than propose a new access to the site, in order to further reduce impacts to the surrounding rural roads. The Highways Authority had not raised any objection to this outline permission.
- Some of the Landscape Officers comments had been taken into account in the Officers report, however many of the comments relating to design would need to be addressed at the reserved matters stage.
- There were policies in the Local Plan which related to either conversion of buildings, or new buildings on farmsteads. However, if there were not a WEP for this site, this outline application would be considered in a different light as it would be contrary to South Downs Local Plan policy as it was outside of the settlement boundary. However, it was right to consider this application as part of a WEP under Policy 25 in the South Downs Local Plan, provided it would deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services.
- The WEP identified the need for affordable housing and rural worker dwellings. A S106 legal agreement would need to be entered into as part of the planning process in order to mitigate any harm caused by the development. In 2015 the Government restricted what could be included in S106 agreement and the key requirements was that mitigation was necessary to make a development acceptable, directly related to the development and fairly and reasonably related in scale and kind.
- Approximate figures, but not full financial figures, had been provided to indicate the number of open market properties needed for this site in order to provide for the two affordable dwellings, two rural workers dwellings and other benefits of the WEP that fall outside of the application site.

400. The Committee discussed and debated the application, making the following comments:

- Members would have preferred to have considered a full application and not an outline application. They expressed concern that the application was lacking sufficient information to enable them to make a decision to approve or refuse this outline application.
- If this site did not have a WEP the policies relating to WEPS would not be applicable, but the site is part of a WEP and therefore the policies are relevant, as well as others in the Local Plan.

Unconfirmed Planning Committee Meeting Minutes to be approved at the next meeting

- It was acknowledged that the principles of WEPs had been endorsed by the SDNPA and that they can deliver good outcomes. It was further recognised that Newton Valence had a WEP which had been endorsed by the SDNPA. However Members were concerned that, whilst the endorsed WEP is a material consideration, there would need to be clear justification, and significant benefits shown, to accept a development as part of a WEP which was outside any settlement boundary. In this case the multiple benefits of the WEP had not been made clear or secured.
 - There were concerns that six open market properties, and 10 dwellings overall, on a rural site was excessive.
 - There was concern at the amount of weight that had been given to the Newton Valence Village Plan, which the local community had worked hard on.
401. It was proposed to defer the application so that further consideration could be given as to the multiple benefits as identified in the WEP that could be achieved and how these balanced against the settlement boundary issue and other identified concerns over the scheme.
402. **RESOLVED:** That determination of the application be deferred in order for the multiple benefits demanded by policy could be secured sufficient to demonstrate the full advantages of the scheme, in the context of the endorsed Whole Estate Plan (WEP) and the wider landscape.
403. Margaret Paren and Ian Phillips joined the meeting at 3.20pm

ITEM 12: MAKING OF THE SEAFORD NEIGHBOURHOOD DEVELOPMENT PLAN

404. The Senior Planning Policy Officer presented the report.
405. The Committee considered the report by the Director of Planning (Report PC19/20-51), and made the following comments:
- Would any of the 10 sites be affected by, or affect, views to the National Park?
406. In response to questions, Officers clarified:
- One site had had concerns raised about the effect on views at submission stage, however this had been taken into account. There was also a Scheduled Ancient monument on this site.
407. The Committee discussed and debated the application, making the following comments:
- The Committee praised the work of all involved in the Seaford Neighbourhood Development Plan, and thanked the people of Seaford who had engaged well with the process. The fact that the Plan was unanimously endorsed was seen as a testament to the hard work of local people and Officers at Lewes and the SDNPA.
408. It was proposed to vote on the Officer recommendation.
409. **RESOLVED:** The Committee:
- Noted the outcome of the Seaford Neighbourhood Development Plan Referendum;
 - Agreed to make the Seaford Neighbourhood Development Plan part of the Development Plan for that part of Seaford Parish within the South Downs National Park.
410. The Chair closed the meeting at 3.25pm.

CHAIR

Signed: _____

Report to	Director of Planning
Date	11 June 2020
By	Richard Ferguson
Local Authority	East Hampshire District Council
Application Number	SDNP/19/04720/FUL
Applicant	Metis Homes
Application	Erection of 29 apartments and approximately 241 square metres of office floor space following demolition of existing buildings.
Address	Workshop and land rear of 34 Lavant Street, Petersfield, Hampshire, GU32 3EF.

Recommendation:

- 1) That planning permission be granted subject to completion of a S106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure the following:**
 - Provision of 3 on site affordable units.**
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 11 June 2020.**
- 3) The conditions as set out in paragraph 10.1 of this report.**

Executive Summary

The application site is within the centre of Petersfield, adjacent to the railway station and partially within the defined town centre and conservation area. It comprises of a vacant retail and office building, a workshop and a large industrial building which has a general industrial use. The Site is allocated for employment uses (office, industrial, warehousing) in the Petersfield Neighbourhood Development Plan (PNDP).

The application proposes a mixed use development which includes new office space in the proposed frontage building onto Lavant Street, with residential flats in the remaining area of the site. It would replace a vacant brownfield site.

A report has recently been presented to Members via the interim arrangements for applications to be determined under the delegated authority of the Director of Planning. In response to the submission of further information from the Applicant, the proposals are now before the Planning Committee with an alternative recommendation to approve the application.

Development Plan policy safeguards existing employment sites unless it can be demonstrated that they are no longer fit for purpose primarily through a robust marketing campaign. The relevant period to consider in this application is a minimum of 18 months prior to the submission of the application. Previous to receiving further information, it had not been satisfactorily demonstrated that the site cannot remain in business use. Following further scrutiny it is considered that a reasonable and robust marketing campaign has been undertaken at least over the 18 month period.

Furthermore, additional information on the financial viability of re-developing the site for solely new business use floorspace has demonstrated that it would not be financially viable to do so.

The proposed office space would still retain some employment floor space on site and provide more modern small flexible office space. This would be a benefit but it would not necessarily mitigate the loss of the whole site for business uses, however, the proposals have met the policy tests of SD35 in regard to justifying its loss.

No.1 and 2 bed flats would be a social benefit to the town and would also be in a highly sustainable location. A well designed scheme has been proposed which is acceptable in regard to the townscape and built character of Petersfield, including the conservation area, and would not have a significant impact upon surrounding amenities.

The proposals include 3 affordable flats following an independent assessment by ourselves (Bruton Knowles) of the Applicant's viability appraisal. Their conclusions are that a policy compliant scheme cannot be achieved and that the scheme is viable with no more than 3 affordable units, which has been scrutinised by the case officer. On balance, this is an acceptable amount of on-site provision.

The proposed design is acceptable in regard to the siting, scale and architecture of the buildings and an assessment has been undertaken in regard to the impact upon surrounding residential amenities and the character and appearance of the conservation area.

The application is placed before the Planning Committee to consider the merits of this key town-centre location.

I. Site Description

- I.1 The application site is within the centre of Petersfield and is adjacent to Petersfield Railway Station and its car park on Lavant Street. The site is located behind properties on both Lavant Street and Charles Street to the east. It is also partially within the defined town centre boundary but it is somewhat detached from the main shopping areas. Its frontage building, the workshop behind it and the access are within the conservation area.
- I.2 The site covers an area of 0.34ha and comprises of a single vacant retail unit, with office accommodation above, which fronts onto Lavant Street, a storage building behind it, and a vacant large industrial building which occupies the approximately two thirds of the site and fronts onto a tarmac forecourt. This part of the site has an established general industrial use (Use Class B2).
- I.3 Alongside the retail unit is the main access into the site from Lavant Street which leads down to a courtyard area in front of the industrial building. The courtyard is adjacent to the railway car park which is on higher ground and they are separated by a retaining wall and bank covered with vegetation. The site then 'bends' away from the car park whereby the industrial building, whilst still partially adjacent to the car park, largely is behind residential properties on Drum Mead to the west. These are tall 3 storey properties. The boundary alongside these properties is a mixture of vegetation and close boarded fence and the industrial building can be seen from within Drum Mead. A stream also runs along the southern site boundary and through Drum Mead.
- I.4 The eastern site boundary is defined by the end of long rear gardens of properties on Charles Street and a garage block. The industrial building abuts the rear gardens and this eastern site boundary is defined by vegetation and fencing. The adjacent gardens gently slope down away from the site. There is also a second access leading to the site from Charles Street, which is between the end terraced property on Charles Street and a restaurant, which is included within the application site. The northern site boundary is defined by the rear curtilages of properties which face Lavant Street, which are a mix of offices and flats above.
- I.5 The retail unit on the Lavant Street frontage and adjacent properties along this road are within a conservation area, which covers the town centre. The town centre is very accessible with a wide range of shops and services. The site is also near to supermarkets and employment opportunities in the Bedford Road area which is a large area of commercial premises.

2. Relevant Planning History

- 2.1 The site is allocated in the Petersfield Neighbourhood Development Plan (2013-2028) for employment uses (business uses, eg. offices, industrial, warehousing).
- 2.2 F49751/001/FUL: Outline application for 36 flats within 6 blocks after demolition of 34 Lavant Street. Refused 27.09.2006.
- 2.3 SDNP/15/05781/FUL: Mixed-use development comprising 32 dwellings, 130sqm of retail floor space and 80sqm of retail floor space together with associated access and landscaping, following the demolition of existing industrial and office buildings. Refused 07.02.2017 for the following reasons:
- Loss of an allocated employment site;
 - Cramped form of development which would not preserve or enhance the character and appearance of the conservation area and the townscape;
 - Impact on residential amenities;
 - Lack of financial contributions (community facilities, public open space and affordable housing);
 - Insufficient parking;
 - Was not demonstrated that protected species would not be harmed.
- 2.4 SDNP/18/05862/PRE: Erection of 30 apartments and approximately 272 square metres of employment floor space. Pre-application enquiry closed following submission of this application. An early iteration of the scheme was considered by the Design Review Panel.

3. Proposal

- 3.1 The scheme was amended during the course of the application which involved a re-design of the proposed building onto Lavant Street, along with amendments to the hard and soft landscape scheme within the other areas of the site.
- 3.2 The application proposes to replace the existing retail unit, small commercial building behind it, and the industrial building with 29 flats, which comprise of 11 no.1 and 18 no.2 bed properties, and 241sqm of new commercial floor space. The commercial use could be flexible in regard to offices or retail, or other office based uses in A2 use.
- 3.3 The development would be a mix of 2 to 4 storey development across the site, which incorporates undercroft parking, with a predominance of 3 storey. The existing site levels would also predominantly be retained.
- 3.4 The existing Lavant Street access would be used as the primary vehicular access. It would still slope and would be re-surfaced to fit in with the hard landscape scheme proposed throughout the scheme. The access from Charles Street would also be retained and re-surfaced to improve its accessibility and amenity. It would be used for pedestrian access into the site, but it would also be used as a vehicular access for the neighbouring garage block and properties on Lavant Street.
- 3.5 The proposed built form would be in three buildings with a series of courtyard spaces. At the site entrance a new semi-detached building would be sited on the footprint of the retail unit and extend further into the site. It would be 3.5 storeys with a dual frontage onto Lavant Street and towards the railway station, in recognition that it would be a prominent building. Further into the site, the building would be 2.5 storey with a flat roof. This building would include office space on all floors fronting onto Lavant Street.
- 3.6 Adjacent to the above building, there would be a separate 3 and 4 storey building which, due to the lower ground level of the site, would have a notable lower height compared to the proposed frontage building and would also be lower than the existing neighbouring Lavant Street properties. The siting and footprint of this building would create a hard landscaped courtyard area, within which the shared space would allow access to the building and undercroft parking spaces. This building would also face onto a central shared space within the site and include balconies so as to create a more active frontage.

- 3.7 The third building further into the site is the largest and would be sited on the footprint of the industrial building. It would range between 2 and 3 storey with the lower sections 'linking' the higher elements together. Courtyard areas would be created between sections of the building and it would also face onto a central shared space. An accessible amenity area adjacent to the stream is also proposed.
- 3.8 Surrounding the buildings would be a new landscaped areas with a variety of planted areas and a shared spaces around the buildings for access, amenity and parking. The shared courtyard areas would be surfaced with a variety of materials, with a predominance of permeable block paving. A new amenity area adjacent to the stream would also be created.
- 3.9 A contemporary style of architecture is proposed. The building fronting onto Lavant Street incorporates more traditional features of gables, and brick detailing but with a more contemporary fenestration. The scheme elsewhere also includes simple gable ends to buildings and a red brick façade. The fenestration, dormer windows balconies (projecting and recessed) and timber clad flat roof elements are of a contemporary style.

Affordable housing

- 3.10 Three no.1 bed flats are proposed as affordable housing, following discussions regarding viability of the scheme.

Parking

- 3.11 The scheme includes 29 parking spaces, one for each flat, and 2 spaces for the office units. Electric vehicle charging points are proposed.

Sustainable construction

- 3.12 The scheme is proposed to achieve a 19% reduction in carbon dioxide emissions, in relation to energy efficiency of the buildings. Water efficiency has been proposed to meet 110 litres per person per day. No renewable technologies are proposed.

Landscaping

- 3.13 A soft landscape scheme is proposed with primarily new planting along the north-west site boundary and in the southern area of the site adjacent to the stream. This would involve some clearance and new grasses and shrub planting to enhance these area for wildlife. There would also be a planted courtyard at the southern end of the scheme. A rainwater garden is also proposed on the north-west boundary to manage surface water. Large areas of the site would be new courtyard areas which would be hard landscaped with permeable paving.

4. Consultations

- 4.1 The consultee responses below summarise original comments received at the initial stage of the application and any subsequent comments from a re-consultation exercise undertaken following the submission of amended plans.
- 4.2 **Arboriculture:** No objection, subject to conditions.
- 4.3 **Archaeology:** No objection (no conditions recommended).
- 4.4 **Drainage (EHDC):** No objection, subject to conditions.
- 4.5 **Design (SDNPA):** Objection

Layout

- Layout has reduced the visual impact of car parking as viewed from the public realm.
- Limited on-site amenity space; only acceptable if it can be of the highest quality in terms of materials and landscaping.
- Amenity space next to the stream is supported; needs to be a green link with the boundary vegetation.

Architecture

- Building onto Lavant Street much improved from original proposal; more detailed design of the ground floor frontage required to reflect the shopfront character of the street.

- Remainder of residential development is 'safe' architecture; only acceptable if high quality public realm can be achieved.
- National Space Standards met.
- Use of red brick supported.
- Substitution of timber cladding with cement based timber effect cladding disappointing.
- Use of aluminium windows on the Lavant Street building supported.

Landscaping

- Limited opportunities to include soft planting should be maximised; suggest 'green walls' of climber plants.
- Consider green roofs on flat roof elements.
- Scheme needs to create more meaningful green infrastructure enhancements.

Drainage

- Use of permeable paving supported, but missed opportunities for multi-functional SUDs.

Objection:

- Further work needed to demonstrate the Lavant Street building is worthy of being a 'gateway' building into the town and national park and in the conservation area through more details of the ground floor Lavant Street design.
- Due to minimal private or public amenity space, the architecture of the residential development only be acceptable if public realm is of the highest quality.
- Scope for more multi-functional SuDS along the western boundary not achieved.
- The roof material must be natural slate or red clay tiles.
- Not meeting the Sustainable Construction Technical Advice Note.

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

4.7 **Economic Development (EHDC):** Objection.

- Inadequate evidence to demonstrate the proposals meet policy for the loss of employment land.
- Would result in a new loss of industrial floorspace which will exacerbate the situation in Petersfield of very high occupancy rates, which limits market 'churn', business growth and investment, and demand for industrial/warehouse premises.
- Petersfield Neighbourhood Plan identifies a shortage of light industrial and small business units.
- PNDP allocated employment sites to safeguard and that process did not discount this site.
- Site is a redevelopment opportunity to deliver smaller industrial units and attract investment.
- Financial viability appraisal needs to be further justified and independently assessed.
- Inadequate evidence of a sustained marketing campaign for the business use premises.
- Not been provided with information on when, where and how the business use premises were marketed and enquiries received.
- Should be provided with a detailed marketing report produced in accordance with appendix 3 of the South Downs Local Plan.
- Require further details on all enquiries received.
- Property was either occupied or under offer during marketing since 2014.
- EHDC made an offer for the site, which demonstrates some interest, which was rejected as landowner was seeking residential values.
- In the absence of a structural survey, insufficient justification to demonstrate the buildings are not suitable for use. (Officer note – EHDC have received this but have not commented further.)

- Statement that the existing buildings would need significant investment does not mean the buildings cannot be refurbished.
 - No exceptional circumstances that would necessitate the loss of this employment site.
- 4.8 **Environment Agency:** No objection, subject to conditions.
- 4.9 **Environmental Health (Contamination):** No objection, subject to conditions.
- 4.10 **Environmental Health (Pollution):** No objection, subject to conditions.
- 4.11 **Highways Authority:** No objection, subject to conditions.
- 4.12 **Historic Buildings Officer:** Comments.
- Comments relate to the Lavant Street frontage building.
 - Previous approach to the site used architectural styles more traditional in form, which contrasted with modern architecture in the rest of the scheme.
 - A traditional approach has not been pursued and the submission has focussed on a contemporary proposal for the Lavant Street building. A more traditional approach would produce a better result.
 - Some significant improvements to the Lavant Street building have been achieved.
 - Concern about a lack of detail for architectural detailing of the ground floor.
 - Amendments have raised the quality of the architecture for the landmark function that is required on Lavant Street, but the architecture does not 'lift the spirits.'
- 4.13 **Housing (EHDC):** Objection.
- No affordable housing proposed, contrary to policy SD28.
 - Viability Appraisal needs to be independently assessed.
 - There is a lack of affordable 1 and 2 bed flats in Petersfield to meet housing need.
- 4.14 **Lead Flood Authority:** Objection pending further information on drainage calculations.
- 4.15 **Petersfield Town Council:** No objection.
- 4.16 **Refuse (EHDC):** No comments received.
- 4.17 **Southern Water:** No objection, subject to conditions.

5. Representations

- 5.1 5 representations have been received which comprise of 3 objections and 2 neutral responses. These representations are the result of a consultation exercise at the start of the application process and a subsequent re-consultation exercise following receipt of amended plans.

Objections

- Busy town with many new developments and at the weekend is at vehicle capacity with road infrastructure unable to cope with the volume of cars.
- Brownfield sites are a way to create affordable homes for people but do not see any affordable housing or benefits to the local community.
- Parking locally is at maximum capacity and abused by non-residents, which can also be dangerous to highway safety.
- Concern that visitors to the development may to have park elsewhere.
- Solution to local parking pressures could be to provide residents on Charles Street access to their rear gardens to build a parking space. This approach would support local community needs.
- Height of buildings would exceed the height of the current buildings.
- Height, orientation of the roofs and proximity of new building to rear garden boundary of Charles Street property would be overbearing and impact upon amenity including loss of sunlight within garden.

- Access between rear of new buildings and Charles Street gardens would create a thoroughfare and cause safety and security risks to existing property.
- Existing parking pressures on Charles Street could be exacerbated by the development.
- New office space could increase congestion from commuters who may drive to the site.
- Introducing a rear access for Charles Street properties would allow new off street private car parking areas (and provide potential for electric vehicle charging) and help to alleviate concern about the scale and proximity of the development to neighbouring property.
- Elevations do not 'fit' with the character of Petersfield.

2 neutral responses:

- Proposals do not replace the employment the former use provided.
- Near to railway line and main road and the residential use of the site isn't fully utilising the site as an economic resource.
- Intend to apply for a new hotel on the site.
- Request the development includes multiple integral nest sites for Swifts; swift bricks would be a permanent maintenance free biodiversity enhancer to support a declining bird species.

5.2 **Petersfield Society:** Objection.

- Loss of a substantial percentage of employment space, contrary to the PNDP.
- PNDP identifies a shortage of light industrial and small office units within Petersfield.
- Community overall is supportive of businesses and that a rich mix of small businesses should be a key feature of Petersfield.
- PNDP policies BP1 and BP2 respectively allocates the site for employment uses and seek to safeguard its use.
- PNDP policy BP6 supports the provision of affordable workshop space.
- SDNP policies SD35 and SD35 respectively seek to sustain the local economy and safeguard employment sites.
- Site has limited access which will become more restricted in time as the Lavant Street section of the PNDP shared space project is implemented.
- Will result in increased vehicular movements, which will impact surrounding roads from congestion and increased risk of accidents.
- Cumulative impact upon congestion on surrounding immediate roads, particularly around the railway station.
- Development will have a large negative impact upon the Conservation Area and Petersfield.

6. **Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan (SDLP) 2014-2033 and the Petersfield Neighbourhood Development Plan (PNDP) (2013-2028). 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 National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and revised 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 landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF) 2019

- 6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Building a strong competitive economy
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change.
- Conserving and enhancing the natural environment

Relationship of the Development Plan to the NPPF and Circular 2010

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

Legislation for Heritage Assets

- 6.6 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Major development

- 6.7 The proposed development does not constitute major development for the purposes of the NPPF and policy SD3 (Major Development) of the SDLP given its location and lack of significant adverse effect upon the National Park area.

The South Downs National Park Partnership Management Plan 2019-2025

- 6.8 Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant outcomes include: 1, 3, 9, and 10.

Other relevant guidance and evidence documents

- 6.9 Other relevant guidance includes:
- The Ecosystems Services Technical Advice Note 2019.
 - The Sustainable Construction Technical Advice Note 2019.
 - The Petersfield Town Design Statement 2010.

7. Planning Policy

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

- SD1: Sustainable Development

- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding views
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- 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
- SD35: Employment Land
- SD37: Development in Town and Village Centres
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD55: Contaminated Land

7.2 Whilst the PNDP must be read as whole, the following policies are relevant:

- HP2: Provide an appropriate mix of market housing
- HP6: Provide Affordable Housing
- HP8: Quality and layout of housing developments
- BEP1: The character, setting and quality of the town's built environment
- BEP2: The character of the conservation area
- BEP4: Shop fronts in conservation area
- BEP6: The Settlement Boundary
- BEP7: Sustainable and adaptable buildings
- GAP1: Provide pedestrian, cycle and mobility scooter access to the town centre from new developments
- BP1: Allocate sites specifically for employment use
- BP2: protect existing employment sites
- BP3: Encourage businesses to come to Petersfield
- RP1: Encourage new retail development in the town centre
- RP2: Maintaining an appropriate mix and balance of retail uses
- NEP7: Biodiversity, trees and woodlands
- NEP8: Flood risk and waterway enhancement

8. Planning Assessment

- 8.1 Petersfield is one of two market towns within the National Park which serve as economic and social hubs. Petersfield also has good road and rail links as well as a wide range of facilities and services. It's linked with the wider economy in East Hampshire District, within which approximately 60% of East Hants residents work in the district.
- 8.2 Employment sites, by their very nature, can be hard to replace. Determining the loss of these sites is taken looking at a relatively short period in their lifespan. Policies BP2 and

SD35 respectively require at least 6 months and up to 18 months marketing periods to determine the viability of and demand for these sites. Such an approach focusses on looking back at a site's viability and efforts to market it and whether it is fit for purpose, whilst there is other more general policy at the local and national level which supports the economy looking ahead.

- 8.3 These considerations are currently pertinent given the Covid-19 crisis. The impact on the economy is uncertain and whilst Petersfield has a reasonably buoyant economy, particularly in regard to the high occupancy rate of business premises, the viability of this site to remain as an employment site may worsen as well as its potential for a residential scheme. For the purposes of this application, the viability appraisals considered in the assessment pre-date the current crisis.

The principle of development

- 8.4 The existing industrial building has an established general industrial use (Use Class B2). The building on the Lavant Street frontage is a retail unit with offices above. In regard to the site's allocation, employment uses are those which fall within the B Use Class which are:
- B1 – offices, research and development, light industrial
 - B2 – General industrial
 - B8 – storage (warehouses) and distribution
- 8.5 The Site is within the Settlement Policy Boundary of Petersfield. It is an allocated employment site in the PNDP (policy BP1) which is a principal issue concerning its re-development. The purpose of this policy was to allocate sites which are important to the economy of Petersfield. Along with policy BP2, detailed below, the PNDP objectives encourage retaining existing employment areas and new growth. The PNDP does outline that there is a demand for better quality small scale office and serviced office space, which this scheme would provide and in a greater amount compared to the existing frontage building. It is noteworthy however that the Town Council have not objected to the scheme.
- 8.6 Policies BP2 and SD35 safeguard existing allocated employment sites, subject to considerations about whether they are fit for purpose and the outcome of a robust marketing campaign. The relevant marketing periods are 6 months and 18 months in each policy respectively. The longer 18 month period should take precedence given that the SDLP is a more recent Local Plan and greater weight is given to this policy. The marketing should also be undertaken based on the marketing requirements set out in appendix 3 of the SDLP. The onus is on applicants to demonstrate that there is no demand for the site for business uses.
- 8.7 The proposals do include new office space which also needs to be considered in the planning balance, as outlined below. Criteria no.2 of policy SD35 allows for the change of use of industrial premises and land for new offices, however, given the scheme is predominantly residential rather than a wholly commercial scheme this element of the policy has been given less weight compared to its other criteria relating to the safeguarding existing business use sites.
- 8.8 The policy supporting new housing needs to be balanced with the allocation of the site. The PNDP is supportive of new housing and allocates new sites to meet its need. Policy HP4 supports small scale 'windfall sites' within the built up area, subject to design considerations. Additionally, policies SD26 and SD27 support the provision of new homes and an appropriate mix of properties.
- 8.9 Regarding the existing retail unit, policy RPI has a presumption against the loss of existing ground floor premises with an A Use Class (retail, financial services, restaurant, takeaway) within the defined town centre, which this site is within. The submitted marketing information does not include this unit, but the loss of this modest retail unit within a much larger site would not be a sufficiently robust reason to justify a refusal on its own, given the considerations regarding the re-development of the site in this report.

Employment need

- 8.10 Policy SD34 offers broad support for fostering the economic and social wellbeing of local communities, in line with the National park duty, and supports the provision of new business enterprises. This proposal would offer new employment opportunities through the provision of new commercial floorspace and has the potential for more people to be employed than the existing industrial premises.
- 8.11 In regard to the supply of employment land, policy SD35 outlines an overall provision for new employment land of 5.3ha for new office space, 1.8ha for industrial and 3.2ha for small scale warehousing. Its supporting text outlines that this need is already being met through sites with extant permission, Neighbourhood Plan allocations (including this site) and the SDNP Local Plan allocations.
- 8.12 Policy BP3 encourages new business development, especially small office units and workshops. This originates from the view that the c.3ha of new employment sites would not fulfil demand over the lifetime of the PDNP, based on a 2014 employment land study, which suggested that 6ha worth of sites was needed. Based on the commentary in the PNDP, there is a need for new employment space.

Viability and marketing of the site in business use

- 8.13 The application is accompanied by a commercial viability report (CVR). It analyses the viability of re-developing the site for differing scenarios of offices, industrial and warehousing (B Class uses) re-development.
- 8.14 The analysis considers in more detail whether an industrial/warehouse use could be viable, taking into consideration an indicative site layout of various units to determine its scale and modelling its build and other costs, rental values/yields, marketing and void periods for example. The CVR does not model the viability of refurbishing the building on the basis that it considered it was unviable to retain due to its condition and indeed outlines that its structural defects in particular have previously been under estimated. A Structural Survey of the building provided to outlines its poor condition to the extent that it would be unviable for substantial investment to refurbish it.
- 8.15 East Hampshire District Council's (EHDC) Economic Development Service (EDS) object to the submitted appraisals due to inadequate evidence and justification to support the assumptions which have been used in the CVR. For example, no comparable data for the figures of freehold sales, rents and yields and further evidence relating to costs. Furthermore, EDS contend that the assessments have not been sufficiently 'sensitivity tested' whereby changes to inputs in the calculations (eg. yields, rental values, amount of floor space on site, mix of uses etc) are examined to see how these could determine whether business use re-development of the site is viable. Also, that there are no exceptional circumstances to justify its loss.
- 8.16 The CVR outlines that many assumptions used are taken from the SDNPA's own viability appraisals for determining its CIL charging scheme and updates the build costs data and contends that the re-development of the site is unviable, particularly with abnormal costs identified and its concerns regarding rental values of new units and other market factors.
- 8.17 The SDNPA's CIL assumptions and viability evidence can correctly be used to inform viability appraisals, which is outlined in the NPPF and national planning guidance. The SDNPA's evidence covers the whole National Park and it is not until viability is assessed on a site specific basis, within the context of Petersfield's market, that the viability of a site can be specifically assessed in much more detail.
- 8.18 Further viability information provided by the Applicant includes modelled differing specific development scenarios for this particular site, with varied amounts of new office and industrial floorspace. The scenarios have undergone sensitivity testing provided by the Applicant in regard to the financial assumptions used within them by inputting differing figures, like higher or lower rental values for example. This analysis has demonstrated that a commercial re-development scheme of either total office or industrial uses are unviable.

- 8.19 It is noteworthy to add that the financial assumptions used are before the Covid-19 crisis and it is likely that they represent an optimistic view of the current and future commercial market. The figures adopted for rents/yields, void periods for when premises are vacant for example will have worsened, which further exacerbates the viability of a wholly commercial scheme. Furthermore, demand for new floorspace may weaken through changes in future working practices, i.e more home working.
- 8.20 Ultimately, it is a balance between considering whether the viability information presented is acceptable or to give weight to the Economic Development Service's (EDS) concerns. Notwithstanding the comments received from EDS, the level of information and extent of analysis presented by the Applicants sufficiently convinces officers that the re-development of the site for a commercial scheme is not viable.
- 8.21 Furthermore, the EDS also state that no exceptional circumstances have been presented to justify the re-development of the site. Policies BP2 and SD35 do not include considerations relating to exceptional circumstances, but the viability information submitted, in any event, sufficiently justifies the viability of retaining it for business use purposes.

Marketing of the Site

- 8.22 Occupancy rates for business use premises in Petersfield have typically been high over recent years. Whilst this could be a sign of a buoyant market, it can also be due to lack of availability of new premises for businesses to move and expand to.
- 8.23 The marketing details for the site are included in the CVR and additional information has been provided in response to Officers concerns. This has been assessed in relation to SD35 and Appendix 3 of the SDLP. Firstly, whether the site is practically fit for purpose and an attractive site for a business to occupy is relevant. Unlike other industrial sites nearby (Bedford Road and Frenchmans Road), the site is relatively less accessible being partly within the town centre and adjacent to the railway station and its car park.
- 8.24 In addition, the siting and scale of its access, as well as on site turning space, limit accessibility for heavy good vehicles. The large industrial building also abuts neighbouring residential boundaries.
- 8.25 The Site is not as an attractive location for businesses compared to the other areas mentioned above (paragraphs 8.22 and 8.23). It should not be entirely discounted because of its location and its characteristics, but they are notable factors in attracting new investment and businesses. In addition, Lavant Street is subject to a PNDP aim to turn it into a more attractive shared space, linked to similar town centre proposals which, if delivered, will affect its accessibility further.
- 8.26 A robust campaign of at least 18 months needs to demonstrate that the site is no longer suitable for a business use. This would cover the period from April 2018 to October 2019 when the application was submitted as a minimum. During this period, the Local Plan was adopted but policy SD35 was referred to in pre-application discussions.
- 8.27 The marketing of the industrial building started in 2014. Following a dismissed Appeal in August 2016 concerning a residential scheme at Paris House, Frenchmans Road (a nearby PNDP allocated employment site), the marketing strategy changed with the freehold being marketed in addition to its leasehold. This was in response to the Inspector concluding that not marketing the freehold was a critical flaw. The marketing period between 2014 to August 2016 should therefore be discounted and is somewhat dated in any event.
- 8.28 Since August 2016, the site has continued to be marketed independently by the same commercial agent through a variety of means. The time up to April 2018 (the threshold for the minimum period of marketing in SD35) resulted in no offers apart from EHDC in June 2017. EHDC offered £1.025m in its then existing use and condition, which was based on an independent valuation. The offer was rejected and no reasons were provided to EHDC. They have stated that they are still interested in the site.
- 8.29 EHDC's offer was not too dissimilar to the valuation cited in the current Applicant's viability appraisal, however, limited weight has been given to it as it was 3 years ago and it is understood that there have been no further discussions between EHDC and the landowner

or any offers made. Marketing particulars from around August 2017 provided by EHDC show the site was also advertised with a guide price of £1.5m. This is notably higher than the existing use value of the site presented in the Applicant's viability appraisals and an independent valuation undertaken by EHDC. At that time, the site appears to have been marketed on unrealistic terms given this guide price. In which case, the marketing of late 2017 is not sufficiently robust.

- 8.30 The minimum marketing period in relation to SD35 would be from April 2018 and it is a matter of judgement regarding how far back from then that the marketing needs to be scrutinised. Since the Applicant's involvement in the Site in 2018, based on all of the information now provided a reasonably well outlined marketing campaign has been undertaken. This has been assessed against the marketing requirements in Appendix 3 of the SDLP as outlined below.
- 8.31 Appendix 3 advises that a variety of media and outlets to attract potential interest should be used in order to demonstrate a sustained marketing effort. The criteria from Appendix 3 are cited in the table below, alongside Officer's comments to summarise how they have been addressed.

Appendix 3 Criteria	Officer comment
Property details made available through a minimum of one local professionally accredited agent with a specialism in the type of relevant use	Holloway, Iliffe and Mitchell were instructed in 2014 and have continued to be the marketing agent.
The property sales particulars should include basic site information and terms of sale (leasehold/freehold)	Undertaken (particulars appended to CVR).
A copy of the dated letter of instruction to the commercial agent and dated copies of the agent's property details.	Letter of instruction provided, which dates from 2014, and property particulars appended to CVR are dated 5 th July 2018.
On site/premises marketing boards in place throughout the period the property has been marketed.	Photograph of sales board referred to in CVR but missing in appendix. Notwithstanding, officer is aware that historically there has been an advertising board, albeit it was moved further into the site.
Targeted mailshot or email to a list of potential purchasers agreed with the Authority.	Sent to other commercial agents and those on the agent's 'enquiries list.' Advised that the site has been included in periodical mailshots by the Agent.
Web-based marketing through a prominent location on the appointed commercial agent's website and other relevant search engines.	12 websites in total cited (including the agent's) where the site is marketed. 2 should be discounted as their use ended in 2016/17.

- 8.32 Appendix 3 requires evidence to show that the site has been marketed on realistic terms. i.e - a price and terms commensurate with market values for the existing use. It has been contended that a sale or leasehold value was not advertised during the latest marketing campaign so as not to put off any interested parties. This is a reasonable approach.
- 8.33 Information about the marketing originally lacked evidence and in particular dates to outline that a sustained campaign has been undertaken over the 18 month period. Further dated

information provided shows a clearer timeline of marketing efforts, with the freehold and leasehold being advertised, including more detail about enquiries and when these were received.

- 8.34 The marketing efforts have included the use of 10 websites over the 18 months, including the Estates Gazette, and there have been periodical mail shots of the Site's details to the commercial agent's mailing list totalling c.500 recipients. These are two key means for advertising a site. This resulted in 21 enquiries, 4 of which relate to employment uses, and no offers have been made.

Conclusion in relation to marketing

- 8.35 Having considered the information provided, it has been sufficiently demonstrated that the site is not fit for purpose and that there is not a strong likelihood of the site being retained or re-developed for business uses, through a robust marketing campaign.

The proposed housing

- 8.36 As above, there is support for new housing and to maximise the re-use of brownfield land in both the Development Plan and the NPPF. In regard to housing need, the PNDP outlines a requirement of a minimum of 700 new dwellings over the PNDP period and allocates various sites (policy HPI). A number of large allocated sites have either been built or benefit from planning permission. The National Park as a whole can also demonstrate a 5 year housing land supply, albeit this is not a significant consideration compared to areas outside of the National Park. This application would be a windfall site in terms of new housing provision.
- 8.37 There is demand for new housing and this scheme would deliver 1 and 2 bed flats, which there is a need for in Petersfield, including affordable housing as outlined by EHDC's Housing Officer. In this regard, the scheme would improve the existing housing stock in Petersfield particularly given many of the allocated housing sites have delivered more family homes than smaller dwellings. Smaller dwellings would, therefore, be a social benefit to Petersfield. Whilst the proposed mix does not explicitly follow policy SD27 (which requires schemes to deliver 50% 1 and 1 beds) or HP2, for the reasons above and in the context of making efficient use of brownfield sites in sustainable locations this mix is acceptable. The mix of smaller dwellings may also aid the viability of the site, particularly in regard to proposing to deliver new office accommodation which, given comments on the commercial viability of B class uses, may be less valuable development.
- 8.38 A residential scheme on this site could also create a better relationship with surrounding residential uses compared to the existing industrial site and the merits of the design are considered below.

Affordable Housing

- 8.39 Bruton Knowles, on behalf of the SDNPA, have independently assessed the viability appraisal submitted with the scheme. The independent appraisal has considered the benchmark land value (BLV) and the Residual Land Value (RLV). The BLV is determined by an assessment of the existing use value of the site, plus a premium for the landowner for selling the land. The RLV is the value of the development minus costs and accounting for a profit. The difference between BLV and RLV determines what a scheme could achieve in regard to contributions including affordable housing.
- 8.40 There have been differences in opinion centring on the existing use value (EUV) but the RLV is greatly affected by significant costs including abnormal costs of clearance and remediation given previous uses. Bruton Knowles' conclusions are consequently that a policy compliant scheme (i.e 50% affordable housing) is not achievable and that only 3 affordable units could be delivered. At the lower end of the Applicant's profit expectation (15%), the scheme could provide these units in line with the SDNP Authority's preferred mix (2 x Affordable Rent 1 x Shared Ownership). However, at the higher end developer's profit expectation (17.5%) the Proposed Development is at the margin of viability with a tenure of 2 x shared ownership units and 1 x affordable rent unit.

- 8.41 For further comparison, the VA submitted with the previous 2015 application was independently assessed by the District Valuer Service which concluded that it could not provide any affordable housing. Furthermore, the case officer has also reviewed the Local Plan and Affordable Housing Viability Assessment (2017) which underpins policy SD28. This does not provide significantly contradictory analysis which would suggest inputs in the VA for the current scheme are unreasonable.
- 8.42 The site is in a highly sustainable location and not significantly contributing to affordable housing need is disappointing given that it is based on current viability inputs. Officers have sought to scrutinise the VA for this scheme and, on balance, a contribution of three units on site is accepted as the viable proposition. The Applicant has confirmed that they will provide the 3 affordable units as no.1 bed properties.

The proposed layout

- 8.43 The layout seeks to maximise the use of the site. This is supported given its highly sustainable location. The layout has sought to achieve a balance between the scale of development and the amount of amenity space.
- 8.44 Siting the Lavant Street building on the footprint of the existing building and retaining the access is an acceptable approach. Further into the site, the proposed building immediately behind the frontage would comfortably 'sit' within the site and retain acceptable distances from neighbouring properties and respect their amenity through an appropriate scale, massing, orientation and fenestration.
- 8.45 The largest proposed building would be sited on the footprint of the existing industrial building. It is sited close to the rear gardens of Charles Street properties but this is an acceptable approach for a number of reasons. These are that neighbouring properties have very long rear gardens with mature planting, the proposed building largely reflects the heights of the existing industrial building, apart from the gable ends, and by virtue of its architecture, scale, massing, and fenestration would improve the outlook from these dwellings and would not compromise their private amenities. The siting of this building also allows for a better public realm within the site. Additionally, it would also provide good separation from the adjacent car park. Overall, the heights, massing and scale of the buildings are acceptable and make best use of the site and its topography, without significantly impacting upon adjacent properties.
- 8.46 The Design Officer raised a concern that given the amount of public and private amenity space, the public areas need to be of a high quality design. By maximising the number of flats the amenity space is consequently reduced, but the site is in a town centre location and the spaces around the buildings have been well designed so as not to appear dominated by cars. The central space adjacent to the Charles Street access would be more as a shared space rather than purely serving as access. The elevations of the proposed buildings on either side of this space include balconies to create 'active' frontages and natural surveillance. The proposed landscaped courtyard and amenity space next to the stream at the western end of the site would provide further amenity for residents, with balconies looking out onto it. The amount of amenity space is considered to be acceptable and the quality of materials and planting for these areas could be addressed via planning conditions in order to address the Design Officer's concern about the quality of these spaces.

The Conservation Area and proposed architecture

- 8.47 In regard to the designation of the Conservation Area, it extends out from the historic core of the town around The Square to include Lavant Street. This street was developed with residential properties and shops from c.1880s onwards after the construction of the station. The Conservation Area Character Appraisal (2017) identifies the Station as a focal point and a positive listed building at the end of Lavant Street. Many of the later 19th and early 20th Century properties on the southern side (same side as the site) are identified as high quality examples which retain their original materials and details, particularly their shop fronts, make apposite contribution to the character and appearance of the conservation area.

- 8.48 It also highlights that the character of Lavant Street includes various detailing around windows, red brick facades, tile hanging, render, gables fronting onto the road, dormer windows and closer to the station older properties 'step up' in height, which contribute to its character. The Appraisal also highlights that more modern unsympathetic development close to the station as well as other later materials evident on the more historic buildings detract from its character and appearance.
- 8.49 The architecture of the proposed frontage building would not be of an excessive height in the context of the attached adjacent property and the street scene. It would not interrupt the long view of the Station from the southern end of Lavant Street, given its scale and siting on the existing building line. It would also not have an imposing relationship with the Station given the change in levels and that the station has a 3 storey element.
- 8.50 The Conservation Area Character Appraisal identifies the modern buildings near to the station are of a poor quality. In contrast, the proposed building would reflect traditional forms and have a characterful architecture in terms of its detailing and features, including English Bond brick work. These characteristics are evident in the conservation area. A notable difference are the proposed aluminium windows which would be in keeping with the proposed contemporary style but are less characteristic of Lavant Street. Sash windows are notable within Lavant Street, primarily on the more original buildings, but there are examples of unsympathetic UPVC windows. Given the contemporary building proposed, it is better to propose a contemporary fenestration than replicate more traditional windows which is an acceptable approach.
- 8.51 Of key concern are the design and conservation officers' views on the treatment of the ground floor elevations. Within Lavant Street there is a predominance of shopfronts with a variety of detailing, materials, and proportions. The proposed building would introduce large openings for new glazing to reflect the shop front character. Limited details have been provided for the detailing of window frames, cills and brick detailing around them. In the event planning permission is granted, a suitably worded condition could require additional details to be provided for the ground floor frontages around the windows to ensure that appropriate detailing contributes to the building and the character and appearance of the streetscene.
- 8.52 The architecture of the other buildings proposed is more simplistic with its gabled and flat roof forms and does not incorporate a wealth of features and detailing. However, its simple forms and features do create a coherent scheme that is not overly fussy or competes with the frontage building which needs to be more of a landmark building. The proposed balconies would also add visual interest to the building. Good quality materials would also help to 'lift' the building and the predominant red brick for the elevations would be characteristic of Petersfield. In light of these considerations, the scheme would also respect the setting of the conservation area.
- 8.53 In light of the above considerations, the scheme is considered to preserve would preserve and enhance the character and appearance of the conservation area. The design would also be an attractive addition to the street scene, which is an important consideration in light of a PNDD aspiration to create a new shared surface along Lavant Street.

Sustainable construction

- 8.54 In regard to the Design Officer's objections about the sustainability of the scheme, concerns have been raised about materials, how green infrastructure (including green roofs) could be realised to deliver a scheme which enhances biodiversity as well as helps to manage surface water (i.e its multi-functional), and that these matters should be resolved prior to the determination of the application. Furthermore, that no renewable technologies are proposed. These aspects are included in the Sustainable Construction Technical Advice Note (TAN).
- 8.55 The scheme would meet the energy and water efficiency requirements of SD48 and the TAN in regard to the fabric of the buildings. It would also incorporate electric vehicle charging points. Regarding the concerns about renewable technologies, condition 12 is proposed to address this.

- 8.56 In respect of green infrastructure and surface water drainage, details have been provided which could be developed and considered further via planning conditions and, similarly, for ecological enhancements. This could include enhancements of the banks and watercourse alongside the southern end of the site, with appropriate planting in this area to encourage wildlife and manage any surface water flooding. Large areas of permeable paving and a modest sized rain water garden on the north-west boundary are also proposed which could be considered further via the planning conditions.

Eco-systems Services and biodiversity

- 8.57 The scheme would not impact upon any trees proposed to be retained. The landscape scheme, via condition, could contribute to enhancing biodiversity (see paragraph 8.55). Condition no.6 also requires the enhancements outlined in the submitted ecological report to be secured, which relate to provision of roosts for bats and birds, including for Swifts which was raised in a representation.

Access and parking

- 8.58 Development Plan policies seek to ensure that new developments provide adequate off-street parking provision. One space per dwelling and the provision of parking for the office space is considered acceptable in this location. The Highways Authority has not objected to this provision on highway safety grounds or the use of the existing access.

Impact on amenity of local residents

- 8.59 An objection raises concerns regard the design of the scheme, notably the height, orientation and siting of buildings and proximity to the rear garden boundaries of properties facing onto Charles Street. Given the long rear gardens of these adjacent properties and the scale, massing, orientation and fenestration (with some obscure glazed rear windows) of the buildings there is not considered to be a significant impact upon the amenities of these neighbouring properties. Also, with the site being to the north of them there is not a significant issue in regard to overshadowing of their rear gardens. The scheme also includes sufficient access and an acceptable amount of parking, would be in a location which would not cause significant impacts upon neighbouring properties.

Drainage and flood risk

- 8.60 The drainage engineer and Southern Water have not raised an objection in principle. The Lead Flood Authority have objected on the grounds of a lack of drainage calculations having been provided. This issue could, however, be considered via a planning condition relating to further details of the surface water drainage scheme.

Pollution

- 8.61 Environmental Health have not raised concerns in regard to ground contamination or other pollution, subject to conditions. The Environment agency has also not objected, subject to conditions.

9. Conclusion

- 9.1 The application submission has, on balance, satisfactorily demonstrated that the loss of the employment site is acceptable in principle through extensive viability appraisals and marketing, which has been scrutinised.
- 9.2 Regarding affordable housing, a submitted Viability Appraisal has been independently assessed by Bruton Knowles. They have concluded that 3 of the flats could be an affordable tenure which the Applicant has agreed to provide. On balance, the affordable housing provision is acceptable albeit a claw back clause would be included in any S106 agreement in regard to the re-consideration of viability at a later stage.
- 9.3 The proposed design is considered acceptable in terms of its siting, scale and architectural approach, which would also preserve and enhance the character and appearance of the conservation area and not cause significant impact upon neighbouring amenities. Furthermore, the buildings would comply with policy SD48 insofar as energy and water efficiency and further aspects outlined in this report (eg. materials, landscaping, renewable

technologies) are proposed to be addressed further via the conditions outlined below.

10. Reason for Recommendation and Conditions

10.1 The application is recommended for approval, subject to:

- 1) The completion of a S106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure the following:
 - Provision of 3 on-site affordable units.
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 11 June 2020.
- 3) The conditions as set out below.

Planning Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Use

3. The floor space within the frontage building onto Lavant Street annotated as 'commercial space' on plans PP1263-120-03-P4 and PP1263-120-04-P4 shall only be used as office accommodation as defined by Use Class B1(a) of the Use Classes Order 1987 (as amended) and for no other use whatsoever unless otherwise agreed by the Local Planning Authority.

Reason: To provide new business use floor space in accordance with the proposals.

Materials

4. No development above slab level shall be commenced unless and until a schedule of materials and samples of such materials, finishes and colours to be used for external walls, windows and doors, roofs, and rainwater goods of the proposed buildings, have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to those approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.

Landscaping, ecology and trees

5. No development above slab level shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a. Written specifications (including cultivation and other operations associated with plant and grass establishment;
 - b. Planting methods, tree pits & guying methods;
 - c. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - d. Retained areas of trees and hedgerows;
 - e. Manner and treatment of existing frontage ditches and ha-ha feature;

- f. Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting.
- g. Details of the siting, specifications and management of the Sustainable Urban Drainage systems.
- h. A landscape schedule for a minimum period of 5 years including details of the arrangements for its implementation;
- i. A timetable for implementation of the soft and hard landscaping works.
- j. A landscape plan with services shown.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.

- 6. The Development shall proceed in accordance with the measures relating to bid and bats detailed in section 6.4 'Enhancements' of the Ecological Appraisal report by WYG (January 2020). Thereafter, the provisions outlined for bats and birds shall be permanently retained and maintained in accordance with the approved details. The grassland planting and its management cited in section 6.4 of the report shall be subject to the details agreed in condition 4.

Reason: To ensure a net gain in biodiversity on the site.

- 7. No development above slab level shall take place until a site-wide detailed Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of: measures to retain existing boundary features; long term objectives and management responsibilities and regime of the landscape scheme; measures to enhance ecology through the provision of landscape species. The measures shall thereafter be implemented in accordance with the approved details.

Reason: To conserve and enhance flora and fauna

- 8. No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. These details shall accord with British Standard BS5837:2012 and include the routes of services and their installation. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To conserve trees which are to be retained.

Dark night skies

- 9. No development shall commence above slab level until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the type and location of all external lighting to be installed throughout the site. All external lighting on the dwellings shall be restricted to down lighters that do not exceed 1000 lumens, which shall be designed and shielded to minimise upwards light spillage.

Reason: To conserve dark night skies.

Ground floor fenestration and detailing

- 10. No development shall commence until further details of the ground floor windows and surrounding brickwork of the building fronting onto Lavant Street have been provided. These details shall include 1:20 scaled plans and sections of the window frames, details of cills, and further architectural detailing around windows to reflect the shop front character of buildings within Lavant Street.

Reason: to ensure that appropriate detailing contributes to the building and the character and appearance of the street scene.

Levels

11. No development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved in writing by the Local Planning Authority. These shall show how the buildings are proposed to be set into the topography of the site, in comparison to existing levels.

Reason: To ensure a satisfactory development which responds to the characteristics of the site.

Sustainable Construction

12. No development above slab level shall commence until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will achieve a minimum 19% improvement over the 2013 Building Regulations Part L Dwelling Emission Rate (DER)/Target Emission Rate (TER), a further 20% reduction in CO2 emissions through the use of renewable sources and a maximum of 110 litres/person/day internal water use in the form of a design stage SAP calculations and a water efficiency calculator, unless otherwise agreed in writing by the Local Planning Authority. The dwellings shall thereafter be constructed in accordance with these details.

Reason: To ensure the development has minimised its overall demand for resources and addresses climate change mitigation.

Drainage

13. No development shall commence until a detailed sustainable surface water drainage scheme, including a Management Plan detailing its future management and maintenance, has been submitted to and approved in writing by the Local Planning Authority. The details provided shall include hydraulic calculations for all rainfall events (1 in 1, 1 in 30 and 1 in 100 year events (plus 40% climate change allowance)) and the results to include design and simulation criteria, network design and results tables, and manholes schedule tables. The scheme shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory provision of surface water drainage.

14. No development shall commence until a detailed drainage scheme for the means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority. These details shall include drainage calculations and a Management and Maintenance Plan. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the drainage system has been implemented in accordance with the approved details.

Reason: To ensure satisfactory provision of foul water drainage.

Parking

15. Prior to the development being brought into use, the parking provision shall have been made in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site parking is provided.

Construction Management Plan

16. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i) An indicative programme for carrying out of the works;
- ii) Method Statement for the demolition and construction work;

- iii) The arrangements for public consultation and liaison during the construction works;
- iv) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
- v) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- vi) The parking of vehicles of site operatives and visitors;
- vii) Loading and unloading of plant and materials;
- viii) Storage of plant and materials used in constructing the development;
- ix) The erection and maintenance of security hoarding, where appropriate;
- x) Wheel washing facilities;
- xi) Measures to control the emission of dust and dirt during construction;
- xii) A scheme for recycling/disposing of waste, including spoil, resulting from demolition and construction works;
- xiii) Protection of pedestrian routes during construction;
- xiv) Provision for storage, collection and disposal of rubbish;
- xv) Any Re-use of on-site material and spoil arising from site clearance and demolition work.
- xvi) Working hours.

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

Contamination

17. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) a scheme outlining a site investigation and risk assessment designed to assess the nature and extent of any contamination on the site.
- b) a written report of the findings which includes details of all previous uses; a description of the extent, scale and nature of contamination; a conceptual model of the site indicating sources, pathways and receptors and an assessment of all potential risks to known receptors including any off site; identification of all pollutant linkages; any potentially unacceptable risks arising from contamination, and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site.

And (unless otherwise first agreed in writing by the Local Planning Authority)

- c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages.

The above reports should be completed by a competent person, as stipulated in the National Planning Policy Framework, Annex 2, and site works should be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and BS10175:2011 Investigation of potentially contaminated sites - Code of practice.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite receptors.

18. Before any part of the development is first occupied or brought into use (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the completion and effectiveness of the remediation works carried out, including any future monitoring of pollution linkages, maintenance and contingency actions, and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Local Planning Authority. The verification report and completion certificate shall be submitted in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

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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email: richard.ferguson@southdowns.gov.uk

Appendices I. Site Location Map

SDNPA Legal Services, Development Manager.

Consultees

Background Documents

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

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs National Park Partnership Management Plan 2019

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

South Downs Integrated Landscape Character Assessment 2005 and 2011

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

South Downs Local Plan 2019

https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

Petersfield Neighbourhood Development Plan 2013-2028

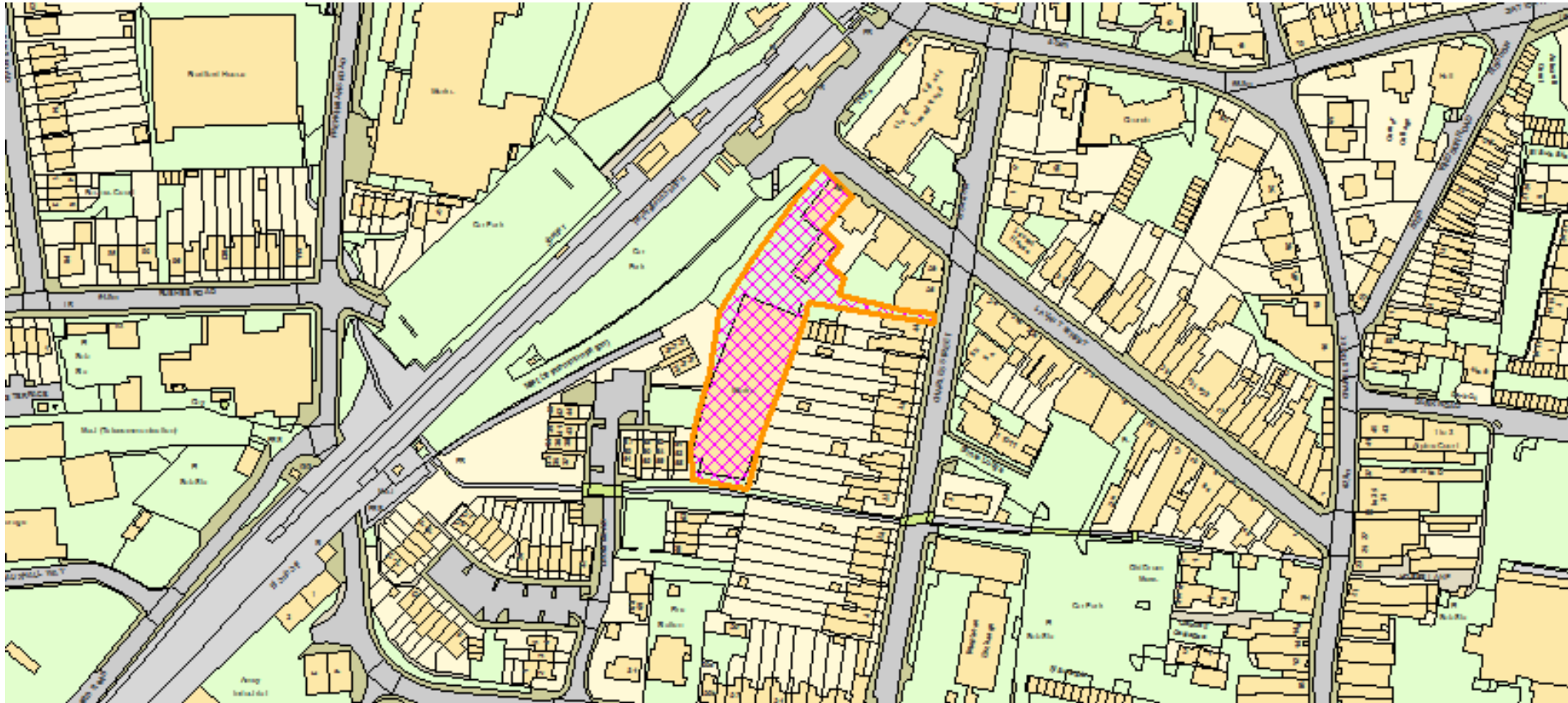
<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/lavant-neighbourhood-plan/>

Sustainable Construction Technical Advice Note

<https://www.southdowns.gov.uk/planning/supplementary-documents/>

Site Location Map

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Report to	Planning Committee
Date	11 June 2020
By	Director of Planning
Local Authority	Arun District Council
Application Number	SDNP/19/02919/FUL
Applicant	Mrs A Gifford
Application	Hybrid application comprising: (1) Full planning application for the replacement of an existing dwelling, haybarn, erection of new stable yard with ancillary groom's accommodation, a new unit of holiday accommodation and relocation and enlargement of existing manege. (2) Outline planning application for the redevelopment of the existing stable yard with 2 no. dwellings and garages.
Address	Soldiers Field Stables, Soldiers Field Lane, Findon, BN14 0SH.

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

Executive Summary

The application site is immediately outside the settlement policy boundary of Findon, on the edge of the village, and therefore subject to more restrictive policies of constraint in relation to new development. The site is also within a highly sensitive location in terms of landscape character and public views. The southern part of the site has been the subject of an extensive planning history for over ten years which includes previous approvals for similar development. The most recent approval in 2015 included a replacement dwelling, stables, a storage barn, 1 holiday cottage and a new large dwelling. A material start has been made on site and that permission therefore remains extant. It is also noteworthy that permission was granted by Arun District Council in 2012 for 2no new dwellings and 3no holiday cottages in addition to the replacement dwelling, stables and barn, within the southern part of the application site.

Planning permission was refused by the SDNPA Planning Committee in 2018 for a development which comprised 3no new dwellings, in addition to the replacement dwelling, stables, manege and storage barn, which encroached into open undeveloped land.

There is an established principle of some form of equestrian and residential development within part of the site (with the fact that the most recent approval could still be completed). Landscape, visual impact and ecological concerns raised in previous reasons for refusal have been successfully addressed in the current revised development proposal after significant discussions and meetings with the applicant. This is due to a reduced amount of residential development and significant amendments to the layout, siting, scale and landscaping of previous proposals, which result in a landscape-led design that enhances the edge of the village. The application is therefore recommended for approval.

The application is placed before the Committee due to consideration of the previous scheme and the level of local interest.

I. Site Description

- I.1 The application site is located on the eastern side of Soldier's Field Lane. The site comprises of an existing equestrian complex including stable buildings and barns on the southern part of the site, an existing dwelling in the north-eastern corner of the existing yard in the central part of the site, a barn immediately to the north of the dwelling and a manege to the west. To the north of the barn and manege the land opens out into paddocks, which are currently used for grazing. The land levels drop from the northern end of the site to the south. The site itself is accessed off Soldier's Field Lane in the south-western corner. This area of Findon is characterised by its distinguished equestrian and semi-rural character.
- I.2 Most of the buildings on site are single-storey although the aforementioned barn is a two-storey structure. The site was formerly used in conjunction with the race horse business at the Downs Yard to the north but the stables have subsequently fallen into disrepair. Some of the stables are however still in use for training horses.
- I.3 The Settlement Policy Boundary of Findon is located immediately to the west of the application site, which predominantly includes large two-storey detached dwellings that back on to the application site. These dwellings form part of a relatively new housing estate. However, there is also an intervening public footpath (no. 2085) that immediately adjoins the western boundary of the site. This footpath runs in a north to south direction along the entire length of the western site boundary. The western boundary comprises of high walls on the southern part of the site with intermittent sections of hedgerow at the northern end.
- I.4 The large detached two-storey residential property to the south is named Soldiers Field House, which is sited within substantial grounds. Soldiers Field House is an allocated site for residential development (10 to 12 dwellings) in Policy SD70 South Downs Local Plan 2014-2033.
- I.5 The eastern site boundary is bounded by fields used for the grazing of horses with open views over to Cissbury Ring further to the east.
- I.6 To the north of the site is Pony Farm and its associated pony paddocks, which run down to the northern site boundary of the application site. The northern site boundary comprises a row of existing mature trees that are the subject of a Tree Preservation Order (TPO).

2. Relevant Planning History

- 2.1 SDNP/18/01289/FUL Hybrid application comprising: Full planning application for the replacement of an existing dwelling, erection of new stable yard with ancillary groom's accommodation, hay barn, a new unit of holiday accommodation and relocation and enlargement of existing manege. Outline planning application for the redevelopment of the existing stable yard with 3 no. dwellings and garages. Officer Report and Layout Plan attached at **Appendix 3**. Application refused by SDNPA Planning Committee on 13.09.2018 for the following reasons:

Equestrian development: harm to landscape character and views

- The proposed equestrian development on the northern part of the site, by reason of the siting, height and scale of the hay barn together with the stable building, would have an unacceptable and unsustainable impact on the character of the landscape. These proposals would also negatively impact on the enjoyment of users of the public right of way to the west, and would impact on views from Cissbury Ring looking towards the application site. In addition, it has not been demonstrated that the proposed parking is sufficient for the purposes of the equestrian enterprise and therefore it is considered that the proposals would have an urbanising impact by virtue of informal parking in this sensitive rural location. The proposals would not therefore conserve and enhance the National Park landscape, contrary to saved policies GEN 3 and GEN 7 of the Arun District Local Plan (2003), policy HD7 of the Findon Neighbourhood Development Plan 2016, policies SD4, SD5, SD20 and SD22 of the Submission Version of the South Downs Local Plan, the revised National Planning Policy Framework (2018) and Purposes of a

National Park.

Residential development outside settlement and impact to landscape

- The proposed provision of three open market dwellings outside of the defined settlement policy boundary of Findon would result in an unjustified and unsustainable form of residential development in designated countryside which would not conserve or enhance the National Park landscape by virtue of its siting, scale and design. The proposals are therefore contrary to saved policy GEN 3 and GEN 7 of the Arun District Local Plan (2003), policies SD25, and SD29 of the Submission Version of the South Downs Local Plan, the revised National Planning Policy Framework (2018), the SDNPA's SHMA (2015) and the Duty of a National Park.

Insufficient ecological information

- Insufficient information has been provided to satisfactorily demonstrate that there would not be harmful ecological impacts caused to protected species including reptiles, bats and owls in particular from the proposed development at the site and how this could be appropriately mitigated. In the absence of sufficient information, the proposal is contrary to saved policies GEN7 and GEN29 of the Arun District Local Plan (2003), emerging policies SD2 and SD9 of the Submission Version of the South Downs Local Plan, the revised National Planning Policy Framework (2018) and the first Purpose of a National Park.

- 2.2 SDNP/18/03708/DCOND: Discharge of condition 3 (schedule of materials) on planning consent SDNP/15/01361/FUL. Condition discharged on 26.07.2018.
- 2.3 SDNP/18/03819/DCOND: Discharge of conditions 4 (biodiversity enhancements) and 5 (hard and soft landscaping) on planning consent SDNP/15/01361/FUL. Conditions discharged on 06.08.2018.
- 2.4 SDNP/16/01552/PRE: Pre-application advice for a replacement dwelling, a new 2 bed holiday let and the erection of 3no. new open market dwellings on the site of the former racing stable yard. A new stable building comprising 15 stables, new grooms accommodation and a hay store in addition to a new relocated manege on the land to the north of the existing stables. Response provided 20.06.2016.
- 2.5 SDNP/15/01361/FUL: Regeneration of dilapidated stable yard and associated buildings comprising holiday cottage and one new dwelling together with replacement dwelling and ancillary stables and storage barn. Permission granted on 07.08.2015. A material start has been made on site. This permission therefore remains extant. (Officer Report and Layout Plan attached at **Appendix 2**).
- 2.6 SDNP/12/02445/FUL: Regeneration of dilapidated stable yard and associated buildings comprising of three holiday lodges and one new dwelling together with a replacement dwelling and ancillary stables, storage barn and detached garage. Application refused.
- 2.7 FN/11/12: Regeneration of dilapidated stable yard and associated buildings, comprising 1no. holiday cottage and one new dwelling together with replacement dwelling and ancillary stable yard and storage barn. Revisions to previous applications FN/37/09 and FN/36/11. Revised vehicular access arrangements to provide separate access to the stables as permitted under FN/36/11. Permission granted.
- 2.8 FN/36/11: Regeneration of dilapidated stable yard and associated buildings, comprising 1no. holiday cottage, 2no. new dwellings together with replacement dwelling and ancillary stable yard and storage barn as previously permitted under FN/37/09 to include revised vehicular access arrangements to provide separate access for the stables – amendment to refusal FN/83/10. Permission granted.
- 2.9 FN/83/10: Regeneration of dilapidated stable yard and associated buildings comprising 3no. holiday cottages and new residential dwelling together with replacement dwelling and ancillary stable yard and storage barn as previously permitted under FN/37/09 in lieu of 2no. detached dwellings and to include revised vehicular access arrangements to provide separate

access for the stables. Permission refused.

- 2.10 FN/37/09: Regeneration of dilapidated stable yard and associated buildings comprising replacement dwelling with ancillary stable yard and storage barn, 3no. holiday cottages and 2no. residential dwellings. Permission granted.

- 2.11 FN/74/04: Demolition of a 6 bedroom detached dwelling and 1,605 square metres of commercial buildings and the erection of 4no. detached dwellings. Permission refused.

3. Proposal

- 3.1 The hybrid application seeks:

- 1) Full planning permission for the replacement of an existing dwelling, hay barn, erection of new stable yard with ancillary groom's accommodation, a new unit of holiday accommodation and relocation and enlargement of existing manege/horse arena.
- 2) Outline planning permission for the redevelopment of the existing stable yard with 2no. open market dwellings and garages. Detailed matters regarding means of access, layout, scale and landscaping are subject to consideration on this application, whilst details of appearance would be subject to consideration via a reserved matters application should outline planning permission be granted.

- 3.2 The existing vehicular access to the site would be retained and it is understood that the new open market dwellings within the outline planning application have been included to fund the new replacement dwelling, stable yard and horse arena.

- 3.3 The daughter of the applicant took over Soldier's Field Stables and currently lives in the former groom's accommodation on site. Of the 70 stables on site, only 28 are currently in use and this is understood to be because the current facilities are poor and outdated. The site currently accommodates 28 horses, some of which are in training for clients. The overall aspiration for the site is to provide modern equestrian facilities to allow all year round training to train horses to an Olympic standard.

- 3.4 All of the previous approvals, including the extant permission, relate to the redevelopment of the southern part of the site where the stables and existing dwelling are sited, thereby retaining the northern paddocks. The current application also includes the development of further land to the north, making the overall site area larger under the current application (1.28 hectares). The development of the northern part of the site is predominantly for the equestrian business, including the manege, stables and hay barn, whilst the development of the southern half of the site is mostly residential.

- 3.5 A development proposal which included an additional dwelling, was refused by the SDNPA Planning Committee in September 2018. Since then the proposal has evolved and negotiated with officers in an effort to successfully address Members concerns, the reasons for refusal and adapt the scheme to the policy requirements of the Development Plan.

4. Consultations

- 4.1 **Findon Parish Council:** Objection.

- Findon Parish Council (FPC) initially objected to the application and they raised several concerns, which have remained during the subsequent round of consultation. The last consultation response raised the following concerns:
 - In conflict with the SDNP purpose to conserve and enhance the natural beauty, wildlife and cultural heritage.
 - In conflict with core objective 4.2 of the Findon Neighbourhood Development Plan 2016-2035 (FNDP) to conserve and protect views of the surrounding countryside from and to the village.
 - Outside the settlement boundary and in a sensitive edge of settlement.
 - No evidence warrants the site to be treated as an exception under Policies SD23, SD25 and SD29 of the South Downs Local Plan 2014-2033 (SDLP) and FNDP

community aspirations.

- In conflict with Policies SD1 (Sustainable Development), SD6 (Safeguarding Views), SD7 (Relative Tranquillity) and SD27 (Mix of Homes) SDLP. It does not meet all criteria of Policy SD24 SDLP.
- Loss of amenity to neighbouring residential properties relating to noise and odours from sand school and stables.
- Loss of view and light from public footpath.
- Hay barn to be highly visible.
- Development should be restricted to the southern part of the site which would be consistent with the justification that brought the extant consent gained in 2015.
- The site was not identified in the SDNP and FNDP as suitable for housing allocation.
- Two open market dwellings conflict with Policy 5.7 FNDP, which seeks to ensure that new dwellings contribute towards any local connection, smaller and lower cost, affordable homes.
- Use of weatherboarding and brick is in conflict with Policy HD7 FNDP.
- FNDP seeks to conserve or enhance the horseracing training local heritage in Findon, but not at the cost of local landscape harm at the settlement edge or new residential development outside the settlement boundary.
- Parking provision is a major concern. It is unrealistic to suppose that residents of the proposed dwellings would have just one car per dwelling and no visitors.
- The change to siting of the access road could result in fencing being erected in gardens backing onto the footpath.
- Parish Council have not commented on cycles, bins, electric vehicles (EV) charging points, external lighting, rainwater harvesting, SUDs, manure management, as these details are not shown on plans.
- Parish Council raised concern with a perceived lack of transparency in SDNPA negotiations with the applicant and the short time for the Parish Council to comment on the latest revisions.
- FPC refers to the objection letter (July 2019) and the refusal decision (September 2018), and state that although some aspects have been amended, the grounds for refusal remain relevant.
- FPC would expect robust conditions to be applied should planning permission be granted.

4.2 **Design Officer:** No objection, subject to conditions.

- Layout design and siting of buildings are acceptable in design terms.
- Concern raised with garages, as their introduction in a rural setting should be carefully considered. Similarly, the use of weatherboarding is questioned, especially in the main house. Materials should contribute to a hierarchy of buildings.
- Conditions are suggested to protect design quality.

4.3 **Landscape Officer:** No objection

- The site is identified as being in poor condition in terms of landscape character and the presence of visually intrusive elements which draw the eye in long distance views and undermine the open nature of the chalk downland.
- The development of this site offers significant opportunity to address this poor condition settlement edge.

- The site is subject to an extant permission for residential units.
- Officers have worked hard with the applicant to improve the layout in this sensitive part of Findon. The scheme is landscape-led for the following reasons: a) Adheres to the inherited pattern of routes in this part of Findon; b) Buildings are kept close to the village edge, to prevent in particular residential built form encroaching into the open countryside; c) Landscape design has sought to improve the edge of settlement condition; and d) Restoration of chalk downland, inclusion of trees along tracks and areas of scrub, all represent characteristic mitigation measures.
- Buildings are located sensitively with respect to the right of way, avoiding creating a sense of over-bearing buildings, for users of the right of way and preventing rear gardens backing onto open countryside.
- Areas recommended to be controlled by condition: a) Orientation of buildings; b) Reduction of glazed elevations facing open countryside; c) Landscape design needs to better reflect relationship between trees, contours and tracks; d) Areas of turning could be reduced; e) Planting needs to be more strongly partnered to the track; f) Surface water management shown on landscaping plan may need to be revisited at condition stage; g) Ecosystem Services actions such: manure management, use of green materials for construction; carbon storage, etc.; h) Material choices need to be led by evidence; i) SuDS treatment train should be followed and SDNPA expects that multiple benefits are achieved through interventions.
- Suggested conditions: a) LEMP; b) Materials and engineering details of sand school; c) Hard, soft landscaping and boundary treatments; d) Lighting strategy – sand school not lit; e) Surface water drainage details; and f) Tree protection measures.
- As a result, of the above whilst the application is not ‘supported’ in landscape terms, no objection is raised, subject to recommendations being achieved via the conditions imposed.

4.4 **Tree Officer:** No objection subject to condition.

4.5 **SDNPA Conservation Officer:** No objection (verbal response).

4.6 **Ecology:** No objection subject to condition.

4.7 **Highways:** No objection subject to conditions.

4.8 **Public Rights of Way:** No objection.

- Changes made to the layout plan will not have a further negative impact on users of the footpath.

4.9 **Drainage:** No objection subject to conditions.

- The site currently contributes to surface water runoff which can affect the village. The application provides an opportunity to provide benefit by ensuring that all surface water from the site is dealt within the site. A series of conditions are recommended.

4.10 **Lead Local Flood Authority:** No comment.

4.11 **Dark Night Skies Officer:** Comments:

- Recommend automatic black-blinds on rooflights and use of low transmittance glazing on openings to reduce internal light transmission. The size of openings is fine.
- External lighting to be controlled by condition. Any lighting should be designed in accordance with the Dark Night Skies Technical Advice Note.
- Lighting of the horse arena should be avoided.

4.12 **Southern Water:** No objection.

- Suggest informatives, should permission be granted.

- 4.13 **Housing Officer:** No comment.
- 4.14 **Archaeology:** No objection subject to conditions.
- 4.15 **Environmental Health:** No objection subject to conditions.
- 4.16 **SDNPA Sustainable Tourism Officer:** No objection.
- The South Downs National Park Visitor Accommodation Review 2014 evidence shows strong demand for high quality accommodation.
 - Accommodation provision in Findon encourages overnight staying visitors, who spend more in the National Park than day visitors. Visitors can also provide much needed economic support to local community small businesses and services such as pubs, restaurants and local shops.
 - The proposed holiday cottage supports Policy SD23 of the Local Plan and delivers the South Downs Sustainable Tourism Strategy 2014-2020.
 - Guests should be encouraged to use public transport. Cycling and walking opportunities should be promoted.
- 4.17 **Environment Agency:** No comment.

5. Representations

- 5.1 43 third-party representations were received commenting on the proposal, of which 27 are objections and 16 are in support of the application. These representations are summarised below:

Objection

- Outside of the settlement boundary. Reduced amount of development to the south does not address the concerns raised by Planning Committee. This development would set precedent for more development in the countryside.
- Visible from Downs and Cissbury Ring. Harmful impact on public views. Proposal contrary to Policy SD6 (Safeguarding views) of the SDLP.
- Stables would have a harmful impact on landscape character and the views from the adjacent public footpath. Obstruction to the public footpaths by existing gates.
- Hay barn would have a harmful impact on landscape character and views regardless of changes in location and height.
- Increased surface water runoff.
- No evidence that the owners of Findon Chase Management Co. (FCMC) land (who own 2/3 of Soldiers Field Lane), have given right of way over this land. The application should be refused.
- Increased traffic at Soldiers Field Lane and impact on highways safety for users of Convent Gardens. Cumulative impact if Soldiers Field House is developed. Foundations of the track cannot accommodate increase in load.
- Conflict with Findon NDP respecting protection of views of the countryside and around village.
- Grass area to the north east of the site, potentially developable?
- Proposals do not meet the exceptional circumstances of development outside settlement boundaries of Policy SD25 and SD24 SDLP. The updated Findon NDP does not include allocation for redevelopment of the site.
- Lack of provision of affordable homes (SD28 SDLP) neither the mix of homes required by Policy SD27 SDLP.
- The proposed replacement dwelling would increase its floor space by more than 30% - being contrary to Policy SD30 SDLP.
- Personal circumstances should not justify an otherwise unacceptable development.

The southern proposal would finance the equestrian development to the north.

- Fall-back position should be given very limited weight given the changes in local plan policy.
- Failure to justify a need for the development that over-rides the purpose of protecting the landscape. Contrary to policies SD4 and SD5 SDLP. Failure to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Light pollution cannot be avoided and will impact enjoyment of evening views.
- The main rationale of the application is centred around the commercial enterprise, which needs funding to make it economically viable. This is at the expense of encroaching onto the South Downs.
- The design of the proposal is not landscape-led. Inadequate LVIA submitted. Inappropriate planting to screen development, which is not a good principle in planning. Planting would not screen huge development.
- Poor relationship of development with neighbouring properties, in particular stables building. Concern raised with noise, smell and disturbance to neighbours to the west of the site.
- If permission is granted, conditions should control lighting, use of sand in menage, ensure ancillary use of groom's accommodation, parking management and that the site should not be used as livery or school.
- The provision for car parking for the stables is inadequate.
- Lack of management strategy for horse urine and manure.

Findon Neighbourhood Plan (Amended 2020) Working Group objection

The group have objected raising concerns, which are summarised below:

- No justification for the principle of redevelopment of the yard.
- No transparency on Design and Landscape Officer's initial responses and officers' negotiations.
- Revised proposals remain in conflict with SDLP and FNDP and do not demonstrate compliance with Development Plan and to justify the exceptional circumstances that would give weight as a material consideration.

Full detailed comments can be found on the public access website and an accompanying visual impact assessment with photographs and maps. This document identifies cumulative harm of the proposal to the landscape character, public views and emerging Nepcote Conservation Area.

Support

- The current site is dilapidated, the redevelopment of the site would enhance the area.
- Views from Cissbury Ring would be improved from current situation.
- Would protect local employment and would contribute to the diversification with a new holiday let cottage.
- The holiday cottage would contribute to share the SDNP with others.
- Improvements to the environment will be achieved through appropriate drainage and wildlife protection. The proposal solves the issues with drainage in the area
- The latest proposal seems appropriate for the size of the plot. The revised plans are much needed to improve this outdated site.
- The proposal supports an Olympic medal winner event rider and a very long established horse business, for which Findon is known for. It also supports the viability of the business.
- Proposals enhance the local community and businesses.
- Building heights would not cause harm to neighbours neither views.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the **South Downs Local Plan 2014-2033** and the **Findon Neighbourhood Development Plan 2016**. 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 well-being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect 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 landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF) 2019

- 6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Relationship of the Development Plan to the NPPF and Circular 2010

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

The South Downs National Park Partnership Management Plan 2020-2025

- 6.6 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies

and a Delivery Framework for the National Park over the next five years. The relevant outcomes include:

- Outcome 1: Landscape and Natural Beauty
- Outcome 2: Increasing Resilience
- Outcome 3: Habitats and Species
- Outcome 4: Arts and Heritage
- Outcome 5: Outstanding Experiences
- Outcome 6: Lifelong Learning
- Outcome 7: Health and Wellbeing
- Outcome 8: Creating Custodians
- Outcome 9: Great Places to Live
- Outcome 10: Great Places to Work

Other relevant evidence document

- South Downs Integrated Landscape Character Assessment (2011)
- Findon Village Design Statement (2012)
- South Downs National Park: View Characterisation and Analysis (2015)
- National Design Guide (2019).
- SDNPA Decision Statement for the Updated Findon NDP (2020).
- Nepcote Conservation Area Character Appraisal and Management Plan – Draft for Consultation (2020).

7. Planning Policy

7.1 The following policies of the South Downs Local Plan 2014-2033 are relevant:

- SD1 – Sustainable Development
- SD2 – Ecosystems Services
- SD4 – Landscape Character
- SD5 – Design
- SD6 – Safeguarding Views
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD10 – International Sites
- SD11 – Trees, Woodland and Hedgerows
- SD12 – Historic Environment
- SD15 – Conservation Areas
- SD16 – Archaeology
- SD17 – Protection of the Water Environment
- SD19 – Transport and Accessibility
- SD20 – Walking, Cycling and Equestrian Routes
- SD21 – Public Realm, Highway Design and Public Art
- SD22 – Parking Provision
- SD23 – Sustainable Tourism
- SD24 – Equestrian Uses
- SD25 – Development Strategy

- SD26 – Supply of Homes
- SD27 – Mix of Homes
- SD28 – Affordable Homes
- SD30 – Replacement Dwellings
- SD34 – Sustaining the Local Economy
- SD44 – Telecommunications and Utilities Infrastructure
- SD45 – Green Infrastructure
- SD48 – Climate Change and Sustainable Use of Resources
- SD49 – Flood Risk Management
- SD50 – Sustainable Drainage Systems
- SD51 – Renewable Energy
- SD54 – Pollution and Air Quality
- SD55 – Contaminated Land

7.2 The relevant policies of the Findon Neighbourhood Development Plan 2016 are:

- BT1 Support for business
- BT2 Retention of employment land
- BT8 Sustainable recreational and tourism activities
- BT9 Communications infrastructure
- GA1 Sustainable Transport
- GA2 Footpath and cycle path network
- GA3 Parking and new development
- CFW8 Dark Night Skies
- ES2 Surface water management
- ES3 Protection of trees and hedgerows
- ES4 Renewable Energy
- ES6 Conservation Areas
- HD3 Live/Work Units
- HD7 Design of development
- HD8 Outdoor space

7.3 Findon Updated Neighbourhood Development Plan. On the 16th January 2020, the SDNPA Planning Committee agreed the Decision Statement for the Updated Findon NDP. This sets out the modifications that will be made to the Neighbourhood Plan in response to the Examiner's recommendations. As the Updated Findon NDP comprises minor modifications from the original Findon NDP, these changes can be made without the need for a referendum. The Updated Findon NDP will be amended in line with the Decision Statement.

8. **Assessment**

Background

8.1 Planning permission for the redevelopment of the existing stables yard was granted on 7 August 2015 (See Planning History, Section 2). A material start has been made on site and therefore this permission remains extant. Then, in 2018 a subsequent planning application was submitted for the redevelopment of the site, which included an encroachment into open equestrian areas to the north, which currently have a hay barn, a horse arena, paddocks and a track. This application was refused for the reasons stated in paragraph 2.1 of this report. The main concerns raised by the SDNPA were that the new development outside the settlement boundary did cause harm to the landscape character and the value of public views as well as the absence of sufficient ecological information to assess impact on protected

species. Consequently, the application was refused by the SDNPA Planning Committee on 13 September 2018.

- 8.2 Since then, the applicant has made an effort to address the issues that warranted reasons to refuse application SDNP/18/01289/FUL in 2018. The current planning application has been accompanied with additional ecological information as requested by the County Ecologist and has amended the layout, siting, scale of buildings and the amount of development proposed. Extensive negotiations have taken place during the life of this application between officers and the agent of this application to ensure that development proposals are landscape-led, adjust to the adopted Local Plan and address any significant concern raised by consultees and third parties.

Policy context with regards the principle of development

- 8.3 Whilst the proposals are seen as one overall scheme, there are differing policy considerations between its residential and non-residential parts. There is also the added complexity of this one being a hybrid application, the site's planning history and the adoption of the South Downs Local Plan 2014-2033 which replaces the Arun District Local Plan 2003.
- 8.4 The starting point in terms of consideration of the principle of development of the site is the development strategy as set out in the Development Plan, which in this area is formed by the South Downs Local Plan 2014-2033 (SDLP) and the Findon Neighbourhood Development Plan 2016-2035 (FNDP). The Local Plan and FNDP place the site outside the settlement boundary of Findon.
- 8.5 Policy SD25 of the SDLP sets out the development strategy of the National Park, resisting development outside the defined settlement policy boundaries. Exceptionally, Policy SD25 states that development will be permitted outside settlement boundaries where it complies with relevant policies of the SDLP, responds to the context of the relevant area and it is an appropriate reuse of a previously developed site and conserves and enhances the special qualities of the National Park. Development is also exceptionally permitted outside settlements where there is an essential need for a countryside location.
- 8.6 The Local Plan supports the principle of new visitor accommodation. Policy SD23 states that these will be permitted where it is demonstrated that proposals will provide opportunities for visitors to increase awareness, understanding and enjoyment of the special qualities. Where located outside settlement policy boundaries, tourism accommodation should positively contribute to the National Park and be closely associated to attractions uses, including the public rights of way network. Policy BT8 FNDP supports tourism accommodation provided that their scale, siting and design respects the character of the area, adequate parking and traffic generation can be accommodated by the road network.
- 8.7 Policy SD24 of the SDLP is relevant as it sets out the states that development proposals for equestrian development will be permitted where they are of a scale and/or intensity compatible with the landscape and special qualities. Proposals should also demonstrate good design, re-use existing buildings where feasible, respect amenities and activities of surrounding uses and properties, are well located to utilities and transport infrastructure as well as provide appropriate landscaping and conservation based land management.
- 8.8 Policy SD30 of the SDLP is applicable in the assessment of the principle of replacing the existing dwelling on site. This policy seeks to reduce the loss of small homes through replacement by substantially larger homes and sets a limit of a replacement dwelling only being extended by up to 30% of its existing floorspace.
- 8.9 Based on the above premise, the various elements of the proposals are therefore considered further below.

2 new dwellings, holiday cottage and replacement dwelling

- 8.10 Since the previously refused planning application in 2018, the residential element of the development proposals has undergone significant modifications. The amount of development proposed has been reduced from 4 initially proposed to 3 dwellings (including the replacement unit) and the layout scale and form have varied substantially. The fall-back

position include 2 large dwellings, one of them being of a substantial scale and poorly related to the open fields to the east. It also includes a holiday cottage and stables/storage barn and a disproportionate extent of hardstanding. Overall, the fall-back scheme has negligible value to add to the edge of the settlement in landscape character terms, whilst the currently proposed development is an opportunity to outset the fall-back position and the policy context needs to be seen in this context.

- 8.11 The previous reason for refusal stated that the provision of three new open market dwellings (beyond the existing home) outside of the defined settlement policy boundary of Findon would result in an unjustified and unsustainable form of residential development in the countryside which would not conserve or enhance the National Park landscape by reason of its siting, scale and design. Since then, the SDLP has been adopted and Policy SD25 exceptionally allows new development outside settlements when they respond to the context and make an appropriate reuse of a previously developed site.
- 8.12 Soldiers Field Stables is considered to be a previously developed site or “brownfield” (as it is an equestrian site – not agricultural) and the proposed residential development (2 open market homes, holiday cottage and replacement dwelling) will fall within the brownfield area in its entirety. The site is derelict and comprises a number of equestrian related outbuildings and sand school. The site, as it is, negatively contributes to the landscape character and the value of local and distant public views and redeveloping the site provides an opportunity to enhance the edge of the village while making an efficient use of land.
- 8.13 Following extensive negotiations with the applicant, the residential element of the proposal has been revised to address the concerns previously raised in terms of the siting, scale and design of buildings. Two new dwellings are proposed where previously three units were refused. Two new dwellings is an appropriate amount of development in this contexts, as it has been demonstrated that buildings, together with the holiday cottage and replacement dwelling, sit comfortably within plots and in close relationship with residential areas to the west.
- 8.14 The revised layout also shows a new track that adheres to the existing pattern of routes in this part of Findon and functions as an appropriate edge to the village containing built form from encroaching into open fields to the east. This reinstates landscape character in this location and breaks up the built form in view in the long term. The combination of built form pushed away from open fields, the track and hedge/tree belt is a positive intervention that functions as a suitable transition from open countryside to built environment.
- 8.15 Dwellings in plots 1 and 2 have also been well-positioned in response to the sloping topography following the contours, minimising their visual prominence. They have also been reduced in height to a maximum roof ridge height of approximately 7 metres and substantially reduced their mass and bulk by breaking the form of buildings. These have also been arranged and orientated to maximise sunlight, provide natural surveillance and share, to a degree, access, parking and turning spaces.
- 8.16 Revisions to the layout have also resulted in other benefits such the removal of existing buildings adjacent to the footpath to the west which are considered to currently detract from users’ experience due to a feeling of overbearing and shade, which makes of the footpath an unpleasant and potentially unsafe for users. The proposal reverts this situation by siting dwellings well-distant from the footpath – increasing available sunlight and providing direct pedestrian access from dwellings to the footpath.
- 8.17 Particular consideration has been given to Policy HD7 FNDP and Village Design Statement (VDS) with regards to materials to be used for construction. The main house would be built of flint stone, weatherboarding, timber windows, and clay tiles, traditional sustainable materials supported in the VDS and the Sustainable Construction TAN. Other buildings such stables, hay barn and holiday cottage will be timber clad, which is appropriate insofar as it gives to the main house a higher hierarchy of materials and other remain more utilitarian in character and subordinated in their appearance. The two dwellings part of the outline application are not assessed in their appearance and therefore materials will be considered at the reserved matters stage.

New dwellings

- 8.18 As abovementioned, Policy SD25's test consist of the appropriate reuse of previously developed land and proposals that respond to their context. In this particular case, officers are satisfied that the redevelopment of an area of the exiting stables site with two new dwellings as shown on revised plans is an appropriate reuse of brownfield land (previously used equestrian site) and positively respond to the edge of settlement context, as well as provide clear improvements to local views and users of the public footpath. Consequently, the proposed 2 new dwellings on the southern part of the application site is
- 8.19 Consideration has been given to the extant 2015 planning permission and the reasons for refusal of the 2018 planning application. Significant weigh has been given to the proposed enhancement of the village edge from the fall-back position and the adaptation of the development proposal to the landscape-led approach to design of the adopted Local Plan. In light of the above, officers are satisfied that the revised proposal has addressed the concerns raised by Planning Committee in 2018 in terms of siting, scale and design of buildings and that the scheme is has been greatly improved from the 2015 planning permission and the initially submitted scheme.

Holiday cottage

- 8.20 In terms of the holiday cottage proposed, the SDNPA Sustainable Tourism Officer supports the scheme as it consistent with the South Downs. Sustainable Tourism Strategy 2014-2020. The FNDP identifies an equestrian-related tourism potential in the Parish.
- 8.21 The holiday cottage will provide opportunities for visitors to enjoy the special qualities of the area, and in particular the local culture around the equestrian tradition of Findon. The site is very well connected to the public right of way network (including bridleways), the Monarch's Way and landmarks such Cissbury Ring. Public transport is available in walking distance from the site connecting Findon with Worthing and Midhurst, and rail connections. The holiday cottage is of a proportionate size for the village and contribute, together with the whole scheme, to the natural beauty, wildlife and cultural heritage of the National Park. Therefore, the holiday cottage is compliant with Policy SD23 of the Local Plan and BT8 of the FNDP, as it is well designed, provides sufficient parking and traffic generated is very low.

Replacement dwelling

- 8.22 The proposed replacement dwelling amounts an approximate 66% increase in floorspace. The replacement dwelling is not overbearing or detrimental to the amenity of residents and, would be of a size, design and siting that would not detract from the character of the area. Notwithstanding this, the proposed increase in floorspace does exceed the 30% limitation of Policy SD30 SDLP. The size of the dwelling is comparable to the extant permission and therefore weigh is given to the extant permission in the planning balance.
- 8.23 Taking into account all the above mentioned considerations, the redevelopment proposal is appropriate, landscape-led and responds to its particular context, meeting the requirements of Policy SD25. Consequently the principle of new residential development at Soldiers Field Stables is found acceptable and consistent with the development strategy of the Development Plan and with landscape and design policies SD4 and SD5 of the Local Plan.

8.24 Stables, sand school and hay barn

- 8.25 The proposed equestrian development would be located within an area that is not developed, with the exception of fencing, a track and some equestrian paraphernalia. The reasons for which the equestrian development to the north of the site were refused in 2018 were mainly the impact on landscape character, public right of way users and long distance views from Cissbury Ring. In addition, the application had not demonstrated that the proposed parking was sufficient and any informal parking would cause an urbanising effect on the landscape. This last matter is addressed in the Highways, Access and Parking section of

this report.

- 8.26 Since 2018, and in light of the concerns raised by officers in the past, the proposal has been revised. The Development Plan has evolved since the adoption of the South Downs Local Plan, which is supportive of equestrian development. The FNDP also acknowledges the importance of Soldiers Field Stables as a local business asset. The principle of stables and barn have already been established in earlier permissions (albeit they were located in the southern part of the site) and the extant permission is obviously a strong material consideration in this respect. The principle of the equestrian use outside of the settlement boundary is also given positive regard given that it necessitates a countryside location due to its nature.
- 8.27 The revised plans submitted with this application have helped to address the concerns raised with previous proposals. Specifically the proposed section through the site clearly indicates a harmonious relationship of all structures and how they respond well to the contours of the site. This has facilitated the assessment in the benefit of the proposal.
- 8.28 The hay barn has been modified. The building has been reduced in height and has been moved southwards on the site so it sits at a lower level. It is designed with a curved roof and will be constructed in hit and miss timber boarding. This building is considered by the Landscape Officer to be in an appropriate location and no objection is raised to its size, design and siting.
- 8.29 The sand school remains where initially proposed, although levels have been provided and planting around it has been improved as per the Landscape Officer's recommendations. Its final surfacing material is yet to be agreed via discharge of conditions. It is expected to be made of recycled rubber/fibre, although colour is yet to be agreed. The SDNPA would expect a colour that reflects the earth colour scheme within the area to avoid an unnecessary stark appearance of the arena from public vantage points.
- 8.30 No objection is raised to the location and scale equestrian buildings and structures by the Landscape Officer as shown on revised plans. Notwithstanding this, in order to achieve an equestrian development that integrates well with the edge of settlement and the open countryside on each side, the landscaping, materials and lighting details should be carefully designed. The landscaping masterplan has shown planting that is locally characteristically of the area which would contribute to soften the prominence of the sand school and hay barn from long distance views. The Landscape Officer is also satisfied that the most exposed buildings (stable block and hay barn) are of an agricultural appearance and therefore appropriate to be more prominent in the landscape.
- 8.31 Policy SD6 of the Local Plan relates to preserving the visual integrity, identity and scenic quality of the National Park, in particular conserving and enhancing key views. The previously refused application was considered to detract from the value of views from Cissbury Ring due to the scale and siting of the hay barn as well as the stable block. Amendments to the scheme include a drop in the height of the barn and position it at a lower level. Additional information such sectional drawings confirm that the buildings respond to topography and would not be seen as stark prominent features (subject to architectural and materials details). Appropriate planting following the characteristically distinctive tree-scape of Findon and network of hedgerows on adjacent fields also contribute to soften the appearance of the northern end of the site and to integrate it with the village-scape. In consideration of the above, the proposed equestrian buildings are not considered to cause harm to the value of public views from important view points to the east, such Cissbury Ring. Consequently, the development is in line with Policy SD6.
- 8.32 Furthermore, buildings are located sensitively with respect to the right of way, avoiding creating a sense of over-bearing for users. Concern was raised in the 2018 application with the potential impact of the proposed stables to the experiential quality of users of the adjacent public footpath. Notwithstanding this valid concern, the stable building would be located more than 5 metres away from the boundary of the site and would be partially dug into the slope, reaching a building height of 4 metres in height where closest to the footpath. Sectional drawings have confirmed that the stables building will not be overbearing to users

of the footpath and will not detract from the experience, only blocking some long distance views. A visual gap will remain on the northern end of the path and the loss of a long distance view along a very short stretch of the path is not considered enough as to be harmful to the amenity of the footpath.

- 8.33 Overall, the equestrian development is of a scale and intensity that is compatible with the landscape character and special qualities of the National Park, especially in this area of Findon where there is a long tradition of horses. The proposal will not introduce new equestrian use, but will upgrade the existing use instead and will relocate some of its facilities to the north of the site. Land associated to the site is extensive (fields to the east) and is currently used for grazing. The stables and other facilities will remain for private use and will not be used for any form of riding school or facility open to the public.
- 8.34 Two modest 1-bed groom's accommodation units are proposed within the stable block remains unchanged from the previous application where no objection was raised. Grooms accommodation was also granted within the stables in the extant 2015 permission. Given the scale and nature of the equestrian use envisaged on site, this accommodation would support the business and the successful operation of the business and stables. This accommodation will be restricted by condition.
- 8.35 The retention and reuse of the existing buildings is not feasible due to the poor condition of the existing facilities and the need to upgrade these for the business to prosper. The equestrian use will remain, upgraded and relocated, therefore retaining employment use. The encroachment into the north would appear to be justified in the need for larger facilities (horse arena and hay barn), a new stable block with an enclosed courtyard with sufficient feed store, tack room as well as groom's accommodation. Ultimately the development to the north also results from new residential development, as the two dwellings to the south end of the site will financially contribute to the delivery of the upgraded equestrian facilities. Notwithstanding this, given that the whole development is consistent in principle with the Development Plan, residential development is proportionate and contributes to enhance the settlement edge on this sensitive location, no fundamental concern is raised with the use of the land to the north for equestrian use. In light of the above and the planning history of the site, the proposed equestrian development is considered to be in accordance with Policies SD4, SD5, SD6 and SD24 of the Local Plan.

Affordable housing and housing mix

- 8.36 The proposal will add two new independent dwellings to the site. Therefore, it would not fall within the threshold of affordable homes required in Policy SD28 of the Local Plan, which requires affordable housing provision for developments of more than 3 homes.
- 8.37 Policy SD27 of the SDLP requires of a residential development of 2 new dwellings to comply with an open market housing mix with a predominance of 1 to 3 bedroom dwellings. The proposed two new dwellings are of 4 bedrooms, which does not comply with the requirements of Policy SD27, which is justified by the applicant in maximising the capital raised for the funding of the development to the north. However non-compliance with Policy SD27 has to be weighed with other material considerations, such the 2015 permission for significantly larger home and the fact that these two units are acceptable in landscape terms, which are given weight in the planning balance.

Highways, access and parking

- 8.38 The Highways Authority (WSCC) have not raised an objection to the proposals. They are satisfied with respect to the retention of the existing vehicular access into the site. Additionally, the low levels of trip generation would be an improvement when compared to the potential situation as there would be a significant reduction in the number of stables in use (70 stables on site of which 28 are currently in use and only 13 proposed) on site. WSCC are satisfied with the width of the tracks, visibility and also notes that the proposed stables have a smaller capacity than that of the existing, which have operated safely prior with no apparent safety concerns.
- 8.39 The previous application was found to unsatisfactory demonstrate adequate parking available

on site for users and visitors of the stables, as it only allocated 3 parking spaces for users and visitors of the stables. Following this, and in consideration of previous WSCC comments, the current application has revised the proposal's parking provision and increased the stables' visitor/staff parking provision to 5 spaces as well as justified the amount of parking provision and the actual parking demand of the proposal. The applicant has also confirmed that the concrete apron opposite the hay barn will be used for eventual parking of longer vehicles, such as horse boxes.

- 8.40 This proposal is not for a public livery, and therefore parking demand is low as provision is only to be made for staff and eventual visits from veterinarian and visitors. Horses on site are the applicant's horses or are third party's horses trained by the applicant. Those horses being trained on site are owned by people that enjoy watching their horse compete at world class level (similar to racehorse owners) and have no involvement in the day to day operations and rarely visit the yard. When they do, they visit the applicant's house (immediately south of the stables) where there is a reception and office space for such occasions.
- 8.41 Parking provision for dwellings is considered acceptable, except the garage of plot 1, which should measure 6x6 metres rather than 6x5.6 metres. The final internal dimension of the garage can be demonstrated at reserved matters stage. All dwellings and holiday cottage count with sufficient parking available for occupants and visitors and therefore it is not expected that vehicles would overspill on the road.
- 8.42 Whilst the stables' parking provision is lower than what WSCC recommends for a livery, given that this is not a public livery, that valid justification for the parking provision has been provided and provision has been amended to satisfy the actual stables' parking demand, it is considered that the scheme complies with Policy SD22 of the Local Plan and BT5 FNDP.
- 8.43 Cycle storage and electric vehicle (EV) charging points are not shown on the submitted plans, although the site could easily accommodate both. Conditions have been included to provide details of secure storage of cycles and EV charging points.

Green infrastructure

- 8.44 The existing site does not positively contribute to the green infrastructure network of the National Park, only the western, northern and southern boundaries provides some level of green infrastructure through scattered hedgerows and trees. Notwithstanding this, the level of green infrastructure on site is very poor. Policy SD45 of the SDLP requires for development proposals to demonstrate that they maintain or enhance existing green infrastructure assets and provide new green infrastructure of improvements to green assets and green linkages.
- 8.45 The proposal aims to reverse the poor green infrastructure (GI) value of the site by reinforcing existing and creating new connections. This is done through the retention of mature vegetation (trees and hedgerows along boundaries) and new planting and open space that follow a layout informed by the landscape character.
- 8.46 Proposed new green infrastructure is extensive on site and it mainly consists of the creation of new wide group of shrubs and trees along the new track. Vegetation to the east of the sand school, hay barn and track will connect mature trees to the north with Soldiers Field House to the south and the GI network to the east. This main GI feature, together with new substantial amount of hedges and trees across the site and along the western boundary (adjacent to footpath) will result in a substantially improved GI network through the site and will connect existing GI outside the application site.
- 8.47 These GI features will function as wildlife corridors and to slow down water run-off. In addition, planting also provides a visual break from built form and softens the visual impact of buildings in the landscape and will help with climate regulation of spaces between buildings.
- 8.48 The main GI asset (along the eastern boundary) will fall outside of private gardens, which would facilitate good management by a management company or similar and avoid encroachment of activities and domestic paraphernalia into green infrastructure. Access to

green infrastructure spaces remains available for maintenance and the LEMP condition will control that these elements are adequately managed. Access to green infrastructure outside private gardens will contribute to its long term success.

- 8.49 The proposed scheme is compliant with Policy SD45 of the SDLP as it will enhance existing green infrastructure on site and will provide new multifunctional linkages across the site, which will benefit wildlife, surface water drainage, climate regulation and residents' well-being.

Ecology and trees

- 8.50 The application was accompanied with an Ecological Assessment Report (May 2019), an Ecology Mitigation Strategy Report (May 2019) and a letter of clarification dated 27 August 2019. These were examined by the County's Ecologist who has provided comments supporting the application subject to the mitigation, enhancements for wildlife species being secured by condition. Given that the proposed layout has varied since the mitigation and enhancement strategy was designed, a revised strategy should be designed and submitted prior commencement of works on site.
- 8.51 The site is identified to be of low ecological value. The value, where present, is in the protected species that the site or adjacent habits supports. Whilst the mitigation and enhancement strategy is acceptable in principle, Policy SD9 of the Local Plan requires of proposals to identify and incorporate opportunities for net gains in biodiversity. Therefore this requirement has been incorporated in the above-mentioned pre-commencement condition.
- 8.52 A Landscape and Ecological Management Plan (LEMP) has been considered by the Landscape Officer to be useful in securing appropriate maintenance and management of the site that deliver landscape and ecological enhancements. The LEMP is controlled by condition and should be consistent with and positively respond to the ecological mitigations and enhancements agreed by the SDNPA.
- 8.53 The Tree Officer has recommended that development is carried out in accordance with the tree protection measures set out in the submitted tree protection plan. A condition controls these protection measures.

Ecosystem services

- 8.54 Policy SD2 of the SDLP relates to ecosystem services and states that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This is to be achieved through high quality design and delivering all opportunities to manage natural resources sustainably.
- 8.55 The application has been accompanied with an Ecosystem Service Statement (ESS), plans and other application supporting information which set out a series of on-site actions such:
- a) Use of previously developed site. A sustainable management and maintenance of the site is controlled via the Landscape and Ecological Management Plan (LEMP).
 - b) Protection and retention of existing mature hedgerows and trees. Provision of new green infrastructure and wildlife corridors. Use of native species. Appropriate species' mitigation and enhancements as well as biodiversity net gain to be included the final habitat/species enhancements strategy, which is controlled by condition.
 - c) Water consumption to be in accordance with the Sustainable Construction TAN. Planting and drainage strategy to be designed to avoid water pollution – details to be agreed and controlled by condition.
 - d) No river/stream flood risk identified on site. Surface water drainage to be based on SUDs. Sustainable manage surface water through capturing water at source (harvesting), infiltration of permeable surfaces and swales.
 - e) Sustainable construction methods and materials as required by Policy SD48 of the SDLP and secured by condition. Soft landscaping designed to contribute to climate

regulation and carbon storage.

- f) Carbon storage through significant increase of vegetation on site and through sustainable construction details secured by condition.
 - g) Buildings have been positioned in accordance with topography, avoiding significant changes to ground levels and soil disruption. Proposal to partially reuse previously developed land making an efficient use of land and soils.
 - h) Sustainably sourced materials to be incorporated at a later stage. Use of recycled materials for horse arena.
 - i) Reduced air, light and noise pollution expected from this development.
 - j) Holiday accommodation on site. Provision of living and working space within a natural environment.
 - k) Improvements to the amenity value and experience of users of the public footpath. Residents' immediate access to the public right of way network and the recreational opportunities of the National Park.
- 8.56 The Landscape Officer identified a potential benefit for ecosystem services by seeding native species rich grassland within the fields to the east of the site (within the applicant's ownership). This enhancement is shown on the landscaping plan and its management and maintenance should be detailed in the LEMP.
- 8.57 It is therefore concluded that the proposed development will, have an overall positive impact on the ability of the natural environment to contribute to goods and services on site and within the blue line – land within the applicants' ownership. Therefore this development proposal meets the requirements of Policy SD2 of the SDLP.

Archaeology and Conservation Areas

- 8.58 Soldiers Field Stables is located in an area of high archaeological potential, surrounded by a cluster of Bronze Age barrows and Bronze and Iron Ages settlements. Scatters of Prehistoric and Roman material have also been recorded within the wider area. The County's Archaeologist was consulted on this application and considered possible that there are yet unrecorded archaeological features and/or deposits within the application site that may have not been impacted by modern development, especially within the northern part of the site.
- 8.59 The County Archaeologist has not requested any additional desktop assessment of the site, but recommends to investigate any archaeological potential prior to any development taking place on site. A series of pre-commencement conditions have been included in the recommended list of conditions.
- 8.60 The application site is not located within a Conservation Area. Findon Conservation Area is located approximately 370 metres to the west of the site and the emerging Nepcote Conservation Area boundary is approximately 130 metres to the south of Soldiers Field Stables. Given the significant distance of the site to the Findon Conservation Area, no impact is anticipated to its setting.
- 8.61 The emerging Nepcote Conservation Area to the south of the site has been considered in the assessment of this development proposal. The main elements of the emerging designated area are Nepcote Green and Cissbury Estate. The draft Character Appraisal and Management Plan (CAMP) notes that the northwards views from Nepcote Green are of significance but, the open downland character of this part of the landscape has been degraded by equestrian activities and, in particular, by untypical boundaries. It also states that more encroachment of untypical boundaries and equestrian activities would further degrade the setting of the emerging Conservation Area. The CAMP acknowledges the long local history of the equine activities of the land north of Nepcote Green and also states that the use of well-managed hedges would produce visual improvements of this particular equestrian area.

- 8.62 The proposal would lead to the improvements both visually and in terms of landscape character of the area, as discussed above, and would not affect the main assets and listed buildings of the emerging Conservation Area. The draft CAMP identifies further encroachment into open downland as a potential harm to the setting of the emerging Conservation Area. Although some equestrian development extends into open land, given that the development overall has been designed sensitively with its landscape context, it will improve the existing site and its setting. It is therefore, not contrary to the principle to conserve or enhance the significance of the setting of the emerging Conservation Area.
- 8.63 Furthermore, considering that the Conservation Area is in an early stage of designation, very limited weight can be given to it in the assessment of this application.
- 8.64 Consequently, the setting of the emerging Nepcote Conservation Area is not adversely affected, no archaeological assets are harmed and consequently this application is compliant with Policies SD12 and SD16 of the Local Plan and Policy ES6 of the FNDP.

Relative tranquillity and dark night skies

- 8.65 The application site is located within the Dark Night Skies Zone EI(b), Transition Zone, closely located to Zone EI(a) to the west, the 2km Buffer Zone of intrinsic rural darkness. The area is also in an area of low to medium level of relative tranquillity as shown in the SDNP Tranquillity Study. Findon is largely free from light pollution. It is classed as an unlit village, with only a handful of street lights to impact upon night-time sky-scapes.
- 8.66 Policy SD8 of the Local Plan relates to the conservation and enhancement of the intrinsic quality of the dark night skies, and the integrity of the Dark Sky Core. Policy CFW8 of the FNDP does not support development that detracts from the unlit environment of the Parish and seeks for any proposal to respect the importance of the dark skies and to regulate any necessary security or outdoor lighting.
- 8.67 Soldiers Field Stables is located within a sensitive edge of village location and, in terms of lighting, the scheme follows the same approach as in the rest of the village by not proposing any street lighting neither unnecessary external lighting on buildings in principle, although some sensor-moving lighting is expected for security and operational needs.
- 8.68 The Dark Night Skies and Landscape Officers agree that the final lighting strategy of the development should be controlled by condition to ensure that any required security or operational lighting is designed in accordance with the Dark Night Skies TAN. It was also agreed that the size of openings of dwellings within plots 1 and 2 (not yet assessed as they are part of the appearance – reserved matter) should respond to this landscape sensitivity and not lead to significant internal light spillage.
- 8.69 Mitigation measures proposed by the Dark Skies Officer have been included in the recommendation in form of conditions. These are, the use of automatic black-blinds on rooflights, the use of low transmittance glazing, lighting designed in line with the TAN and prohibition of lighting of the horse arena. The lighting of the horse arena was never part of this planning application, and given the sensitivity of the site and potential high level of light pollution resulting from floodlighting, it is not supported and restricted by condition.
- 8.70 Policy SD7 (Relative Tranquillity) SDLP states that development proposals will only be permitted where they conserve and enhance the relative tranquillity of the National Park. Whilst the site is within a low-medium tranquil area of the National Park, the replacement of the existing unsympathetic buildings and hard standing areas with the new landscape-led designed residential development would reduce the eye-drawing effect of existing intrusive buildings. It is acknowledged that the encroaching of equestrian use to the north of the site would have a visual impact on the landscape, and such encroachment is not positive in terms of tranquillity as it would add built form to an area with low level of human intervention.
- 8.71 Notwithstanding the above, the overall intensity of equestrian use will be significantly reduced from the potential optimal use of the existing 70-stable site to 13 stables proposed. No additional facilities would be added and residential development is well integrated with surrounding residential areas and would not lead to increased noise, light or other

perceptual quality. Considering that the site is of low-medium tranquillity value, the development is well integrated in the landscape and reduces the intensity of use of the area, it is not considered that the proposal would lead to harm to the tranquillity levels but may even lead to an improvement from the current condition.

- 8.72 Given the above, no light pollution is expected as result of the proposed development. The proposal has demonstrated that the level of relative tranquillity and dark night skies will be conserved and enhanced on site and therefore its compliance with Policies SD7 and SD8.

Surface and foul drainage water

- 8.73 The local community have raised concerns with current surface water run-off in the area and how this development could contribute to worsen the situation. Policies SD17, SD49 and SD50 of the Local Plan deal with water quality and surface and foul water, with particular provision to avoidance of increased surface water flood risk and the use of Sustainable Drainage Systems (SUDs) where feasible.
- 8.74 The Flood Risk Assessment submitted with the application confirms that Soldiers Field Stables is located within the Environment Agency's Flood Risk Zone 1 (low risk), and surface water flood risk is very low to low within the site, being high only along Nepcote Lane, 150 metres to the south of the site. The proposed surface water drainage strategy is based on infiltration on site. This approach is supported by the District's Drainage Engineer in the consultation response, which states that the site currently contributes to surface water runoff which can affect the village of Findon. It also concludes that the proposal provides an opportunity to provide benefit by ensuring that all surface water from the site is dealt within the site.
- 8.75 A pre-commencement condition secures that infiltration tests are carried out and used to design the final surface water strategy of the site and its maintenance, as recommended by the District's Drainage Engineer.
- 8.76 Whilst the full drainage strategy and details is yet to be produced, the landscape master plan shows indicative location of attenuation swales/scrapes as part of site wide sustainable drainage strategy. This approach is supported and the SDNPA is satisfied that the site can alleviate existing surface water run-off through a drainage strategy formed by Sustainable Drainage Systems (SUDs), in accordance with Policy SD50.
- 8.77 With regards to foul water, the proposed development will connect to existing foul sewer located in Nepcote Lane, eliminating risks of pollution of groundwater. Drinking water will be supplied from the Southern Water company network.
- 8.78 The SDNPA is satisfied that the proposed development will conserve and enhance water quality and quantity and that the site will contribute to mitigate surface water flood risk in the area through the provision of SUDs. Consequently, the proposal will not lead to increased flood risk and surface water will be managed sustainably, in accordance with Policy ES2 of the FNDP and SD17, SD49 and SD50 of the Local Plan.

Sustainable Construction

- 8.79 The SDNPA encourage all new development to incorporate sustainable design features, as appropriate to the scale and type of development. Residential development should meet minimum sustainability credentials to meet requirements of Local Plan policies SD2 (Ecosystem Services) and SD48 (Climate Change and Sustainable Use of Resources).
- 8.80 The proposed layout and landscaping proposed have demonstrated to meet the requirements of Policy SD2 – as above mentioned. Buildings are shown to use sustainable materials for construction, subject to details. Notwithstanding this, due to the outline nature of plots 1 and 2 – in which appearance is not assessed, the assessment on compliance with policies SD2 and SD48 will be completed at reserved matters stage. For instance, materials to be used, construction methods and final architectural details of buildings, which play a significant role in the mitigation and adaptation to climate change and ecosystem services.
- 8.81 Notwithstanding the above, a standard condition (as worded in the Sustainable Construction

Technical Advice Note) is incorporated to the recommended list of conditions to secure compliance with Policy SD48 in terms of energy efficiency, renewable energy, water consumption, use of resources and waste management.

Impact on amenity of local residents

- 8.82 The site is located in proximity to residential properties to the west and Soldiers Field House to the south. Some of the immediate neighbours have raised concerns with the potential impacts to be caused by the proposed development in terms of construction works, traffic generation, noise, odour and overall living conditions.
- 8.83 Policy SD5 of the Local Plan requires new development in general to have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities. Policy SD24 requires for equestrian development to respect the amenities of surrounding properties and uses.
- 8.84 Hedges and some trees form the boundary of the properties to the west and the public footpath. The existing screening (trees and hedges) contribute to impede views into and from the site. The neighbouring property Downsedge sits closer to the boundary and the proposed stable block, in an area where screening is scarce. Notwithstanding the concerns raised by neighbours, the level of equestrian activity and the distance and orientation of stables facilitate a neighbouring relationship in which no harm to living conditions is anticipated.
- 8.85 The revised layout results in new dwellings at a significant distance from neighbouring properties (approximately 30 metres) as to not to lead to harm to residents in terms of loss of light, overlooking or overbearing feeling.
- 8.86 The District Environmental Health Officer was consulted on this application and raised no objection subject to conditions. Construction works will be controlled via a Construction Environmental Management Plan that will ensure that construction times and operations on site and access are not disruptive for nearby residents.
- 8.87 Consideration has been given to the fact that the proposed development evolves from an existing equestrian site in use. Appropriate manure management and disposal are essential to avoid pollution and an unacceptable level of odour that would detract from neighbours' living condition. Consequently, following the Environmental Health Officer's recommendation, a condition will control the management and disposal of manure within the site to minimise any odour and pollution impacts.

Pollution and contamination

- 8.88 Policies SD8, SD17, SD54 and SD55 of the Local Plan refer to light, water, air and ground pollution. Light and water pollution have been covered in the sections above and the SDNPA is satisfied that the proposed development will conserve and enhance the quality of the dark skies and water quality.
- 8.89 With regards to air pollution, the Environmental Health Officer has not raised any concern with impacts of the proposed development on air quality, however matters such the impact on air suspended particles (dirt and dust mainly) caused during construction and mechanisms to mitigate their impact to nearby residents are controlled by condition through a Construction Environmental Management Plan. Furthermore, given that petrol and diesel cars/vans will not be sold beyond 2040 and to mitigate against any potential adverse impact of vehicular movements on local air quality, electric vehicles (EV) charging points are required at throughout the development, as secured by condition. EV points facilitate through this development to improve local air quality in the long term.
- 8.90 A condition will ensure that manure and other waste resulting from the equestrian activities is managed appropriately and would not cause a detrimental impact on neighbours' living conditions and the environment.
- 8.91 The Environmental Health Officer also confirmed that there are no records of previously contaminative uses within the site. It may be that buildings contain asbestos, this matter shall be discussed with Local Authority Building Regulations Officer. No source of ground

contamination is suspected on site and therefore no investigation and remedial measures are required.

9. Conclusion

- 9.1 The complex planning history of the site, together with the aspirations of the applicant to continue her successful business of training horses for competitions are a material consideration. A judgement is made with regards to the exceptional circumstances that lead to new development outside of the settlement boundary and the support of this local business in its equestrian and tourism enterprises.
- 9.2 Officers have taken into account that the proposed development will deliver benefits in terms of landscape character on the settlement edge, good quality tourism accommodation provision, green infrastructure, and surface water drainage, amongst others, and that the proposal has successfully addressed the reasons for refusal of the previous planning application.
- 9.3 The proposed development is considered proportionate, appropriate to its location and landscape-led, it will deliver wider benefits to the National Park. However it has been found contrary to the Policies SD27 and SD30 in relation to the mix of homes and the size of the replacement dwelling. In the planning balance, consideration has been given to the extant planning permission and the Development Plan, and it is concluded that, on balance, the proposal is justified and meets the aims of the Development Plan, therefore it is recommended for approval subject to conditions.

10. Reason for Recommendation and Conditions

- 10.1 Application SDNP/19/02919/FUL is recommended for approval subject to the following conditions:

- I. Applications for the approval of the matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:

- (i). three years from the date of this permission, or
- (ii). two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - To comply with the provisions of Section 92(2) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Sustainable construction

3. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) design stage SAP data
- b) as built stage BRE water calculator
- c) product specifications
- d) building design details
- e) layout or landscape plans

demonstrating that the dwelling has:

- a) reduced predicted CO₂ emissions by at least 19% due to energy efficiency and;

- b) reduced predicted CO2 emissions by a further 20% due to on site renewable energy compared with the maximum allowed by building regulations
- c) EV charge points for every dwelling with suitable parking space
- d) predicted water consumption no more than 110 litres/person/day
- e) separate internal bin collection for recyclables
- f) private garden compost bin

and providing evidence demonstrating:

- g) sustainable drainage and adaptation to climate change
- h) selection of sustainable materials

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change in accordance with Policy SD48 SDLP and the SDNPA Sustainable Construction TAN. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Construction works

4. No development shall take place, including any ground works or works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - (i) the anticipated number, frequency and types of vehicles used during construction;
 - (ii) the method of access and egress and routing of vehicles during construction;
 - (iii) the parking of vehicles by site operatives and visitors;
 - (iv) the loading and unloading of plant, materials and waste;
 - (v) the storage of plant and materials used in construction of the development;
 - (vi) the erection and maintenance of security hoarding;
 - (vii) effective vehicle wheel-cleaning facilities to be made available throughout construction;
 - (viii) the provision and utilisation 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);
 - (ix) details of public engagement both prior to and during construction works;
 - (x) temporary arrangements for access and turning for construction traffic for each part of the site; and
 - (xi) an indicative programme for carrying out of the works;
 - (xii) details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
 - (xiii) protection of trees and hedgerows to be retained.
 - (xiv) measures to control the emission of dust and dirt during construction;
 - (xv) measures to mitigate noise, including vibration, during construction works.
 - (xvi) a scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: In the interests of highway safety and the amenities of the area and having regard to National Policy Guidance contained in the National Planning Policy Framework 2019. It is considered necessary for this to be a pre-commencement

condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

5. No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no construction/demolition on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents.

Foul and surface water drainage

6. No development approved by this permission shall be commenced until full details of the proposed connection to the sewerage mains system have been submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The foul drainage connection and system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development that meets the requirements of Policy SD17 of the South Downs Local Plan 2014-2033. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

7. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

The strategy shall include full details of the maintenance and management of the surface water drainage system, including details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained, reduce surface water risk and improve water quality in accordance with Policies SD17, SD49 and SD50 SDLP. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

Hard and soft landscaping

8. Notwithstanding the details shown on the approved plans no development shall commence unless and until a detailed scheme of hard landscape works has been 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. Once implemented they should be retained. The scheme design shall include the following details:
 - a) Details of existing trees and other vegetation to be retained in the scheme and methods/measures for the protection of trees during and after construction;
 - b) Proposed and existing levels and contours, including retaining walls;
 - c) Layout of surfaces including materials, permeability, kerbs, edges, steps, retaining walls, ramps;

- d) Schedule of surfacing materials (including upstands and demarcations), including the sand school;
- e) Boundary treatments details including gates and doors.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

9. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a detailed scheme of planting proposals have been submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The scheme design shall follow the principles of the submitted Ecosystem Services Statement (February 2020) and include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers;
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material, irrigation design, surface treatment according to location;
- c) Areas of grass & specification for seeding or turfing as appropriate;
- d) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance Operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- e) Any bunding or swales (including cross sections).

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

10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following:
 - a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

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

11. Prior to the commencement of the development hereby permitted, measures for the protection of the trees and other vegetation to be retained as outlined in the submitted Tree Protection Drawing (RCo 217 / 01 Rev 2, 3 February 2020) shall be implemented. These measures shall be retained until the completion of works.

Reason: In the interests of the amenity and the landscape character of the area. It is

considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Access and parking

12. No part of the development shall be first occupied until the car parking has been 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.

13. No vehicular/pedestrian access of any form shall be created from the proposed track/drive through the eastern boundary of the site to open countryside without the written consent of the Local Planning Authority.

Reason: to avoid further encroachment into open countryside as well as a break in the proposed green infrastructure, in the interest of the protection of the landscape character, green infrastructure network and visual amenity.

14. Before the development hereby permitted is first brought into use, details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage details shall be implemented prior to the occupation of the development and thereafter retained.

Reason: To provide for alternative and sustainable modes of transport.

External lighting

15. No development above slab level shall commence unless and until details of any external lighting of the site, including the stable block and sand school are submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting residential receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone EI and the SDNPA "Dark Skies Technical Advice Note (2018)"

Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part I of the condition are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part I of the condition.

The approved installation shall be maintained and operated in accordance with the approved details unless variation is agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents, create an appropriate amenity space, protect wildlife, and conserve the landscape and dark night skies of the South Downs National Park, in accordance with National Park Purposes and the NPPF.

Refuse and recycling bins

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

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

Materials and architectural details

17. No development above slab level of the dwellings, holiday cottage, stable block and hay barn shall commence unless and until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

18. No development above slab level of the dwellings, holiday cottage and stable block shall commence unless and until the architectural details have been submitted to, and approved in writing by the local planning authority. The details shall include:-
- a) Details of all eaves;
 - b) Details of porches;
 - c) Windows (including glazing, head, sill and window reveal details and shutters/louvres, if applicable);
 - d) Manufacturers' details of light transmittance of glazing;
 - e) Rooflights, which shall include blinds;
 - f) Doors and garage doors;
 - g) Rainwater goods and harvesting;
 - h) Chimney stacks and type of combustion appliance.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area.

Ecology

19. No development shall be carried out on site (including demolition) unless and until a protected species mitigation and enhancement strategy has been submitted to and approved by the Local Planning Authority. The enhancement strategy shall follow from the "Ecology Mitigation Strategy including enhancements and management" by Bakerwell Limited (May 2019) and shall incorporate opportunities for biodiversity net gain. Thereafter, the mitigation and enhancement strategy shall be fully implemented and permanently maintained and retained in accordance with the approved details.

Reason: to ensure the protection of protected species on site and achieve a biodiversity net gain through the development in accordance with Policy SD9 of the SDLP. It is considered necessary for this to be a pre-commencement condition as these details relate to the protected species which could be harmed by the development and thus go to the heart of the planning permission.

Manure management

20. Prior to the construction of the stable block or sand school, details of where and how manure is to be stored, managed, treated and ultimately disposed of shall be submitted to and approved in writing by the Local Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

Reason: In the interests of residential amenity and to prevent water pollution.

Archaeology

21. No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist on site. The assessment should initially take the form of trial trenches located across those parts of the site currently occupied by greenfield and located within the footprints of proposed buildings, areas to be dug, access roads and the new

manage.

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. It is considered necessary for this to be a pre-commencement condition as these investigations need to take place prior any excavation takes place on site as it could disturb archaeological remains.

22. No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

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. It is considered necessary for this to be a pre-commencement condition as these investigations need to take place prior any excavation takes place on site as it could disturb archaeological remains.

23. Following completion of archaeological fieldwork, a report will be produced in accordance with an approved programme submitted by the applicant and approved in writing by the Local Planning Authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

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.

Removal of permitted development rights

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Part 1 Classes A, B, C, D, E and F, and Part 2 Class A.

Reason: To ensure the appearance of the development is satisfactory in accordance with the purposes of the South Downs National Park.

Use restrictions

25. The “Hay Barn” shown on the plans hereby permitted shall be used only for storage for the purposes ancillary to the equestrian use of the site and shall not be used as a private commercial use or for no other purpose.

Reason: to safeguard the amenities of the countryside location and neighbouring properties.

26. The occupation of the main dwelling on site shown on drawings hereby permitted as “Client Dwelling/Kristina Cook’s House” shall be limited to a person solely or mainly employed or last employed in the adjacent equine use (Soldiers Field Stables) and including any dependents of such person residing with him/her, or a widow or widower of such person.

Reason: The site lies outside of any settlement boundary where in accordance with the Local Plan development would not normally be permitted.

27. The “Holiday Cottage” shown on drawings hereby approved, shall be occupied solely as holiday accommodation for individual lets for up to, and no more than, 28 consecutive nights, and shall at no time be occupied, let or sold as a separate residential dwelling.

Reason: to avoid the loss of tourism accommodation in the National Park and to prevent a new separate dwelling outside the settlement boundary, where new

residential development is generally resisted.

28. The “Groom’s Accommodation” within the Stable Block shown on drawings hereby approved, shall be occupied solely for purposes incidental to the occupation and enjoyment of the main house “Client Dwelling/Kristina Cook’s House” and the “Stable Block” and shall at no time be occupied, let or sold as a separate residential dwelling.

Reason: to prevent the establishment of additional independent units of accommodation outside of any settlement policy boundary where new residential development is generally resisted and to avoid an unsatisfactory relationship between dwellings and stables and poor quality permanent accommodation.

29. The “Stable Block” and “Sand School/Horse Arena” shown on drawings hereby approved, shall operate as a single business and no individual stables shall be serviced or let out on an individual basis.

Reason: To prevent the stables from being used for a higher intense commercial purpose to the detriment of the locality with respect to increased activity and vehicle movements.

Informatives

1. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>
2. Should any building works, demolition or construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC’s PROW Team. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a closure, which would require a separate application to WSCC’s PROW Team. We ask for up to 8 weeks’ notice for any such closure and details and costs can be discussed at a later date with the PROW team.
3. The South Downs National Park Authority encourages the use of locally sourced materials to support local character and distinctiveness, and to reduce the costs both financially and environmentally of transporting materials long distances. The applicant is recommended to undertake a resource mapping exercise for materials, starting within a 5km radius of their site, and then 10km, 25km.
4. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council’s Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

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. This has included the provision of extensive advice from the SDNPA Design, Landscape, Development Management Officers and the opportunity to provide additional information to overcome critical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices

1. Site Location Map
2. Officer Report and Site Layout Plan for Application
SDNP/15/01361/FUL
3. Planning Committee Report and Site Layout Plan for Application
SDNP/18/01289/FUL

SDNPA Consultees

Legal Services

Background Documents

Planning application (documents, representations and consultation responses)

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs Local Plan 2014-2033

https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

National Planning Policy Framework (2019)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The South Downs National Park Partnership Management Plan (2020-2025)

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

English National Parks and the Broads: UK Government Vision and Circular (2010):

<https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>

South Downs Integrated Landscape Character Assessment (2011)

<https://www.southdowns.gov.uk/planning-policy/landscape-character-assessments/south-downs-integrated-landscape-character-assessment/south-downs-integrated-landscape-character-assessment-icla-2011/>

National Design Guide (2019)

<https://www.gov.uk/government/publications/national-design-guide>

Findon Village Design Statement (2012)

<https://findonparishcouncil.gov.uk/findon-parish-council/evidence-base/>

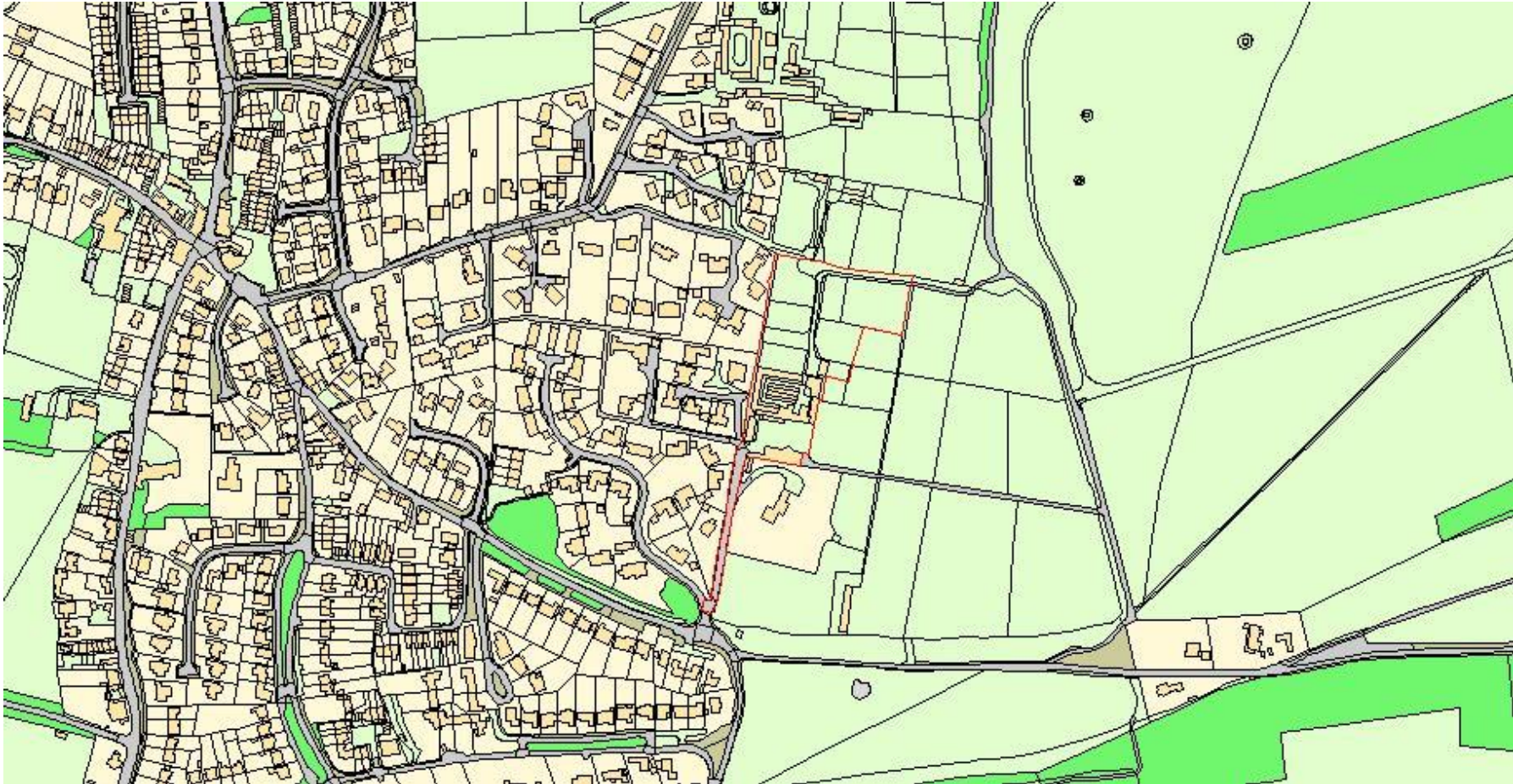
South Downs National Park: View Characterisation and Analysis (2015)
<https://www.southdowns.gov.uk/wp-content/uploads/2015/10/Viewshed-Study-Report.pdf>

SDNPA Decision Statement for the Updated Findon NDP (2020)
<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/findon-neighbourhood-plan/>

Nepcote Conservation Area Character Appraisal and Management Plan –
Draft for Consultation (2020)

https://www.southdowns.gov.uk/wp-content/uploads/2020/03/Nepcote_CAAMP_Web.pdf

Site Location Map



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**Delegated Decision
Sign Off Sheet**

Case No:	SDNP/15/01361/FUL	Case Officer:	Amy Wright
Application Type:	Full Application		
Proposal:	Regeneration of dilapidated stable yard and associated buildings comprising holiday cottage and one new dwelling together with replacement dwelling and ancillary stables and storage barn. (Departure from the Development Plan.)		
Site:	Soldiers Field Stables , Soldiers Field Lane, Findon, West Sussex, BN14 0SH		
Valid Date:	30 March 2015	Overall Publicity Expiry Date:	20 May 2015
Recommendation:	Approved	Recommendation Date:	29 July 2015
Expiry Date:	25 May 2015	Recommending Officer Signature:	

Date Legal Agreement Completed (if applicable)	No. of Representations
	0

Signed & Agreed By	Date
	7 August 2015
Line Manager Comments	

Case Officer Details	Name:	Amy Wright		
	Tel No:	0300 303 1053		
	Email:	Amy.Wright@southdowns.gov.uk		
Application No:	SDNP/15/01361/FUL			
Validation Date	30 March 2015	Determination Target Date:	11 May 2015	
Applicant:	Mrs A Gifford			
Proposal:	Regeneration of dilapidated stable yard and associated buildings comprising holiday cottage and one new dwelling together with replacement dwelling and ancillary stables and storage barn. (Departure from the Development Plan.)			
Site Address	Soldiers Field Stables Soldiers Field Lane Findon West Sussex BN14 0SH			

Recommendation: That the application is Approved.

1. Site Description and Proposal

The application site is a former stable yard which has fallen into disrepair and is informally occupied. There is a dwelling on site and many stables and the entrance to the site enters onto a courtyard. There are approximately 14 buildings on the site, which nearly fills the whole site with built form. Indeed, the areas between the buildings are generally concrete paths/access. Existing vehicular access into the site is off of Soldiers Field Lane. One of the buildings on site fronts onto the Lane and public footpath and is also in poor condition. Most of the buildings are single storey although there is a two storey barn structure in the centre of the site which has vehicular access and walk way through it to the northern part of the site. The buildings effectively are on four sides of the site. Most are block work with corrugated roofs. The site is very visible from the public right of way and in particular from Cissbury Ring.

The site is situated within the National Park and located outside the Built Up Area Boundary, adjacent to Public Right of Way. However the site reads as if it were in the Built Up Area Boundary as the road that leads to the site has residential properties off to the south and west of the site. Most of the dwellings within the near locality are generally large, detached and 2 storey properties. There is a new housing estate to the west. There are public rights of ways and bridle ways leading off the site and close to the site. Cissbury Ring lies to the east of the site. In terms of the South Downs Landscape Character Assessment, the site is located within character area A3 - Arun to Adur Open Downs.

This application seeks planning permission for the regeneration of the dilapidated stable yard and associated buildings comprising of one holiday cottage and one new dwelling together with a replacement dwelling and ancillary stables, storage barn and detached garage. The application site has a significant planning history with numerous schemes approved similar to the scheme proposed in this application. The most recent approval under Arun planning ref: FN/11/12 for the erection of a farmhouse, stables/staff block, separate stable block and a storage barn to the northern part of the site. A substantial sized new dwelling, a holiday cottage and a detached garage were proposed to the southern side of the site.

Application Arun planning ref: FN/37/09 also approved a similar development to the northern part of the site. However, the southern part of the site consisted of 2 new dwellings, 3 holiday cottages and a holiday stable block. There have also been refusals of permission on site, including

SDNP/12/02445/FUL. This was for the regeneration of the dilapidated stable yard and associated buildings comprising of three holiday cottages and one new dwelling together with a replacement dwelling and ancillary stables, storage barn and detached garage. The 2012 application was refused on the grounds of the lack of provision of affordable housing.

2. Relevant Planning History

SDNP/12/02445/FUL - Regeneration of the dilapidated stable yard and associated buildings comprising of three holiday cottages and one new dwelling together with a replacement dwelling and ancillary stables, storage barn and detached garage. The 2012 application was refused on the grounds of the lack of provision of affordable housing.

FN/11/12 - Regeneration of dilapidated stable yard & associated buildings comprising holiday cottage & one new dwelling together with replacement dwelling & ancillary stables & storage barn. Revisions to previous FN/37/09 & FN/36/11. Revised vehicular access arrangements to provide separate access to the stables as permitted FN/36/11. Approved.

FN/36/11/ - Regeneration of dilapidated stable yard & associated buildings, comprising 1 no. holiday cottage, 2 no. new dwellings (together with replacement dwelling, ancillary stables & storage barn as previously permitted under FN/37/09/) to include revised vehicular access arrangements to provide separate access for stables - amendment to refusal FN/83/10. Approved.

FN/83/10 - Regeneration of dilapidated stable yard & associated buildings comprising 3no. holiday cottages & a new residential dwelling (together with replacement dwelling & ancillary stable yard & storage barn as previously permitted under ref FN/37/09) in lieu of 2no. detached dwellings & to include revised vehicular access arrangements to provide separate access to serve stables - Departure from the Development Plan. Approved.

FN/37/09 - Regeneration of dilapidated stable yard and associated buildings comprising replacement dwelling with ancillary stable yard and storage barn, 3 no. holiday cottages and 2 no. residential dwellings. Permitted.

3. Consultations

Arun District Council

No response received.

Hampshire County Council - County Ecologist

Comments

An Internal and External Bat Survey and Barn Owl Survey Report (PJC Ecology, May 2015) has been provided and confirms that the site (including buildings and trees) supports negligible potential for roosting bats and barn owl.

No evidence of bat or barn owl activity was recorded during the survey and the buildings and trees do not support suitable features for bat roost or barn owl. I am satisfied that this represents the current conditions at the application site and I have no concerns over the potential for this application to have any adverse effects on bats or barn owl.

The submitted report provides a number of sensible suggestions for ecological enhancement at the site. Therefore, if you were minded to grant permission, I would suggest that a condition be added to any planning permission requiring the applicant to incorporate features into the development that would contribute to biodiversity. These can include, for example, the erection of bird boxes or the

incorporation of a bat brick or specialist bat access tiles into buildings, native and locally appropriate planting to provide habitat and food sources for species such as birds and invertebrates, wildflower areas, creation of ponds and other habitat features such as habitat (log) piles.

In addition, given that evidence of breeding bird activity was recorded on site, I would recommend the following informative is added to any decision notice:

- Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

SDNP Drainage/Sustainability Officer

Comments

Advise that if the proposal constitutes major development, then a surface water drainage statement should form part of the application.

Hampshire County Council Landscape Team

Comments

This is a prominent location on the edge of Findon village. It is visible from open Downland and several rights of way. The design has been carefully considered in terms of layout, materials and boundary treatments. No objections are raised in relation to the proposal. A condition regarding planting species is suggested.

West Sussex County Council Highways

Comments

West Sussex County Council was consulted previously on highway matters for this location under planning application nos. FN/11/12 to which no highway objections were raised.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

The proposal is for a re-submission of the proposal as permitted under FN/11/12. It does not appear that the current proposal would generate a significant amount of additional vehicular traffic over and above the permitted scheme.

It is intended that the access arrangements are modified from the permitted plan to segregate the stable and farmhouse traffic from the holiday cottage and residential plot.

In response to application FN/36/11 it was requested that signage be placed to make drivers leaving this site aware to the possible presence of footpath (F.P.2085) users. I would ask that the erection of a suitable sign is secured via condition; the wording of which should be agreed by the LPA in consultation with the WSCC Public Rights of Way Team.

All other informative notes and conditions suggested under application FN/11/12 should also be applied:

Adam Charlton
Strategic Planning

Parish Council Consultee

Comments

Soldiers Field Stables letter 04 2015.pdf

Hampshire County Council - County Ecologist

Comments

An Internal and External Bat Survey and Barn Owl Survey Report (PJC Ecology, May 2015) has been provided and confirms that the site (including buildings and trees) supports negligible potential for roosting bats and barn owl.

No evidence of bat or barn owl activity was recorded during the survey and the buildings and trees do not support suitable features for bat roost or barn owl. I am satisfied that this represents the current conditions at the application site and I have no concerns over the potential for this application to have any adverse effects on bats or barn owl.

The submitted report provides a number of sensible suggestions for ecological enhancement at the site. Therefore, if you were minded to grant permission, I would suggest that a condition be added to any planning permission requiring the applicant to incorporate features into the development that would contribute to biodiversity. These can include, for example, the erection of bird boxes or the incorporation of a bat brick or specialist bat access tiles into buildings, native and locally appropriate planting to provide habitat and food sources for species such as birds and invertebrates, wildflower areas, creation of ponds and other habitat features such as habitat (log) piles. Possible condition wording might be:

Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details. Reason: to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

In addition, given that evidence of breeding bird activity was recorded on site, I would recommend the following informative is added to any decision notice:

- Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

South Downs Rights Of Way Officer

No response received.

4. Representations

No representations received.

5. Policy Context

5.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Arun District Local Plan (2003). The relevant policies to this application are set out in section 6, below.

National Planning Policy Framework (NPPF) and Circular 2010

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

5.2 National Park Purposes

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 well being of the local community in pursuit of these purposes.

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

The relevant Saved Policies of the Arun Local Plan 2003 have been assessed and are considered compliant with the NPPF.

5.4 The South Downs Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. The following Policies and Outcomes are of particular relevance to this case:

General Policy 1

Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

Visitor and Tourism Policy 42

Develop a consistent and co-ordinated approach to the promotion and marketing of the South Downs National Park as a sustainable visitor destination.

General Policy 50

Housing and other development in the National Park should be closely matched to the social and economic needs of local people and should be of high design and energy efficiency standards, to support balanced communities so people can live and work in the area.

6. Planning Policy

The following policies of the Arun District Local Plan (2003) are relevant to this application:

- ARGN3 (AR)Protection Of The Countryside
- ARGN7 (AR)The Form Of New Development
- ARGN12 (AR)Parking In New Development
- ARDV5 (AR)Horse Related Development
- ARDV34 (AR)Tourist Accommodation And Attraction

7. Planning Assessment

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise."

7. The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area and wider landscape of the South Downs National Park.

PRINCIPLE:

8. The site lies within a National Park and outside the Built-Up Area Boundary as defined by the Arun District Local Plan 2003, where development not essential for agriculture, forestry, mineral extraction or disposal of waste, quiet informal recreation, rural diversification or essential community needs would likely be refused. The current application will provide a mix of residential and tourism, in the form of a replacement farmhouse, a new dwelling, one holiday cottage, stabling/staff accommodation annexe and a storage barn. The new dwelling would have a large detached garages and the replacement farmhouse, plus holiday cottage have parking spaces. The proposal is in line with the quiet informal recreation, and rural diversification matters as outlined within the related policies subject to appropriate conditions managing the intensity of the uses.

PREVIOUS USES:

9. The site history is of importance for the determination of the proposal, for as can be seen, the original use related to a racing stable use. Indeed the site is laid out with and is virtually entirely

covered with stable buildings and structures. Areas not covered with buildings are mostly concreted/tarmac providing for access links.

10. The racing stables use has ceased some years ago and in consequence, the buildings have fallen into a poor condition. Since 2001, applications have been submitted to redevelop the site and have either been withdrawn or refused. The proposals for each of the applications were considered not to offer any benefits from the development, particularly in relation to the landscape of the National Park to outweigh any harm to the countryside location. The Inspector in the 2004 appeal for 4 no. large residential dwellings with no associated tourist, agricultural or forestry use, considered that the existing buildings would be readily noticeable in the mid distance views from Cissbury Ring and at other viewpoints along adjoining bridleway network, and that the proposed dwellings would benefit the mid-distant views such as Cissbury Ring. However he concluded that the proposal conflicted with the development plan policies for residential development in the countryside and that the small benefits arising from the scheme were insufficient to outweigh this harm and conflict with policy.

6. Subsequent to the 2004 appeal an application was approved to regenerate the dilapidated stable yard and associated buildings comprising replacement dwellings with ancillary stable yard and storage barn, 3 no. holiday cottages and 2 no. residential dwellings (FN/37/09). A later scheme FN/83/10 sought amendment to part of the original application. Whilst the amount of development was reduced it no longer reflected the existing built form on the site or contributed positively to the visual amenities and rural character of the area. The large dwellings were considered excessive in the surroundings and prominent and obtrusive in the wider landscape and the design would not be compatible within its rural setting. Application FN/36/11 approved a reduction in the number of holiday units to one larger unit and 2 residential dwellings in addition to the stabling, annex and farmhouse.

7. The most recent application was approved under Arun planning ref: FN/11/12 for the erection of a farmhouse, stables/staff block, separate stable block, storage barn to the northern part of the site. A substantial sized new dwelling, a holiday cottage and a detached garage were proposed to the southern side of the site. This reduced the number of holiday accommodation units and instead, enlarged the floorspace of the new dwelling proposed. This resulted in no considered material harm to the surrounding area.

8. Finally application SDNP/12/02445/FUL sought the regeneration of the dilapidated stable yard and associated buildings comprising of three holiday cottages and one new dwelling together with a replacement dwelling and ancillary stables, storage barn and detached garage. This 2012 application was refused on the grounds of the lack of provision of affordable housing, which was contrary to policy at that time.

VISUAL AMENITY AND IMPACT ON LANDSCAPE AND COMPARISON WITH PREVIOUS APPROVAL FN/12/12:

9. This current application seeks to renew FN/11/12. There is no material difference between the development proposed previously and that proposed now. The permission was extant at the time the current application was made, but has now lapsed.

10. The existing development on the site currently covers the land with hard surfacing and buildings. From public footpaths including the important views from Cissbury Ring, the buildings have a utilitarian appearance and detract from the natural beauty of the landscape. The removal of these buildings would enhance both the landscape and the National Park. It is not considered that the proposals result in further incursion into the Open Downland.

11. In the approval FN/37/09 and FN/11/12 the design of the proposed buildings reflected typical rural structures and the use of materials such as clay roof tiles, flint or timber weather boarded

elevations, also enhanced the locality. The village of Findon is built mostly in materials common of the downs and characterised by high flint walls. The rear perspective of the roofs of the buildings generally had no windows, preventing glare onto the countryside views and this continued the appearance of typical rural structures. The proposed buildings siting carefully considered the views through to the rolling chalk upland landscape. Boundary treatments are considered sensitive in this prominent, edge of village location.

12. Taking into considerations the previous approvals on site in terms of the layout, size, form and number of units previously approved it is considered that the proposal is acceptable despite some of the design detailing appearing slightly pastiche.

13. The site provides one holiday cottage, which, because it is well-screened and positioned is not harmful to the countryside setting. Furthermore, the principle of holiday accommodation is supported by the Partnership Management Plan Policy 42, and Arun Local Plan policy DEV34.

RESIDENTIAL AMENITY:

14. Findon village lies within the National Park and contains many residential properties which contribute to the ambience of its setting. The proposal is accessed off an existing lane which provides access to residential properties. The minimum distance of these dwellings from those proposed is some 20m and in many instances considerably further. A 20m separation has been provided to the rear of the site and Stables; the Holiday Cottages and Storage Barn all respect this distance. All are principally single storey and will be screened by a landscaped section. Thereby it is not considered that the buildings would result in unacceptable overshadowing, or overbearing on the residential properties to the west, some of which are new-builds. There is an extremely well established hedge screen between the site and the adjacent dwelling to the south. No first floor windows are proposed in the southern elevation of the new house, which further protects neighbouring amenities.

AFFORDABLE HOUSING:

15. The proposal previously generated a request for a commuted sum payment in respect of affordable housing. However, the site is for less than 5 dwellings within a National Park. A Ministerial Statement in December 2014 states; "Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions...For designated rural areas under section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought." No affordable housing contribution is now sought from the applicant.

FLOOD RISK:

16. The site is not near a river to cause fluvial flooding, but may be at risk of surface water flooding. Findon Parish Council have raised concerns regarding this. Since the proposal does not constitute major development, then a surface water drainage statement cannot be requested. However, the application does result in a net reduction in impermeable surfacing. Furthermore, the applicant will be asked to consider Sustainable Urban Drainage Systems (SuDs) and permeable surfacing as part of their landscape scheme.

CONCLUSION:

17. The development is acceptable in terms of its impact on the SDNP landscape and residential amenities. Whilst design nuances could be debated, the principle of development has previously been approved under application FN/11/12 and therefore, it is recommended that the current

scheme be approved given the previous approval. Conditions are requested by the County Ecologist and the Highways Authority.

8. **Recommendation**

It is recommended that the application be approved subject to the conditions set out below

1. The development hereby permitted shall be carried out in accordance with the following plans:

Plan Type	Reference	Version	Date on Plan	Status
Plans -	HOUSE NORTH AND SOUTH ELEVATIONS	10/157/S K04 B	01.02.2012	Approved
Plans -	HOUSE EAST AND WEST ELEVATIONS	10/157/S K05 B	01.02.2012	Approved
Plans -	FARMHOUSE ELEVATIONS	10/157/S K07 B	01.02.2012	Approved
Plans -	GARAGE PLANS	10/157/S K12 FEB12	01.02.2012	Approved
Plans -	ELEVATION LOOKING EAST	10/157/S K13 FEB12	01.02.2012	Approved
Plans -	STABLES AND STAFF ACCOMMODATION	10/157/S K08 B	01.02.2012	Approved
Plans -	STORAGE BARN - PLANS/ELEVATIONS	10/157/S K10 FEB12	01.02.2012	Approved
Plans -	STABLES - PLANS/ELEVATIONS	10/157/S K09 FEB12	01.02.2012	Approved
Plans -	PROPOSED SITE LAYOUT	10/157/S K01 FEB12	01.02.2012	Approved
Plans -	BLOCK PLAN	10/157/B P1	01.11.2010	Approved
Plans -	LOCATION PLAN	10/157/L OC10	01.03.2015	Approved
Plans -	FARMHOUSE FLOOR PLANS	10/157/S K06 C	01.02.2012	Approved
Plans -	HOUSE GROUND FLOOR PLAN	10/157/S K02 C	01.02.2012	Approved
Plans -	HOUSE FIRST FLOOR - ROOF	10/157/S K03 B	01.02.2012	Approved

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

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

3. No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls, fenestration and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail, on a prominent edge, of village site in the South Downs National Park, in the interests of local amenity by endeavouring to achieve buildings of visual quality in accordance with Policy GEN7 of the Arun District Local Plan.

4. No development shall commence until a detailed scheme for biodiversity enhancements to be incorporated into the development shall be submitted for written approval of the Local Planning Authority. Approved details shall be fully implemented prior to the occupation of the buildings.

Reason: To enhance biodiversity in accordance with the NPPF and NERC Act 2006.

5. a) No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- b) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and within 6 months of occupation of the buildings, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- c) All new hard surfacing should have appropriate drainage and use permeable surfacing where possible.
- d) Plant species should be consistent with local downland species, particularly the proposed eastern hedgerow.

Reason: In the interests of amenity and of the environment of the National Park, and in accordance with GEN7 of Arun's Local Plan 2003.

6. Prior to the occupation of the development, signage alerting drivers to the presence of footpath FP 2085 shall be erected in a position to be agreed and in accordance with details submitted to and agreed by the Local Planning Authority in consultation with County Highways and the West Sussex County Council Public Rights of Way Team.

Reason: To ensure the safety of all users of the access road and footpath in accordance with the NPPF.

7. No dwellings or buildings shall be occupied until details of all screen walls and/or fences on site have been submitted to and approved by the Local Planning Authority and the approved details fully implemented.

Reason: In the interests of amenity and preserving the landscape character of the National Park in accordance with Policy GEN7 of Arun District Local Plan 2003.

8. The dwellings and buildings shall not be occupied until the access is constructed in accordance with approved plan 10/157/SK01.

Reason: To ensure safety of all users of the access road and NPPF.

9. The dwellings and buildings shall not be occupied until the parking spaces and turning space, and garage shown on the submitted plans have been provided. These shall be used for these purposes and no other use whatsoever.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

10. The "Storage Barn" shown on the plans hereby permitted 10/157/SK01 shall be used only for purposes ancillary to "The Farmhouse/ Stables/ Staff" and shall not to be used as a private commercial use or for no other purpose.

Reason: To safeguard the amenities of the countryside location and neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan, Policy 1 of the Partnership Management Plan and NPPF.

11. The occupation of "The Farmhouse" dwelling as shown on drawing 10/157/SK01 shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry, or in association with the adjacent equine use and including any dependents of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site lies in a rural area where in accordance with the Policy GEN3 of Arun District Local Plan development unrelated to the essential needs of agricultural and/or forestry would not normally be permitted.

12. The "Holiday Cottage" hereby approved, shall be occupied solely as holiday accommodation for individual lets for up to, and no more than, 28 consecutive nights, and shall at no time be occupied, let or sold as a separate residential dwelling.

Reason: To preserve the availability of the accommodation as holiday lets in accordance with policy DEV34 of the Arun District Local Plan 2003 and Policy 42 of the Partnership Management Plan, and to prevent the establishment of a permanent dwelling in accordance with Policy GEN7 of the Arun District Local Plan.

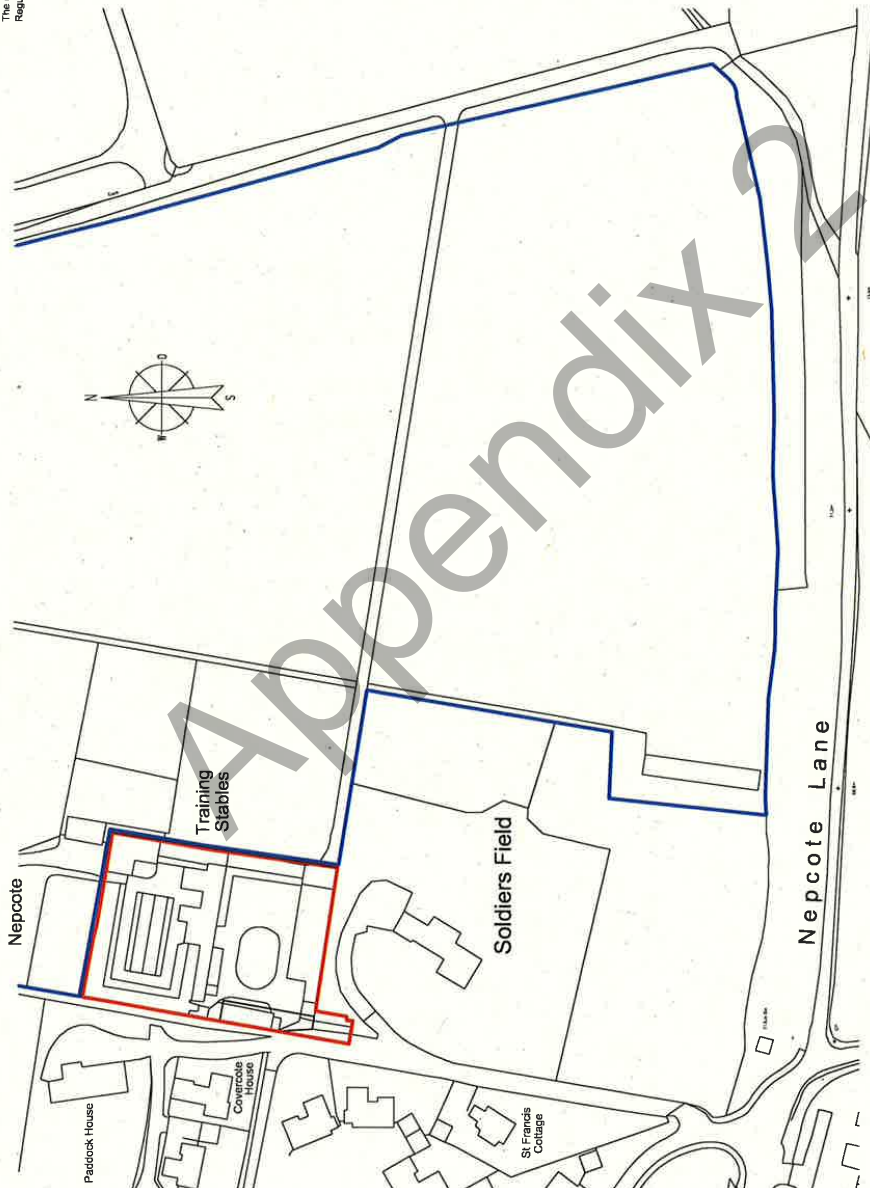
13. The first floor Staff Annex with "Stables" hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of "The Farmhouse" and "Stables" and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings and poor quality accommodation.

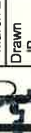
14. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the development hereby permitted, shall be constructed or buildings shall be erected within the curtilages unless otherwise approved by the Local Planning Authority.

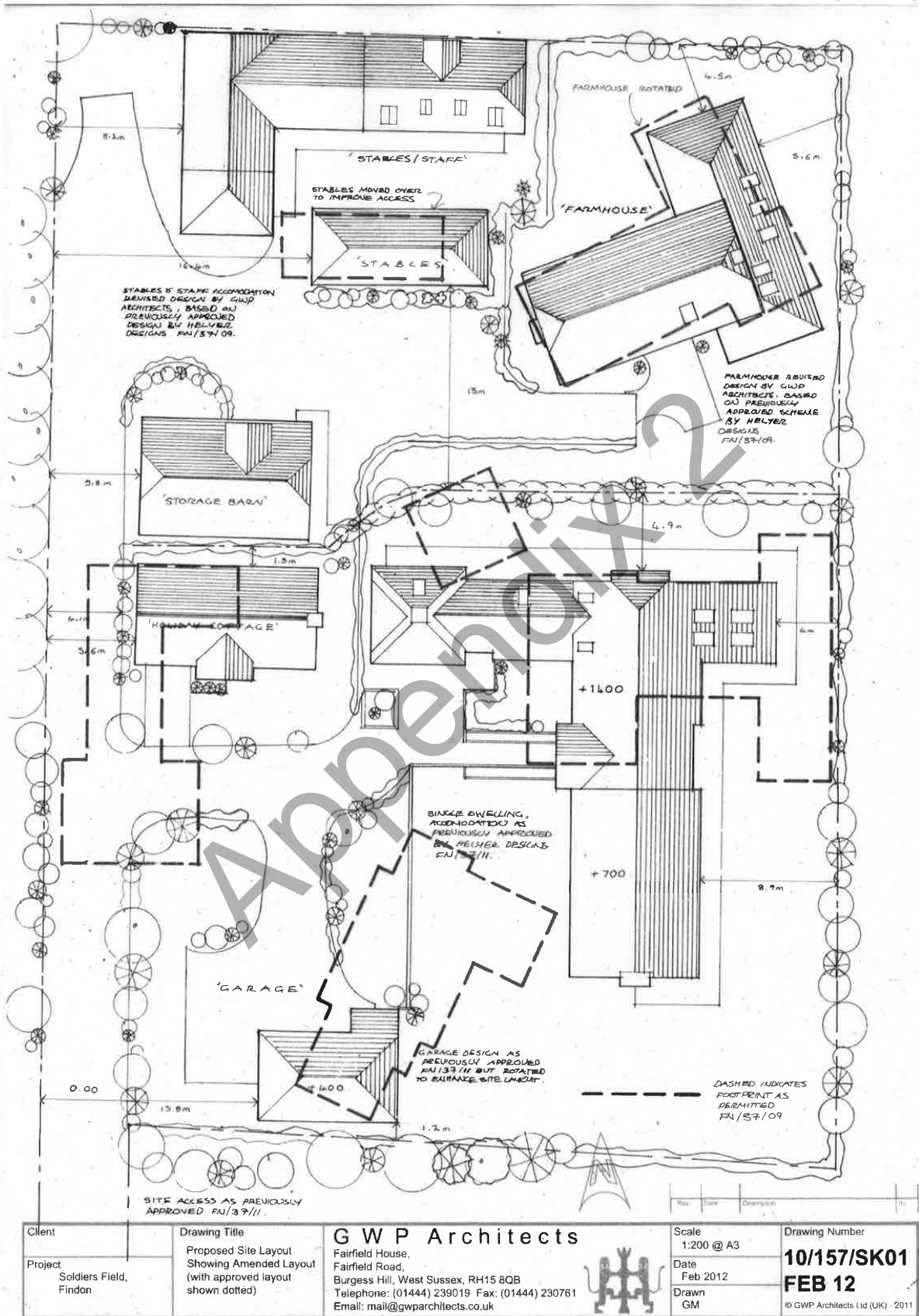
Reason: In order to control the development in the interests of the character and appearance of this building group which is within a National Park and outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted and in accordance with policy GEN7 of the Arun District Local Plan.

Appendix 2



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Ordnance Survey (c) Crown Copyright 2011. All rights reserved. Licence number, 100020449					
	PLANNING	Rev.	Date	Description	By
		-	-	-	-
Client	Mrs. A Gifford				
Project	Soldiersfield, Findon, West Sussex				
	Drawing Title				
	Location Plan				
					
		G W P Architects Fairfield House, Fairfield Road, Burgess Hill, West Sussex, RH15 8QB Telephone: (01444) 239019 Fax: (01444) 230761 Email: mail@gwparchitects.co.uk			
		Scale		Drawing Number	
		1:1250 @ A3		10/157/LOC10	
		Date		March 2015	
		Drawn		IB	
		© GWP Architects Ltd (UK) - 2013			



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**Agenda Item 7
Report PC55/18**

Report to	Planning Committee
Date	13 September 2018
By	Director of Planning
Local Authority	Arun District Council
Application Number	SDNP/18/01289/FUL
Applicant	Mrs A Gifford
Application	Hybrid application comprising full planning application for the replacement of an existing dwelling, erection of new stable yard with ancillary groom's accommodation, hay barn, a new unit of holiday accommodation and relocation and enlargement of existing manege. Outline planning application for the redevelopment of the existing stable yard with 3no. dwellings and garages.
Address	Soldiers Field Stables, Soldiers Field Lane, Findon, BN14 0SH

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

Executive Summary

The application site is immediately outside the Settlement Policy Boundary of Findon in the Countryside and therefore subject to more restrictive policies of constraint in relation to new housing development. The southern part of the site however has been the subject of an extensive planning history for over ten years which includes previous approvals for similar development. The most recent approval in 2015 included a replacement dwelling, stables, a storage barn, 1 holiday cottage and a new large dwelling. A material start has been made on site and that permission therefore remains extant. It is also noteworthy that permission was granted by Arun District Council in 2012 for 2no new dwellings and 3no holiday cottages in addition to the replacement dwelling, stables and barn, within the southern part of the application site.

The current proposals comprise 3no new dwellings, in addition to the replacement dwelling, stables, manege and storage barn, with the northern part of the site now forming part of the proposals (the manege, stables, barn, replacement dwelling and holiday cottage being located in this part of the site.)

Whilst there is therefore an established principle of some form of development within part of the site (with the fact that the most recent approval could still be completed), regard must be had as to whether there is any justification for the increase in private market dwellings over and above the earlier approval, together with the incursion of development into the northern part of the site.

In addition, regard must be had to the policies of the emerging South Downs Local Plan alongside those of the adopted Arun District Local Plan, The Findon Neighbourhood Plan and the Pre-Submission version of the Updated Neighbourhood Plan.

Whilst the extant approval and earlier approvals are noted, it is not considered that there is sufficient justification for 3 new dwellings in the countryside. The applicant's requirement for this development to support the ongoing redevelopment of their equestrian business is not considered,

on balance, to be sufficient justification to depart from the restrictive policies in relation to housing in the countryside, especially given that the development of the northern part of the site also presents issues in terms of landscape impact and there remain concerns with regard to ecological matters which have not been addressed. The application is therefore recommended for refusal.

The application is placed before the Committee due to the unique site history, scale and nature of the proposals, policy considerations, and due to the level of local interest.

I. Site Description

- I.1 The application site is located on the eastern side of Soldier's Field Lane. The site comprises of an existing equestrian complex including stable buildings and barns on the southern part of the site, an existing dwelling in the north-eastern corner of the existing yard in the central part of the site, a barn immediately to the north of the dwelling and a manege to the west. To the north of the barn and manege the land opens out into paddocks, which are currently used for grazing. The land levels drop significantly from the northern end of the site to the south. The site itself is accessed off Soldier's Field Lane in the south-western corner.
- I.2 Most of the buildings on site are single-storey although the aforementioned barn is a two-storey structure. The site was formerly used in conjunction with the race horse business at the Downs Yard to the north but the stables have subsequently fallen into disrepair. Some of the stables are however still in use for training horses.
- I.3 The settlement policy boundary of Findon is located to the west of the application site, which predominantly includes large two-storey detached dwellings that back on to the application site. These dwellings form part of a relatively new housing estate. However, there is also an intervening public footpath (no. 2085) that immediately adjoins the western boundary of the site. This footpath runs in a north to south direction along the entire length of the western site boundary. The western boundary comprises of high walls on the southern part of the site with intermittent sections of hedgerow at the northern end.
- I.4 The large detached two-storey residential property to the south is named Soldiers Field, which is sited within substantial grounds. This site has been put forward as an allocation for residential development (10 to 12 dwellings) within the Submission version of the South Downs Local Plan.
- I.5 The eastern site boundary is bounded by fields used for the grazing of horses with open views over to Cissbury Ring further to the east.
- I.6 To the north of the site is Pony Farm and its associated pony paddocks, which run down to the northern site boundary of the application site. The northern site boundary comprises a row of existing mature trees that are the subject of a Tree Preservation Order (TPO).

2. Relevant Planning History

- 2.1 SDNP/18/03708/DCOND: Discharge of condition 3 (schedule of materials) on planning consent SDNP/15/01361/FUL. Condition discharged on 26.07.2018.
- 2.2 SDNP/18/03819/DCOND: Discharge of conditions 4 (biodiversity enhancements) and 5 (hard and soft landscaping) on planning consent SDNP/15/01361/FUL. Conditions discharged on 06.08.2018.
- 2.3 SDNP/16/01552/PRE: Pre-application advice for a replacement dwelling, a new 2 bed holiday let and the erection of 3no. new open market dwellings on the site of the former racing stable yard. A new stable building comprising 15 stables, new grooms accommodation and a hay store in addition to a new relocated manege on the land to the north of the existing stables. Response provided 20.06.2016 advising that the site has a mixed history with the latest permissions allowing a certain amount of development on the southern part of the site only, including residential and tourism uses outside of the SPB. Further discussions then with the applicant focussed predominantly on landscape & highway issues.
- 2.4 SDNP/15/01361/FUL: Regeneration of dilapidated stable yard and associated buildings comprising holiday cottage and one new dwelling together with replacement dwelling and ancillary stables and storage barn. Permission granted on 07.08.2015. A material start has

been made on site. This permission therefore remains extant. (Officer Report and Layout Plan attached at **Appendix 2**).

- 2.5 SDNP/12/02445/FUL: Regeneration of dilapidated stable yard and associated buildings comprising of three holiday lodges and one new dwelling together with a replacement dwelling and ancillary stables, storage barn and detached garage. Application refused on 16.07.2014 on the grounds of the lack of provision of affordable housing.
- 2.6 FN/11/12: Regeneration of dilapidated stable yard and associated buildings, comprising 1 no. holiday cottage and one new dwelling together with replacement dwelling and ancillary stable yard and storage barn. Revisions to previous applications FN/37/09 and FN/36/11. Revised vehicular access arrangements to provide separate access to the stables as permitted under FN/36/11. Permission granted.
- 2.7 FN/36/11: Regeneration of dilapidated stable yard and associated buildings, comprising 1 no. holiday cottage, 2 no. new dwellings together with replacement dwelling and ancillary stable yard and storage barn as previously permitted under FN/37/09 to include revised vehicular access arrangements to provide separate access for the stables – amendment to refusal FN/83/10. Permission granted.
- 2.8 FN/83/10: Regeneration of dilapidated stable yard and associated buildings comprising 3 no. holiday cottages and new residential dwelling together with replacement dwelling and ancillary stable yard and storage barn as previously permitted under FN/37/09 in lieu of 2 no. detached dwellings and to include revised vehicular access arrangements to provide separate access for the stables. Permission refused due to the size and design of the proposed 5 bed dwelling and because the physical linking of the tourist buildings with the large dwelling would be visually intrusive in a countryside location.
- 2.9 FN/37/09: Regeneration of dilapidated stable yard and associated buildings comprising replacement dwelling with ancillary stable yard and storage barn, 3 no. holiday cottages and 2 no. residential dwellings. Permission granted.
- 2.10 FN/74/04: Demolition of a 6 bedroom detached dwelling and 1,605 square metres of commercial buildings and the erection of 4 no. detached dwellings. Permission refused and on 24.07.2006, the subsequent appeal was dismissed by the Inspector because the proposal conflicted with the development plan's policies for residential development in the countryside. Additionally, the Inspector concluded that the small benefits arising from the scheme would be insufficient to outweigh the harm because the open market dwellings would appear as an incongruous suburban enclave in this sensitive location given that the site has an open setting.

3. Proposal

- 3.1 The hybrid application proposes:
 - 1) Full planning application for the replacement of an existing dwelling, erection of new stable yard with ancillary grooms accommodation, hay barn, a new unit of holiday accommodation and relocation and enlargement of existing manege predominantly in the northern part of the site.
 - 2) Outline planning application for the redevelopment of the existing stable yard with 3 no. open market dwellings and garages.
- 3.2 The existing vehicular access to the site would be retained and it is understood that the new open market dwellings within the outline planning application have been included to fund the new replacement dwelling, stable yard and manege.
- 3.3 The daughter of the applicant took over Soldier's Field Stables and currently lives in the former groom's accommodation on site. Of the 70 stables on site, only 28 are currently in use and this is understood to be because the current facilities are poor and outdated. The site currently accommodates 28 horses, some of which are in training for clients. The overall aspiration for the site is to provide modern equestrian facilities to allow all year round training to train horses to an Olympic standard.

- 3.4 All of the previous approvals, including the extant permission, relate to the redevelopment of the southern part of the site where the stables and existing dwelling are sited, thereby retaining the northern paddocks. The current application also includes the development of further land to the north, making the overall site area larger under the current application (1.28 hectares). The development of the northern part of the site is predominantly for the equestrian business, including the owner's accommodation, manege, stables, barn and holiday cottage (Proposed Site Layout attached as **Appendix 3**).

4. Consultations

4.1 Findon Parish Council: Objection

- The development is outside of the settlement boundary and does not meet the criteria under the relevant policies within the Submission version of the South Downs Local Plan and the Arun District Local Plan (2003).
- Neither the Submission version of the South Downs Local Plan or the emerging updated Findon Neighbourhood Development Plan (FNDP) have proposed to extend the settlement boundary at the application site or allocate it as a housing site.
- The FNDP states a community aspiration to work with the SDNPA to restrict development outside of settlement boundaries.
- The proposed siting and proximity (1 metre) of the stable block is too close to neighbouring property boundaries, overbearing and unneighbourly.
- The three new dwellings does not meet the FNDP aspirations of supporting affordable and social housing development.

4.2 Drainage: No objection subject to conditions.

- Aware of current surface water flooding problems in the area but the proposals offer a good opportunity to reduce this problem through conditions and further discussions with the Drainage officer prior to construction.

4.3 Highways: No objection subject to conditions.

- More information is required to ensure that adequate and appropriate parking provision is created for the stables and that any impact on local road use and access is understood.

4.4 Trees: No objection subject to a condition.

4.5 Darn Night Skies: No objection subject to conditions.

4.6 Design: No objection.

- Given the absence of a very strong architectural character to the village and the largely suburban nature of development around the site, no concerns raised about the style and form of the proposed houses, stable block and holiday let.
- Extent of timber cladding on residential buildings should be reduced as there are no clear precedents in the village. Locally characteristic materials such as brick, flint and hanging clay tiles would be more appropriate. No flint panels to be used.
- Windows, doors and rainwater goods should not consist of plastic.
- The buildings should meet minimum sustainability credentials.

4.7 Landscape: Holding Objection (having considered the revised plans).

- Equestrian development, whilst historically important to Findon, can still have detrimental impacts upon landscape character and visual amenity. The small intensively grazed paddocks separated by white tape or ranch style fencing generates negative landscape impacts.
- Whilst the built form would be pushed further northwards (contrary to the settlement character of Findon – a valley bottom settlement) the built form to the north would be a functional stable block, which would be single-storey. The proposed built form would therefore be appropriate for this part of Findon.
- The scheme offers opportunity to improve the condition of the settlement edge of Findon, which is particularly sensitive and currently poor at this location but concerns

remain unaddressed and it has not been demonstrated that the visual harm and landscape impacts could be minimised.

- Not clear how surface water run-off would be managed and the manege should be sensitively engineered. Bunds should not be created. More information required on land management, including manure management.
- Landscape enhancements could be proposed and conditioned as part of a Landscape and Ecological Management Plan (LEMP).
- Outward facing edge of the scheme is key – this should incorporate a thick tall hedge/belt of trees which provide a new edge to the settlement leading to improved views from the south-east. This should be agreed prior to determination rather than being conditioned.
- The species of vegetation proposed needs to be reviewed, which needs to be characteristic of what is grown locally.
- The experiential qualities of users of the right of way needs to be considered.
- The site should be an exemplar – providing a high quality and locally characteristic development, which both conserves and enhances the special qualities of the National Park.

4.8 Tourism: No objection to holiday let development on the site.

- The South Downs National Park Visitor Accommodation Review 2014 evidence shows strong demand for high quality accommodation.
- Accommodation provision in Findon encourages overnight staying visitors, who spend more in the National Park than day visitors. Visitors can also provide much needed economic support to local community small businesses and services such as pubs, restaurants and local shops.
- The Findon Neighbourhood Development Plan has supportive objectives and policies around business and tourism development in the area, including equestrian facilities.

4.9 Archaeology: No objection subject to a condition.

4.10 Ecology: Further clarification required.

- Bats have been recorded commuting within the site but the majority of buildings, trees and features of the site are identified as having no potential for bats.
- Clarification is required regarding reptile habitat, whether further emergence/re-entry surveys are required in relation to bats and on the proposed lighting. The ecological report also refers to a bat and owl survey report, which does not appear to be available.

4.11 Public Rights of Way: No objection subject to informatives.

4.12 Southern Water: Comments.

- Suggest informatives, should approval be given.

4.13 Environmental Health: No objection subject to conditions.

- Conditions recommended in relation to noise, construction noise, light, smoke and odour.
- The most likely cause of smells would be from waste, which should be stored and collected properly to ensure the amenities of the nearby residents are protected.

4.14 Structural Engineer: No comments.

5. Representations

- 5.1 22 letters of objection have been received and 9 letters of support, some of which are duplications. A Landscape and Visual Appraisal (Lizard Landscape, Design and Ecology) has also been submitted for consideration on behalf of a local resident residing to the west of the application site.

Objection:

- No evidence that the owners of Findon Chase Management Co. (FCMC) land (who

own 2/3 of Soldiers Field Lane), have given right of way over this land. The application should be refused.

- Concerns that the Soldiers Field Lane could be damaged by construction traffic.
- (Officer Note: Notice has been served on FCMC. In addition, the right of way over the land would be a civil matter for the applicant to address with those concerned).
- Proposals would encroach on a highly protected area, which conflicts with the aim and objectives of such a designation, outside of the settlement boundary.
- An earlier application in 2005 for a smaller and less intrusive development on brownfield land was rejected on landscape harm. The land to the north is now proposed to be built on. The protection status has now strengthened.
- The 2006 appeal for 4 large open market dwellings on the brownfield site was dismissed by the Inspector, concluding that the impact of the houses outside the settlement boundary could not effectively be screened by soft landscaping and would be detrimental to the sensitive landscape character at the eastern downland edge of Findon. The landscape character has not materially changed since the appeal decision.
- Similarities in the 2006 appeal scheme and the current application must be noted, including site area, landscape harm, no viability assessment and no legal or other mechanism offered.
- Sets a dangerous precedent for further 'creeping' applications and the proposal has the potential to grow into a more intensive commercial enterprise.
- The replacement dwelling is sited much further north under the current application.
- Soft landscaping and planting will not screen, disguise or ameliorate the large scale of the new equestrian centre and urban development.
- The manege is larger than the standard size and would need to be dug out. Concerns about where would the spoil go.
- The sprawl of the development would result in a large concentration of domestic buildings and equestrian/domestic paraphernalia.
- Damage to flora and fauna and woodland copse is not in keeping.
- The proposals may need to be considered as major development, particularly given the adjacent development proposals at Land at Pony Farm to the north and a housing allocation for 10-12 houses to the south of the site (Soldiers Field House).
- The cumulative development on the National Park needs to be considered.
- Impacts in terms of light, noise, traffic and dust pollution.
- Scale of the proposed development would impact on views across to Cissbury Ring from the public right of way running alongside the western site boundary. Enjoyment of the footpath would be seriously compromised.
- Impacts on the neighbouring residents to the west including overbearing development, overshadowing, a loss of tranquillity and associated nuisance and smells. Manure heaps and stable waste would impact on residents.
- The location plan fails to identify on it the adjacent residential properties.
- Additional traffic as a result of the proposed development. The application excludes a Transport Statement.
- Increased parking needs – the proposed site plan appears limited in displaying sufficient parking, for residents or visitors.
- Lots of horse boxes will be coming to and from the site, which in itself will change the nature of the area.
- Currently the PRow floods during heavy periods of rain. Additional equestrian activity will impact on this further.
- No on-site affordable housing provided.
- The main rationale of the application is centred around a commercial enterprise, which needs funding to make it economically viable. This is at the expense of encroaching onto the South Downs. No comprehensive business plan or strategy to demonstrate how the proposals have come about, and is driven more by financial considerations than landscape or policy.
- Enabling development is only justified where it could secure the future of heritage assets and none are present on the application site.

- Personal circumstances (of the applicant) should not be a planning consideration.
- Potential for the business to grow into a more intensive commercial enterprise, especially with a change of ownership, management or differing future circumstances.
- Uncertainty over long term viability of the proposed equestrian centre.
- Information submitted has not explained what the exceptional circumstances might be to justify a departure from National and Local Plan policy.
- Considerable local opposition to development on the eastern edge of Findon.

Support:

- Buildings on the site at present are in disrepair and are an eye-sore from the Downs.
- A family is already living on the site and will remain living there.
- The additional three homes would be fitting for the area and the site is well suited for additional built form.
- The proposals have been sympathetically altered to reduce impact to surrounding homeowners.
- The development is important to acknowledge the equestrian heritage of the village.
- The development would be appropriately shielded using current and new landscaping.
- The development would bring about benefits to the local people by increasing the facilities that currently exist and creating job opportunities.
- The proposals will greatly improve the drainage locally.
- The neighbouring houses will not be impacted upon given their own trees and high hedges adjacent to the footpath.
- If the application is approved, proper road markings and signs are needed to prevent future accidents when people are exiting the site. A suitable drainage scheme should form part of the application and the conifers on the western edge of the footpath are either dead, have fallen against the stable block or are overgrown. The footpath must remain passable.

Lizard Landscape and Visual Appraisal:

- The extension of built development on the village fringes in this location is out of keeping with the valley bottom settlement pattern of Findon and would have an adverse impact on the special qualities of the National Park.
- A number of elevated viewpoints within the open Downland landscape have been overlooked.
- Proposed rooflines are likely to impact on the balance of built form when vegetation is out of leaf.
- A rare panoramic view towards the north-westerly profile of Cissbury Ring Scheduled Monument, provided from a gap in built form along the adjacent public right of way, would be limited by the proposed stable block.
- The position of the adjacent public footpath along the settlement boundary has been overlooked when considering landscape impact.
- Likely to have an adverse effect on dark night skies.
- Has been no consideration of the potential for cumulative effects alongside the Soldier's Field House site to the south (allocated site).
- Stable block is an appropriate built form in this part of Findon. Proposed layout and scale is not.
- Replacement of equestrian units with residential units would not have an overall beneficial effect.
- Tranquillity concerns.
- Stable block and hay barn should be redesigned so that the view towards Cissbury Ring is maintained and should the stable block be retained on the northern part of the site, it should be moved at least 5 metres east of the public footpath to enable space for a native hedge.
- The number of trees should be increased between plot 3 and the replacement dwelling.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the **Arun District Local Plan (2003) and the Findon Neighbourhood Development Plan 2016**. 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 updated National Planning Policy Framework (NPPF), which was issued and came into effect 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 an enhancing landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

The South Downs Partnership Management Plan (PMP) 2013

- 6.4 The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in the determination of the application. The following policies are relevant: 1, 3, 5, 28, 29, 41, 42, 43, 50 and 55.
- 6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

7. Planning Policy

- 7.1 The relevant policies in the **Arun District Local Plan (2003)** are:

- GEN 2 Defines the built-up area boundary
- GEN3 Protection of the countryside
- GEN 7 The form of new development
- GEN12 Parking in new development
- GEN29 Nature conservation across the district
- GEN32 Noise pollution
- GEN33 Light pollution
- DEV5 Horse related development
- DEV6 Agricultural buildings
- DEV18 Affordable housing outside the built up area

The relevant policies of the Findon Neighbourhood Development Plan 2016 are:

- BT8 Sustainable recreational and tourism activities
- BT9 Communications infrastructure
- GA1 Sustainable transport
- GA3 Parking and new development
- CFW8 Dark night skies
- ES2 Surface water management
- HD7 Design of development

- HD8 Outdoor space

Other relevant guidance:

- Findon Updated Neighbourhood Development Plan (Reg 14 Pre-Submission Version) (2018-2035). Limited weight to be applied to this Plan at this stage.

The South Downs Local Plan: Preferred Options

- 7.2 The Pre-Submission version of the South Downs Local Plan (2017) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation from 26 September to 21 November 2017, and the responses considered by the Authority. The Plan 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 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Arun District Local Plan (2003), the policies within the Submission version of the Local Plan referenced below are currently afforded considerable weight, depending on the level of objection received on individual policies.

- 7.3 The relevant planning policies of the emerging SDNP Local Plan are:

- SD1 Sustainable Development
- SD2 Ecosystem Services
- SD4 Landscape Character
- SD5 Design
- SD8 Dark Night Skies
- SD9 Biodiversity and Geodiversity
- SD11 Trees, Woodland and Hedgerows
- SD17 Protection of the Water Environment
- SD19 Transport and Accessibility
- SD20 Walking, Cycling and Equestrian Routes
- SD22 Parking Provision
- SD23 Sustainable Tourism
- SD24 Equestrian Use
- SD25 Development Strategy
- SD27 Mix of Homes
- SD28 Affordable Homes
- SD29 Rural Exception Sites
- SD30 Replacement Dwellings
- SD32 New Agricultural and Forestry Workers Dwellings
- SD48 Climate Change and Sustainable Use of Resources
- SD49 Flood Risk Management
- SD50 Sustainable Drainage Systems
- SD54 Pollution and Air Quality
- SD55 Contaminated Land

8. Planning Assessment

- 8.1 The main issues for consideration with regard to this application are as follows:

- Principle of development
- Impact on the National Park landscape and design
- Affordable housing and housing mix
- Highways, access and parking
- Ecology and trees
- Residential amenity
- Other matters

- 8.2 Amended plans were received on 06.08.2018. The amended plans relate to the reduction in the number of stables proposed from 15 to 13, the stable building is now shown to be sited further away from the adjacent public right of way (PRoV) (5 metre gap created) and a new cross-section drawing of the manege has been provided.

Principle of development:

- 8.3 Whilst the proposals are seen as one overall scheme, there are differing policy considerations between its residential and non-residential parts. There is also the added complexity of a hybrid application having been submitted and the site's planning history.
- 8.4 The starting point in terms of consideration of the principle of development of the site is the adopted Arun District Local Plan. This plan places the site outside the settlement boundary of Findon where new residential development in the countryside is generally resisted. Policy SD25 of the Emerging South Downs Local Plan places the site outside of the settlement policy boundary (the site was considered as part of the SHLAA allocations and subsequently discounted). The Neighbourhood Plan (2016) did not include the site as part of the settlement boundary and neither does the Emerging Reg 14 Pre-Submission NDP (although this Plan is at an early stage and holds very limited weight at this point in time)..
- 8.5 Based on the above premise, the various elements of the proposals are therefore considered further below.

Development of 3no market dwellings on southern part of site

- 8.6 Whilst there have been planning permissions to a greater or lesser extent for residential development on the site, the current scheme now proposes a greater number of dwellings than has previously been approved. In addition, these new dwellings would occupy what was previously the full extent of the application site, with additional development relating primarily to the equestrian enterprise being located to the north.
- 8.7 The applicant, in their supporting information confirms that the new market dwellings would replace a large detached dwelling which could be built out, as extant. It is clear however that the floorspace of the proposed three dwellings would exceed that of the approved single dwelling.
- 8.8 The applicant also argues that the development of the southern part of the application site will effectively fund the development of the equestrian enterprise in the northern part of the site. However this is not supported by documentation to demonstrate financially that this level of development is necessary in order to meet the funds required in order to be able to develop the equestrian business as proposed. Furthermore, the current and emerging policies do not extend to supporting residential development in the countryside in order to enable the ongoing development of that enterprise.
- 8.9 Whilst the intentions and aspirations of the applicant are noted, and the extant permission is a material consideration, on balance it has not been demonstrated that there are mitigating circumstances why further residential development should be approved in this countryside location.

Development of equestrian land with equestrian facilities, including a replacement dwelling and a holiday cottage on land to the north

- 8.10 The principle of stables, barn, holiday cottage and replacement dwelling have already been established in earlier permissions (albeit they were located in the southern part of the site) and the extant permission is obviously a strong material consideration in this respect.
- 8.11 Looking first at the replacement dwelling, it is important to note that the Arun District Local Plan does not set a limit on new buildings or extensions to buildings but instead focusses on how the proposals respond to the surrounding character of the area (Policy Gen 7). Policy SD30 of the Emerging South Downs Local Plan sets a limit of a replacement dwelling only being extended by up to 30% (with the proposals amounting to a 66% increase), however the Policy still has a number of objections which will be subject to examination and therefore limited weight can be given to the Policy at this point. Bearing in mind the size of the dwelling is comparable to the extant permission and the policy position, the principle of

the replacement dwelling is accepted. The location of the dwelling is considered more when looking at the landscape impact of the proposals.

- 8.12 The principle of equestrian facilities, barn and holiday cottages has been established by way of the extant permission. In Policy terms there is general support for equestrian development in the Arun District Local Plan (Policy Dev 5) and Policy SD24 of the Emerging South Downs Local Plan. Whilst the Arun Local Plan tends towards a policy of constraint in relation to Tourism in the countryside, Policy SD23 of the Emerging South Downs Plan encourages sustainable tourism.

- 8.13 The landscape impact of these proposals in the northern part of the site are considered in more detail below.

Impact on the National Park landscape and design:

- 8.14 The southern part of the application site is currently covered with hard surfacing and buildings (stables and existing dwelling). From the adjacent public footpath to the west, including views from Cissbury Ring to the east, the existing buildings have a utilitarian appearance and given that many of the buildings have fallen into a state of disrepair, it is considered that the existing development does very little to conserve and enhance the landscape and scenic beauty within the National Park. It has therefore been considered under the previous approvals, including the extant permission, that the removal of these buildings to allow for the redevelopment of the brownfield land could be an enhancement to the surrounding area.
- 8.15 Notwithstanding this, the potential landscape impacts from re-developing the site now relate to a much larger area, including the equestrian land to the north.
- 8.16 Findon is a dry valley bottom settlement within open downland, which has developed in a north-south direction in response to its surrounding topography. It is within the Arun to Adur Open Downs Landscape Character Area (LCA) identified in the South Downs Integrated Landscape Character Assessment (2011). Within it, it describes a key consideration for development is potential opportunities for landscape enhancement on the edge of Findon Village and avoid further extension of development into the open downland.
- 8.17 The eastern edge of Findon is poor quality in landscape character terms and its open downland characteristics have been lost due to previous development and enclosures of land largely as a result of equestrian development.
- 8.18 The scheme does offer the opportunity to improve the condition of the settlement edge by virtue of re-developing the site, however, it is particularly sensitive and in a poor condition and as such landscape concerns remain unaddressed. The Landscape Officer objected that there was insufficient justification in terms of considering the impacts upon the fringe of the settlement and the surrounding landscape character.
- 8.19 Looking at the elements in turn which would be located to the north (which is the higher part of the site), the single-storey stable building would be within close proximity to the existing urban edge in the northern corner and would be dug into the site to keep the overall height as low as possible. Whilst stables would be a locally characteristic activity in this part of Findon, given the surrounding uses of land, it would still involve the siting of a large building along with engineering works to the existing topography in a much more elevated position. As a result, the building would have a harmful impact upon landscape character.
- 8.20 The proposed manege would be sited closer to the open countryside and would be likely to require a certain amount of engineering works given the sloping nature of the site. This represents further incursion into the open countryside on elevated ground, at the highest point of the site, but given its relatively low form of development, it is unlikely, on balance, that the manege itself would result in significant landscape impact. External lighting associated with its operation would also need to be carefully considered. No lighting details have been provided at this stage.
- 8.21 The proposed hay barn would be a large two-storey structure located immediately to the south of the proposed manege, sited away from the settlement edge and would result in a

significant impact. Although the hay barn would be of an agricultural appearance, given its proposed siting on an exposed and elevated part of the site, in conjunction with its overall height (approximately 5.5 metres) and scale, it is considered that it would have a detrimental impact upon the landscape as well as the amenity of users of the adjacent right of way looking out on to the open Downs and on to Cissbury Ring beyond. The barn would be highly visible from the surrounding area and this structure is also likely to negatively impact on views from Cissbury Ring looking towards the site.

- 8.22 In addition, the relocation of built form to the north of the site and subsequent reduction in hardstanding, would mean that parking in association with the development would be located to the north. At present only 3no parking spaces are proposed for the equestrian enterprise which has resulted in concerns from the Highways Authority. The absence of a sensitive and sufficient parking scheme within the site would add to an unacceptable landscape impact in this raised part of the site.

- 8.23 The development is therefore considered to have a detrimental impact on the character of the National Park landscape.

Affordable housing and housing mix:

- 8.24 Two of the open market dwellings would comprise four bedrooms (plots 1 and 2) and the third dwelling would have five bedrooms (plot 3).
- 8.25 Ordinarily dwellings outside settlement boundaries would only be acceptable if for exception housing. This site is different however in that the principle for one market dwelling has already been established by the extant approval. It is considered that it has not been demonstrated that there are exceptional circumstances to depart from the policies concerning dwellings in the countryside to allow 3no dwellings.
- 8.26 The applicant contends that the 3no smaller dwellings are replacing a much larger dwelling. The table below shows a comparison of the floor areas for the open market dwelling approved under the extant permission against the three open market dwellings proposed under the current scheme:

1no. dwelling permitted under SDNPA/15/01361/FUL	3no. dwellings proposed under current application
490sqm	278sqm
	247sqm
	252sqm
Total 490sqm	Total 777sqm

- 8.27 As demonstrated above, the combined floor areas of the 3no. open market dwellings would be somewhat greater (by 287sqm) than that of the permitted open market dwelling.
- 8.28 The scheme does however require consideration against existing and emerging policy, the history of the site including the extant permission and any accruing benefits.
- 8.29 The Arun Local Plan was adopted in 2003, prior to the first publication of the NPPF (2012), which needs to be taken into account. Under emerging policy SD29 (Rural Exception Sites) of the South Downs Local Plan, the requirement is for 100% affordable housing outside of SPB's. Emerging policy SD28 (Affordable Homes) would require a financial contribution towards off site provision to be negotiated on sites proposing up to three new homes. There are however a number of objections to the Policy which will be subject to scrutiny during the examination of the plan, and therefore on balance it is not considered that this can be pursued as part of this application.
- 8.30 Policy SD27 of the Emerging Local Plan relates to ensuring the appropriate mix of homes. The SDNPA's SHMA confirms there is a majority need for two and three bed dwellings in the market sector. However, there have been objections in relation to elements of the Policy and it is considered that, given that there will still be scrutiny given to this Policy during the examination, a refusal on this ground could not be justified.

Highways, access and parking:

- 8.31 The Highways Authority (WSCC) have not raised an in principle objection to the proposals. They are satisfied with respect to the retention of the existing vehicular access into the site. Additionally, the likely low levels of trip generation would be an improvement when compared to the current situation as there would be a significant reduction in the number of stables in use (70 stables on site of which 28 are currently in use and only 13 proposed) on site.
- 8.32 However, the applicant has failed to satisfactorily demonstrate that adequate parking is available on site to accommodate users and visitors to the stables, despite the reduction in both the total number of stables and the use of the stables on site. The Highways Authority have advised that generally two spaces per loose box should be provided and have sought further clarification on parking numbers and their location to ensure that the correct parking provision can be provided for the stables. The application site does not appear to have sufficient space within the red line area to be able to accommodate the parking requirement, given that 26 spaces would be required to meet the maximum standard. . It must be noted however that the nature of the equestrian enterprise is that for a large percentage of the business hours, the applicant and her staff would be the only people on site, with occasional visits by owners of some of the horses. Some of the stables would be used by the owner for her own horses, which would reduce the parking provision further. Further clarification is being sought from the applicant in regard to this matter however officers consider that the maximum standard provision should not be sought in this instance. Whilst it could be argued that there is insufficient justification to refuse the application on highway grounds, there clearly remains the issue as to whether provision can be made in the northern part of the site without having an adverse impact on the landscape character of the area and a refusal is therefore recommended on this ground.

Ecology and trees:

- 8.33 The Ecological Assessment (October 2017) submitted with the application concludes that the site mainly consists of amenity grassland, hardstanding and buildings, and is of low ecological value. Nesting birds in some of the buildings to be demolished have been identified, along with the potential for parts of the site to support common species of reptile. Bats have been recorded commuting within the site but the majority of buildings, trees and features of the site are identified as having no potential for bats.
- 8.34 The County Ecologist has advised that further clarification is required regarding the following points:
- The report refers to grassland habitat on the northern and western boundaries suitable for reptiles, in addition to the requirement for reptile mitigation in the northwest of the site, which may later be landscaped. Clarification is required on the locations and extent of suitable reptile habitat, the anticipated impacts to this habitat, and the necessary mitigation and reptile enhancement features should then be confirmed.
 - Reference is made to trees and (derelict) buildings in the south-west of the site with low suitability for bat roosts. A bat dusk survey was carried out, which provided a snapshot of general bat activity around the site but did not survey specific features. It is currently unclear whether further emergence/re-entry surveys will be required.
 - Lighting proposals need to be confirmed.
 - The report refers to a bat and owl survey report included, which has not been made available.
- 8.35 In the absence of further information, it is considered that insufficient information has been provided for the Authority to fully assess the potential ecological impacts. Therefore, a reason for refusal is recommended on ecology grounds.
- 8.36 Regarding the trees on site, the Tree Officer is satisfied with the proposals subject to a condition to ensure that the development is carried out in accordance with the tree protection plan.

Residential amenity

- 8.37 The proposed built form needing the most consideration in relation to neighbouring relationships is between the stable block (reduced from 15 to 13 stables) and Downsedge House to the west.
- 8.38 The separation distance between the western elevation of the stables and the public right of way intervening along the adjacent western boundary is approximately 5.5 metres. Given the separation, the single-storey nature of the stable block (approximately 4 metres high at the highest point), which would also be dug into the ground and the siting of the stables in relation to this property, it is considered that this would not result in an unacceptable neighbouring relationship in terms of loss of outlook, light and privacy.
- 8.39 The application has been considered by Environmental Health in relation to noise, light, smoke and odour, particularly in relation to neighbouring amenity. No objection has been raised subject to conditions.

Other matters

- 8.40 The Drainage Officer has acknowledged that the site currently experiences surface water problems, due to its topography, which results in water being discharged on to Soldier's Field Lane and down into Findon. However, this proposal could also enable the existing problems with surface water to be addressed. Therefore, no objection has been raised by the Drainage Officer subject to conditions.
- 8.41 The imposition of a condition to secure an archaeological watching brief would ensure that the archaeological comments are addressed.
- 8.42 The Rights of Way team have considered the proximity of the development to the section of footpath that runs north to south along the western site boundary and along Soldiers Field Lane, which is also used for vehicular access to the site and to adjacent properties. No objection has been raised subject to informatives and a suggestion that a speed restriction is imposed for vehicles exiting the site. This could be in the form of a sign at the site exit point.

9. Conclusion

- 9.1 The complex planning history of the site, together with the aspirations of the applicant to continue her successful business of training horses for competitions are a material consideration with this application. There does however need to be a judgement as to whether the general concerns and policy restriction to new dwellings in the countryside should be set aside based on the circumstances put forward by the applicant. On balance it is considered that exceptional circumstances have not been demonstrated to justify the creation of 2no additional dwellings beyond that approved in 2015.
- 9.2 The further development of the site to the north would result in adverse impacts on the landscape.. In addition, the parking provision has not been demonstrated to be sufficient for the equestrian enterprise and in the absence of a sufficient parking provision, it is considered the scheme would have an adverse an urbanising impact on the landscape character of the area.

- 9.3 Taking all matters into consideration, the application is recommended for refusal.

10. Reason for Recommendation

- 10.1 The application is recommended for refusal for the following reasons:
 - 1. The proposed equestrian development on the northern part of the site, by reason of the siting, height and scale of the hay barn together with the stable building, would have an unacceptable and unsustainable impact on the character of the landscape. These proposals would also negatively impact on the enjoyment of users of the public right of way to the west, and would impact on views from Cissbury Ring looking towards the application site. In addition, it has not been demonstrated that the proposed parking is sufficient for the purposes of the equestrian enterprise and therefore it is considered that the proposals would have an urbanising impact by virtue of informal parking in this

sensitive rural location. The proposals would not therefore conserve and enhance the National Park landscape, contrary to saved policies GEN 3 and GEN 7 of the Arun District Local Plan (2003), policy HD7 of the Findon Neighbourhood Development Plan 2016, policies SD4, SD5, SD20 and SD22 of the Submission Version of the South Downs Local Plan, the revised National Planning Policy Framework (2018) and Purposes of a National Park.

2. The proposed provision of three open market dwellings outside of the defined settlement policy boundary of Findon would result in an unjustified and unsustainable form of residential development in designated countryside which would not conserve or enhance the National Park landscape by virtue of its siting, scale and design. The proposals are therefore contrary to saved policies GEN 3 and GEN 7 of the Arun District Local Plan (2003), policies SD25, and SD29 of the Submission Version of the South Downs Local Plan, the revised National Planning Policy Framework (2018), the SDNPA's SHMA (2015) and the Duty of a National Park.
3. Insufficient information has been provided to satisfactorily demonstrate that there would not be harmful ecological impacts caused to protected species including reptiles, bats and owls in particular from the proposed development at the site and how this could be appropriately mitigated. In the absence of sufficient information, the proposal is contrary to saved policies GEN7 and GEN29 of the Arun District Local Plan (2003), emerging policies SD2 and SD9 of the Submission Version of the South Downs Local Plan, the revised National Planning Policy Framework (2018) and the first Purpose of a 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. Officer Report and Site Layout Plan for Application SDNP/15/01361/FUL
3. Proposed Site Layout Plan – Current Application

SDNPA Legal Services, Development Manager, Director of Planning.

Consultees

Background Documents

All planning application plans, supporting documents, consultations and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=P56FDTTUIT100&activeTab=summary>

National Planning Policy Framework (2018)

<https://www.gov.uk/government/publications/national-planning-policy-framework-2>

South Downs National Park Partnership Management Plan (2013)

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

Arun District Local Plan (2013)

<http://www.arunlocalplan.net/HTML/Statement/statementframeset.html>

Findon Neighbourhood Development Plan (2016)

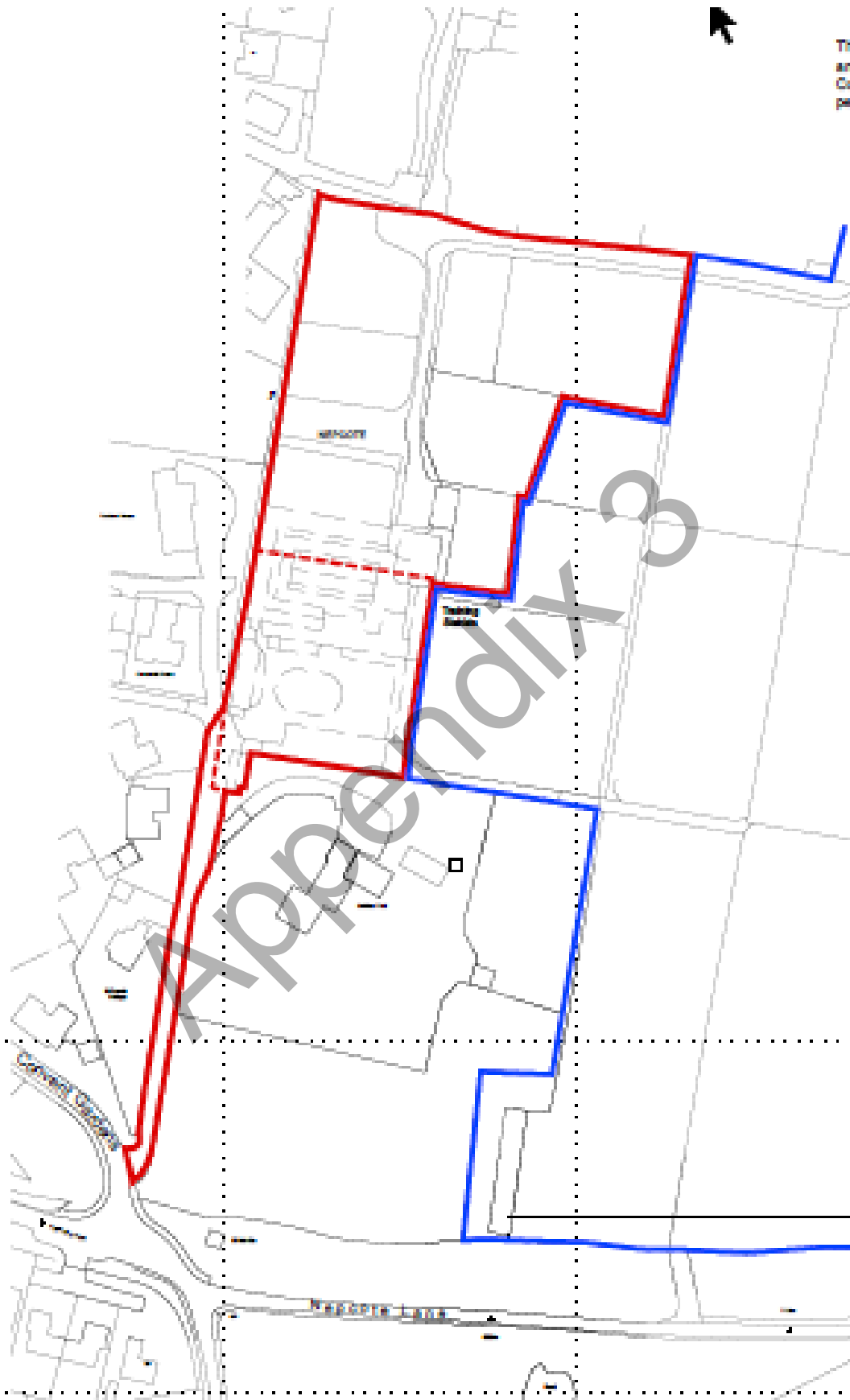
<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/findon-neighbourhood-plan/>

Submission version of the emerging South Downs Local Plan

<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

Appendix 3

Site Location Map



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PLANNING

Agenda Item 08 Report PC 9/20-58 Appendix 3	
Rev	Description
B	Jan 18 Minor amendments
A	Jan 18 Access road amended
Rev	Date Description
Client	
Mrs A Gifford	
Project	
Soldiers Field Stables	
(including land to the North)	
Soldiers Field Lane, Findon.	
Drawing Title	
Proposed Site Plan	
G W P Architects	
Fairfield House,	
Fairfield Road,	
Burgess Hill,	
West Sussex, RH15 8QB	
Tel: (01444) 230019 Fax: (01444) 230761	
Email: mail@gwparchitects.co.uk	
Scale	1:250 @ A1
Date	Dec 2017
Drawing Number	15/155/11C
Drawn	AB / LBA

28-6-18.
Amended stable block
Increased distance to
footpath - min distance
5.5m.

Report to	Planning Committee
Date	11 June 2020
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/19/03768/FUL
Applicant	Mr B Taylor
Application	Consolidation of Iford Estate Farming Operations to include the construction of agricultural buildings (for housing of livestock, grain handling and storage), a silage Clamp and new access road from Piddinghoe Road.
Address	Iford Farm, The Street, Iford, East Sussex

Recommendation:

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

Executive Summary

The applicant seeks permission to create an expanded farm complex at Iford Farm to support the Estate's farming operation. It is proposed, through the erection of 8 new buildings, a silage clamp and the provision of a new access and track, that the farming operation can be carried out more effectively; the development will facilitate the concentration of both arable and livestock (cattle).

The main issues relevant to the determination of this application are considered to be:

- Principle of Development and Agricultural Justification
- Landscape and Visual impact
- Impact on Conservation Area
- Drainage and Water Environment
- Biodiversity, Ecology and Ecosystem Services
- Impact on Surrounding Residential Amenities
- Highways, Access and Traffic
- Public Rights of Way
- Dark Night Skies

The report concludes that the scheme will provide a centralised base for the farming operations of the Estate at Iford Farm and that the proposals will not cause an unacceptable detrimental impact and that the design and layout is the most suitable. The identified benefits to the farming operation are supported by the requirements of policy SD39 and other relevant policies of the South Downs Local Plan. The proposal is supported by a Whole Estate Plan which sets in context the proposal and provides a framework for delivering related benefits to the locality and the landscape, in line with policy SD25. That said, it is important that this application is considered on its planning merits as a stand-alone scheme. To this regard it is considered that the submitted application has demonstrated accordance with policy SD39 and other relevant policies of the South Downs Local Plan.

I. Site Description

- I.1 Iford Farm is located on the south-eastern edge of the village of Iford, approximately 5.4 kilometres south of Lewes, on the Ouse Valley Sides immediately adjacent to the Ouse Valley floodplain. Iford village is a small downland village which forms one of several villages just above the floodplain of the River Ouse. The village is designated a Conservation Area although Iford Farm lies predominantly immediately beyond the Conservation Area boundary to the southeast.
- I.2 The site lies within the Ouse Valley Sides landscape type identified within the South Downs Integrated Landscape Character Assessment. Immediately to the east lies the Ouse Floodplain character area and to the southwest and east, rising above the valley sides, dramatic chalk escarpments. The landscape is defined by a flat, open and undeveloped character of the valley floors and the floodplains are highly visible from the adjacent settled valley sides and downs.
- I.3 To the north of the site the boundaries are open in nature and form part of the agricultural yard, set within the existing complex of agricultural buildings. The remaining part of the application site is currently a paddock. The boundaries are defined by post and wire fencing and mature vegetation. The application site forms part of the wider Iford Farm complex, which consists of a number of properties and area of land around the village
- I.4 To the west of the existing farm complex lies groups of semi-detached dwellings, of which a number are listed buildings with further agricultural buildings beyond. To the north, south, and east lie agricultural fields. A public right of way runs through the village in a north-south direction and footpaths extend from the villages to the chalk downs to the west and a footpath runs east across fields to the south of the existing farmyard. Above the valley running along the top of the chalk escarpment to the southwest is the South Downs Way long distance footpath. There are also substantial areas of open access land on the steep escarpment slopes to the west and also on the chalk slopes to the northeast. As a result the development site is overlooked from areas of higher land including areas of open access land.

2. Relevant Planning History

- 2.1 The following planning history is relevant to the application site:
- LW/09/1177. Conversion and extension of farm building to provide facilities building for game shooting and associated parking and widening of access onto C7 road and formalising first section of track off C7 road. Approved 24.03.2010.
 - SDNP/12/02343/FUL - Erection of three agricultural buildings and provision of new farm access (resubmission of SDNP/12/01321/FUL). Approved 16.04.2013. This
 - SDNP/13/03181/DCOND - Discharge of conditions 5, 6 & 7 relating to planning approval SDNP/12/02343/FUL. Approved 21.04.2016
 - SDNP/14/05468/CND. Variation of condition 1 attached to planning approval LW/09/1177 to vary the use of the building as a facility connected to game shooting and agriculture, the use shall only occur between Monday to Saturday 7am-5pm. Approved 28/01/2015.
 - SDNP/14/06320/FUL. Section 73A retrospective application for change of use of land from agricultural to mixed use of agriculture and game rearing and change of use of redundant agricultural buildings to a mixed use of agriculture and ancillary storage for the shoot business. Refused and Allowed on appeal 28.10.2015.
 - SDNP/19/03584/PA3R - Notification for Prior Approval for a change of use of agricultural building to a flexible B1/B8. Recommended refusal on insufficient information on Highway Grounds but has deemed consent. However, the highway matters have been considered under this application, (see section 8).

3. Proposal

- 3.1 The proposed development is intended to create a single expanded farm complex consisting of livestock (cattle) housing, grain handling and storage, agricultural storage (i.e. machinery and fertilizer etc.) and forage storage. The submitted Planning Statement advises that it is applicant's intention that the development proposed will facilitate the concentration of both arable and livestock farming at Iford farm to improve efficiency.
- 3.2 The development proposed at Iford Farm consists of;
- Three Cattle Yard Buildings (in addition to the two already existing on site) (30.3m x 15m)
 - Isolation Cattle Yard Building (15m x 30.3m)
 - Straw Barn (30m x 21.3m)
 - Silage Clamp (36 x 23m)
 - Sprayer and Solid Fertiliser Store (36m x 23m)
 - Machine Shed (16m x 48m)
 - Machine Shed and Welfare Building (16m by 30m)
- 3.3 The construction of a new access onto Piddinghoe Road, (C7), and access track to farm.
- 3.4 The raising of land levels with imported fill to form a level farm yard area that the cattle can cross through. The remaining paddock is the proposed to be levelled out with a downward slope to the eastern boundary of the site.

4. Consultations

- 4.1 **Iford Parish Council:** No comments:
- 4.2 **Archaeology:** No objection.
- 4.3 **Conservation Officer:** No objection, supportive of proposal with regard to reduction in farm vehicles travelling through conservation area.
- 4.4 **Dark Night Skies Officer:** No Objection subject to condition requiring internal and external lighting details.
- 4.5 **Design:** No major issues to raise in terms of design quality, or climate change and sustainable use of materials.
- 4.6 **Ecology:** No comments
- 4.7 **Environment Agency:** No objection subject to conditions with regard to drainage and land contamination.
- 4.8 **Highways:** No objection following the submission of additional highway information document subject to conditions.
- 4.9 **Landscape:** No objection subject to condition with regard to materials.
- 4.10 **Natural England:** No comments
- 4.11 **Planning Policy:** No objection following the submission of revised Ecosystem Services Statement and updated layout plan.
- 4.12 **Rights of Way** – Comments provided through the Highways consultee; the proposals involve the use of larger vehicles for transportation, in order to encourage cyclists to use Egrets Way as an alternative route to the C7 it is recommended that the section of Egrets way that currently passes through land in the applicants control be upgraded and surfaced. At present the field route does not lend itself to cycling. It would be beneficial to secure a contribution as part of this development. Discussions should take place between the applicant and LPA as to the scale required.
- Officer comment** – Refer to Section 8, Public Right of Way section.
- 4.13 **Southern Water:** No objection, subject to consultation with the Environment Agency and that drainage details are conditioned.

4.14 **Whole Estate Plan Team Comments:** No objection, following the submission of the additional information submitted to support the proposals contribution to ecosystem services and the Iford WEP. These are both helpful and are considered to demonstrate clearly the additional benefits the proposed scheme will deliver. The benefits specific to the Iford WEP outcomes are;

- Principle of farm consolidation, increasing the longevity of the enterprise.
- Ability to demonstrate direct public goods from land management.
- Creation of further habitats, including meadow, wetland and reed beds,
- Preservation and enhancement of Iford village character.

It is understood that ESCC Highways Authority have requested a contribution to enhanced cycle network provision within the Estate boundary. A specific project, the scope of which should be identified by the applicant and agreed by the case officer, to deliver or enable enhanced access and appreciation of the wider landscape, is considered to relate directly to the scheme and would deliver further priorities identified in the WEP. As such, this would be supported.

5. Representations

5.1 Letter of objection from Friends of the South Downs Society,;

- The drawings are inadequate, existing and proposed development combined on a single plan. There are a significant number of unauthorised uses and possible enforcement issues around Iford and Swanborough, this application should not be decided with these matters outstanding.
- Serious doubts whether all the proposals in the WEP are in compliance with the policies of the Local Plan and about the status of WEPs in the planning process. The application proposal is for a considerable extension of the present farm complex onto adjoining greenfield land. It will result in a substantial number of agricultural sites and buildings elsewhere in the estate becoming redundant; the WEP presupposes that these will all be converted or redeveloped for commercial and residential uses. If necessary, these sites should be covered by parallel planning applications and linked through a s106 agreement. The application needs to be considered against the Local Plan in this wider context, specifically SD39.
- Visual impact - levelling the site, raising the ground level at the eastern end by up to 2.5 metres. Formation of a large cluster of unattractive functional buildings and concreted yards.
- Some tree planting if proposed around the north, west and south sides of the site, but none to the east. As there are high viewpoints on the Downs, there should be screening on this side too.
- C7 is unsuitable road for heavy HGV traffic. The junction should be designed in keeping with the guidance of the publication 'Roads in the South Downs' 2015.

5.2 **There have been a total of 242 representations, of the total number of representations 1 was in support of the scheme, 6 were neutral and 235 were objections. (As received prior to completion of this report at 1 June 2020. Any further objections will be recorded on the update to committee sheet):**

- Direction of water collecting along the southern boundary to a location to the west of the site is required.
- The amalgamation of farm buildings into one place will look like an industrial estate rather than a farm. The existing large barn has already ruined the view/aspect from the south and east.
- Detrimental impact on the amenities of the occupiers of the adjacent dwellings due to the intensification of the site.
- Detrimental impact on landscape including views from adjacent PRow network.

- Detrimental impact of additional traffic through Lewes Conservation Area
- Will cause noise and air pollution issues
- Concerns that the application is for a cement warehouse
- Residents homes are right on the road and many windows will be lower than the height of these vehicles denying homes of the right to natural light during daylight hours.
- Development is not sustainable in terms of construction and CO2 emissions.
- The centralisation of these operations will lead to Highway Safety and traffic congestion issues on the C7 and surrounding road network.
- The width and splayed nature of the proposed junction will not be consistent with the existing rural nature of the road.
- The existing gate in front of 1 & 2 Lower Stalls Cottages is not shown on the site map. Request that the existing gate is referred to in the planning permission, and shown on the site plan and prohibit all non-residential traffic (excluding emergency services)
- The planning permission should contain a condition that the new road is for all the traffic using the site, including the business units.
- The potential use of the 'passageway' between Lower Stalls Cottages and the existing buildings being used as a short-cut from the new access road to the business units and the rest of the farm operations. Request that a condition requiring the passageway to be blocked off and the storage of any materials in that area be prohibited.
- An application of this scale should be considered by planning committee.
- Application should have been subject to wider publicity
- Use of redundant farm buildings needs to be scrutinised more closely. An unintended consequence could be more enterprise/industrial uses within the resulting redundant buildings.
- Concerns about the impact on the National Park and environment from industrial scale farming.
- WEP does not provide sufficient detail as to the development context within which the project is set.
- Removal of existing hedgerow is detrimental.
- Choice of roof material is unacceptable and roof lights will cause glare.
- Level of development is far excessive of that required for 4 farms.
- HGV's will cause physical damage to roads and pavements.
- Will result in road blockages and traffic jams.
- Will cause decrease in local house prices.
- If the position of the news access cannot be altered, provision should be made for signage and good visibility.
- The applicant is not planning to build a huge agricultural/industrial estate, just to get traffic away from farm house.
- Likely to damage the ancient historic buildings and other buildings besides the Swan Pub and along the existing traffic route for the site.
- A reduction of the speed limit on Kingston Road from 40mph to 30 mph and the reduction of the 50mph limit to 40mph from The Droveaway in Swanborough to an appropriate point to the south of Iford and would have the immediate effect of improving road safety for all users of the C7.

- There is history in this area of commercial development in the national park being used as a launchpad for building housing which would otherwise not have got planning permission. There is every possibility there will be a similar outcome here, with 'redundant' farm buildings being used for housing development.

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 South Downs Local Plan (2014-33). 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.

Statutory Requirements

- 6.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining planning applications for planning permission that may affect listed buildings or their setting.
- 6.6 Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 'shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses'

The South Downs National Park Partnership Management Plan

- 6.7 The South Downs National Park Partnership Management Plan 2020-25 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;
 - 4: Create more, bigger, better-managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife;
 - 5: Conserve and enhance populations of priority species;
 - 9: The significance of the historic environment is protected from harm, new discoveries are sought and opportunities to reveal its significance are exploited;
 - 12: Support conservation grazing on semi-natural habitats as part of a profitable livestock and mixed farm economy;

- I3: Support the financial viability of farm businesses through appropriate infrastructure and diversification developments, in particular, encouraging those that will support sustainable farming;
- 55: Promote opportunities for diversified economic activity in the National Park, in particular, where it enhances the special qualities.

7. Planning Policy

The South Downs National Park Local Plan (2014-33)

7.1 The following policies of the South Downs Local Plan are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD3 Major Development
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD10: International Sites
- SD11: Trees, Woodland and Hedgerows
- SD13: Listed Buildings
- SD15: Conservation Areas
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD20 Walking, Cycling and Equestrian Routes
- SD21: Public Realm, Highway Design and Public Art
- SD25: Development Strategy
- SD39 Agriculture and Forestry
- SD48: Climate Change and Sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD54: Pollution and Air Quality
- SD55: Contaminated Land

8. Planning Assessment

Principle of development – Major Development

- 8.1 Determining whether proposals are major development in terms of paragraph 172 of the NPPF is a matter of planning judgement to be decided by the decision maker, based on all the circumstances relevant to the proposals and the context of the application site.
- 8.2 Following Counsel's advice to the SDNPA by James Maurici QC in 2014, it is concluded that the development is not major development for the purposes of paragraph 172 of the National Planning Policy Framework (NPPF). Accordingly exceptional circumstances do not need to be demonstrated.
- 8.3 Therefore the main considerations are:
- a) Principle of Development and Agricultural Justification
 - b) Landscape and Visual Impact
 - c) Impact on Conservation Area
 - d) Drainage and Water Environment

- e) Biodiversity, Ecology and Ecosystem Services
- f) Impact on Surrounding Residential Amenities
- g) Highways, Access and Traffic
- h) Public Rights of Way
- i) Dark Night Skies

Principle of Development and Agricultural Justification

- 8.4 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 8.5 The farm is a mixed arable and livestock operation. Forming a total of 1,500ha of land, 940ha of which is arable land with the remaining land utilised for mixed arable and livestock. The farm has a livestock to include 300 suckler cows between 18/24 months.
- 8.6 The proposal is considered to be capable of compliance with policy SD39 (Agriculture and Forestry) of the South Downs Local Plan (SDLP). This policy supports sustainable development and proposals for new agricultural buildings where there is a need and when appropriate measures have been undertaken to ensure development does not have an adverse impact on the locality. Policy SD25, (Development Strategy), allows for development outside of the settlement boundary when there is an essential need for a countryside location. Supporting mixed farming, recognising the value livestock play in landscape management is part of the general thrust of the Local Plan.
- 8.7 In support of the economic sustainability of the proposal, an Agricultural Justification Statement has been submitted with this application to demonstrate the principle of the development and the need. The farm currently operates from three yards, Iford Farm, The Old Sheep Yard and the Youngstock Barn, (also known as Upper Stalls) and Swanborough Farm. The submitted Statement considers the limitations of the three sites and the buildings therein and concludes that the consolidation of farm operations to provide a new farm complex at Iford Farm would overcome the materials constraints of the current disparate operation in terms of the time and cost of operations and providing facilities that are suitable for modern agricultural needs at one location within the Estate.
- 8.8 Representations submitted have raised the question about what the alternative uses of the redundant buildings will be if the farm operation is consolidated at Iford Farm. The applicant has advised that in the medium term the buildings will be utilised for farm storage but that future intention will be the re-development of the sites. Although there is no detail to be considered at this stage it is expected any proposals will have regard to Planning Policies and the aspirations within the WEP. However, these future plans will require individual planning applications and is outside the scope of the consideration of this planning application. This is usual.
- 8.9 It is considered that this proposal is not only acceptable, in principle, as farm related development is concerned, but takes the opportunity to address some of the desirable outcomes of the WEP. WEPs are supported by SDLP policy SD25 which recognises the benefit of looking at Estates in their wider context when considering an individual application. A WEP is therefore a material consideration. The outcomes of the Iford WEP that are specific to this proposal are; principle of farm consolidation and maintenance of diverse farming, increasing the longevity of the enterprise, ability to demonstrate direct public goods from land management, creation of further habitats, including meadow, wetland and reed beds and the preservation and enhancement of Iford village character.
- 8.10 Furthermore, it is acknowledged that the landscape of the South Downs has been shaped by traditional farming over many generations, and that the farming continues to contribute to the landscape character, biodiversity and ecosystem services intrinsic to the National Park. Policy 13 of the South Downs Partnership Management Plan (2020-25) (SDPMP) states the SDNPA's support for the financial viability business through appropriate infrastructure.

- 8.11 In summary, it is concluded through assessment of the application documents submitted that there is justification for the proposal and that there is overarching policy support for the principle of the consolidation of the farm buildings at the Iford Farm site.

Landscape and Visual impact

- 8.12 The environmental aspect of sustainable agricultural development requires the consideration of its landscape impact. The proposed barns, silage clamp, with associated land raising and new access and farm track have two main visual impacts; those of distant views and those closer to.
- 8.13 Policy SD04, (Landscape Character) supports development that is informed by landscape character, that conserves and enhances the existing landscape features which contribute to the distinctive character, pattern and evolution of the landscape; and safeguards the experiential and amenity qualities of the landscape. Policy SD05, (Design), supports the development that demonstrates landscape-led design approach and respects local character. Proposals should both integrate with, respect and sympathetically complement character and utilise architectural design which is appropriate and sympathetic to its setting. Proposals should also incorporate hard and soft landscape treatment which takes opportunities to connect wider landscaper and enhance green infrastructure. Policy SD06 (Safeguarding Views) 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, and views from public rights of way, open access land and other publically accessible areas.
- 8.14 In regard to the development proposed at Iford Farm, the applicant entered into pre-application discussions to seek officer advice on reducing the impact of both close to and distant views. The changes in the layout of the scheme that have evolved from pre-application discussions was the understanding by the applicant of the need to approach any future proposal as a landscape led scheme.
- 8.15 Accordingly, a Landscape Visual Impact Assessment (LVIA) has been submitted to support the landscape led approach to the development now taken. One of the key changes in layout from the scheme submitted at pre-application stage is the siting of the new buildings to the eastern and western sides of the site, such that the open views from the north east are maintained through the site. Rather than the intrusion from long range views that would have been created by individual buildings placed more centrally within the site.
- 8.16 One of the officer concerns regarding visual appearance was how the proposed land raising and resulting height of the proposed additional cattle barns and straw barn would impact views of the site. In order to enable a robust assessment of this impact, the applicant commission a wireframe plan from the south eastern aspect. On review of this plan, it can be appreciated that the proposal will sit well in relation to the existing buildings within the site and an unacceptable level of dominance of the additional buildings will not be observed from close to and wider views of the site. Additional and sensitive planting will further assist to break up the building form along the south eastern boundary.
- 8.17 It is considered that the development within the farm will accord with the existing character of the site and that the benefits from the consolidated farm operation outweigh any changes to the wider visual impact of the proposals. A planning condition will be required to control final land levels and to ensure that the works to re-grade the field are carried out concurrently with the farm construction works in order to achieve a satisfactory scheme.
- 8.18 The other aspect of the scheme that will have a visual impact is the proposed access and farm track. Concerns have been made through representations submitted in respect of this application that the access and associated farm track will have an unacceptable urbanisation impact on the immediate and wider views of the site. It is accepted that the new access and track will have a visual impact. However, the applicant has successfully demonstrated to the satisfaction of the Highway Authority that lesser splays can be achieved safely than those generally required by the Highway Authority and the benefits gained to the amenities of the adjacent Iford Conservation Area are considered to dramatically outweigh the impact of the new track.

- 8.19 To ensure an acceptable development is achieved onsite, all planting and hard surfacing proposed must be considered in detail through the submission of information to address landscape conditions and should be managed in the future through the submission of an acceptable Landscape and Ecological Management Plan, (LEMP).
- 8.20 In summary, it is concluded that the development changes to the agricultural yard and access track are acceptable in terms of design and landscape impact.

Impact on Conservation Area

- 8.21 The Iford Conservation Area is located adjacent to the application site and includes a number of listed buildings. There is a small area within the application redline to the west of the farm yard where it extends into the conservation area. However, the main areas of development sit within the section of the site outside of the Iford CA.
- 8.22 One of the advantages of the proposed scheme is considered to be the benefit to the Iford CA. Currently the main route for farm traffic is through the narrow roads of Iford village. The application is supported by a Heritage Statement which concludes that, by removing as much traffic and inappropriate activities from the historic parts of the village as possible, it will result in a significant improvement to the wider conservation area and the setting of listed buildings. A conclusion with which the SDNPA's Conservation Officer concurs.
- 8.23 A further proposed enhancement to the western side of the site adjacent to the conservation area is proposed; by removing the existing hardstanding that is utilised for storage and returning it to fields it will provide a visual betterment to the appearance of the farm yard from the conservation area.
- 8.24 Accordingly it is considered that the proposed scheme accords with policy SD12 (historic environment) and paragraph 200 of the NPPF.

Drainage and Water Environment

- 8.25 Policies SD49, (Flood Risk Management), SD17, (Protection of the Water Environment) and SD55 (Contaminated Land) are engaged for the proposed development at this site. The superficial geology beneath this site is River Terrace Deposits and Head deposits and the bedrock is the West Melbury Marly Chalk Formation. It does not lie within a Source Protection Zone, but the chalk bedrock is designated as a Principal Aquifer and there are a number of surface water features. The Environment Agency have advised that the existing use of the site as agricultural land presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Therefore, controlled waters are very sensitive in this location and need to be protected and the Environment Agency have responded with no objection to the scheme so long as further information is sought from the applicant at post application stage. The submitted FRA is considered to be acceptable.
- 8.26 In summary, with suitably worded conditions, it is considered that this proposal in line with paragraph 170 of the NPPF and policies SD49, SD17 and SD55 of the SDLP with regard to impact of the scheme on the water environment.

Biodiversity, Ecology and Ecosystem Services

- 8.27 Paragraph 175 of the NPPF requires that if significant harm is brought to biodiversity resulting from development that cannot be avoided, mitigated or compensated for, planning permission will be refused. Policy SD09 (Biodiversity and Geodiversity) of the SDLP goes further and requires that biodiversity is enhanced. The application as submitted was supported by a Preliminary Ecological Appraisal and Bat Building Assessment that identified further reptiles surveys were required. It is necessary to condition accordance with the survey reports. Given the current operational nature of the site, it is considered that so long as the recommendations of the survey works undertaken and are adhered to, then the scheme is acceptable in regard to the impact to ecology. The further enhancements required to biodiversity are considered within the submitted Ecosystem Services Statement.
- 8.28 Part 118 of the NPPF draws attention to the duty to protect the natural environment and to the opportunities for its enhancement. The relevant policy of the SDLP is SD02 (Ecosystem

Services). SD02 states that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute to goods and services. It was considered by officers that the initial Ecosystems Services Statement (ESS), did not sufficiently address matters, or the outcomes of the Iford WEP, within the application proposals. Further work has been undertaken by the applicant and a revised layout and ESS have been submitted that better addresses the opportunities for Ecosystem Services gains within the site and better aligns with the outcomes of the WEP. It is considered that the updated scheme better demonstrates direct public goods from land management and now provides for the creation of further habitats, including meadow, wetland and reed beds. Other biodiversity benefits include, bird and bat boxes, deadwood habitat piles and flowering plant species.

Impact on Surrounding Residential Amenities

- 8.29 The social aspect of sustainable development requires that decision makers must take account of the impact of proposed development, amongst wider issues, on the amenities of the occupiers of surrounding dwellings. To this regard it is considered that the new access track and farm track will move a significant volume of vehicular trips to and from the site away from the adjacent residential dwellings to the west of the site. Furthermore, the applicant has agreed to retain the existing gate to the access in front of Lower Stalls Cottages and install a further gate to the existing access directly adjacent. Whilst the gates are not intended to discourage all access to the site, they will ensure that the new access is a much more accessible and convenient entrance to the site except perhaps for those employees who live within Iford village, for whom the existing accesses may still be utilised.
- 8.30 It is not considered that the consolidation of the operations within the site will detriment the amenities of the occupiers of the adjacent dwellings to such an extent to warrant a refusal of the application. As this is already a working farm and the use of which will remain unchanged albeit intensified.
- 8.31 Representations received from residents have requested that the cut way adjacent to the existing buildings of the site and Lower Stalls Cottages is blocked off. However, it is not considered that this would meet the tests of necessity and reasonableness of planning conditions or that can be directly related to the development proposed.
- 8.32 It is concluded that the proposed scheme will accord with the requirements of policy SD05 in terms of the impact on the surrounding residential amenities and that the scheme is acceptable in planning terms to this regard.

Highways, Access and Traffic

- 8.33 The Highway Authority raised initial concerns concerning the information submitted with the application. They considered that it was insufficient information to conclude that the scheme would not have an adverse impact on the grounds of the other uses on the site in regard to recent planning consents, that a road safety audit needed to be undertaken to ensure that the proposed access is suitable and safe and that further details of parking and turning onsite were required.
- 8.34 Following the submission of the additional information, the Highway Authority have confirmed that they have no objection to the proposed access, on-site turning and parking arrangements. Following additional highway information received on the 27 March 2020 from the applicant, the Highway Authority has confirmed that, as this application does not directly increase the level of traffic movements on the surrounding highway network and given that it is farm consolidation, they raise no objection to the scheme on highway safety grounds. However, their consultation response does take into account the additional movements that stem from a previous prior approval and planning consent (see site history). Also, in terms of access, the application will use a purpose made one rather than the less than ideal historic route which takes farm traffic through the Iford Conservation Area. The new access is up to modern standard and the route avoids the historic village.
- 8.35 Accordingly it is considered that subject to appropriate planning conditions that the proposed access arrangements and site layout are acceptable in Highway, access and traffic

terms and that the scheme is in accordance with the requirements of SDLP policies SD19, (Transport and Accessibility) and SD05 (Design). Whilst the new access may not be in full accordance with Roads in the South Downs (2015), it is considered that the great benefits to Iford CA outweigh in terms of traffic reduction must be held in balance and that to this regard the proposal is considered to be acceptable.

Public Rights of Way

- 8.36 Policy SD20, (Walking, Cycling and Equestrian Routes), requires that new developments maintain existing rights of way; and conserve and enhance the amenity value and tranquillity of , and views from, non-motorised travel routes and access land. There is a public right of way that transverses the proposed farm access track. This PRoW runs across two of the farm's lower fields adjacent to the C7 (Piddinghoe Road). The Highways response raises no concerns with regard to impact of users of this footpath if suitably worded conditions are attached to a planning consent.
- 8.37 In so long as suitable planting is incorporated into the scheme and suitable surfacing is utilised for the access track, it is not considered that the scheme will create an unacceptable visual impact for the users of the adjacent PRoW network and that the views from the surrounding network will remain that of an active farm operation. Furthermore, the public footpaths through the village of Iford will be enhanced through the reduction of farm vehicles through the Conservation Area.
- 8.38 The SDNPA Whole Estate Plan team and ESCC highways/PRoW team have made comments with regard to a contribution/ commitment from the applicant to upgrade the cycle network, with ESCC specifically suggesting Egrets Way. However, it is considered that a financial contribution could be complex to justify in the absence of a worked up scheme and ESCC do not have a policy basis for calculating the amount of contribution required. Other work in terms of starting to meet this outcome of the WEP has already been undertaken with regard to footpaths across the east of the Iford Estate, particularly the commitment to a permissive bridleway, through the Estate between Iford Village and Rise Farm and also the gains in terms of a link to the Egrets Way at Swanborough Lodges.
- 8.39 Notwithstanding part of the Iford Whole Estate Plan, is to "encourage wider access and appreciation of the high quality landscapes on the Iford Estate". The Egret's way is a key route that runs through the Estate and views from the new development to it will be altered. Given the scale and significance of the application under consideration, the impact of the scheme in terms of development in this location that it visible from both close to and wider views, it is considered appropriate and proportionate that an undertaking is completed to mitigate the impacts on the National Park. This is not only a statement of the WEP but is considered appropriate to accord with the first purpose of the National Park, the duty to conserve and enhance the natural beauty of the National Park. It would also meets the second purpose, to promote and understanding and enjoyment of the Park.
- 8.40 It is therefore considered proportionate and reasonable in the context of Purpose 1 and the WEP which is a material consideration, to require that the section of The Ouse Valley Way footpath, (this lies adjacent to the route that has been identified as future the Egrets Way link), to be upgraded and, if acceptable to ESCC PRoW team, dedicated as a bridleway to allow better access by cyclists. This can be secured through an appropriately worded planning condition. This could result in the dedication of nearly 6km of new bridleway and demonstrates the Estate's commitment to working with the SDNPA to enable the completion of the Egrets Way route in the future. It is further suggested that the proposed footpath upgrade to bridleway of the Iford/Lewes link, (already under negotiation with the applicant and ESCC), be secured by planning condition attached to this consent.

Dark night skies

- 8.41 The site is located within the Transition Zone (EIb) and a lighting assessment has been submitted to support the application. Policy SD08 of the SDLP requires that development does not harm the quality of dark night skies of the National Park, for the benefit of people and wildlife. In consideration of this the applicant has sought to minimise light spill from the site by minimising additional external lighting, PIR sensors fitted to all new external lightly

and minimise all internal lights to buildings. Given the higher relative contrast of lighting in rural areas, it will be important that any bright lights (above 5000 lumens) are mitigated sufficiently. To this regard it is considered necessary to impose a planning condition to require details of the external and internal lighting to be submitted to and approved by the SDNPA.

9. Conclusion

- 9.1 Given the above, it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted. The scheme ensures supports the future of the farming operation and enables conservation and biodiversity enhancements to be delivered. It is therefore recommended that planning permission is granted subject the conditions listed in section 10 of this report in order to meet the requirements of the Iford WEP, SD25 and the purpose (1) of the National Park.

10. Reason for Recommendation

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

Timescale

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.

Accordance with Plans

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.

Material details

3. Prior to construction above slab level a schedule and samples of external materials and finishes to be used in the construction of the buildings hereby approved, and any associated hard-surfaces, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out strictly in accordance with the approved details.

Reason: In the interests of landscape and visual amenity of the area

Levels and Datum Point

4. The development hereby approved shall be carried in accordance with the proposed levels plan and section drawings hereby approved, so that re-levelling of the field within which the development is situated, is carried out concurrent with the construction of the additional farm buildings and silage clamp hereby approved. There shall be no further increase in levels above those shown unless the Local Planning Authority gives prior written approval for such changes.

Reason: To ensure concurrent re-grading so that the development is blended into existing topography in the interests of the visual amenity 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 full accordance with the approved details.

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

Highways and Access

6. The development shall not commence until details of the layout of the new access and the specification for the construction of the access which shall include drainage have been submitted to and approved in writing by the Planning Authority and the development not be occupied until the construction of the access has been completed in accordance with the agreed specification.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

7. No development shall be occupied until a gate has been installed at the existing access shown on the submitted plan (Plan no PVRU390700IF_302M). The existing gate across the site entrance adjacent to Lower Stalls Cottages shall be retained. Thereafter both gates must remain installed as approved across both site accesses.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

8. The access shall not be used until the visibility splays shown on the submitted plan (plan no PVRU390700IF_301H) are cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

9. The development shall not be occupied until a parking area has been provided in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

10. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (Plan no PVRU390700IF_302M) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

11. The development shall not commence until revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of road safety.

12. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed and implemented in accordance with the approved details.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

13. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

14. Prior to the commencement of development details of the proposed signage shall be submitted to and approved in writing by the Local Planning Authority. Once approved The signage should be erected and maintained at a minimum of 450mm back from the edge of the adjacent carriageway, in order to provide adequate clearance from any overhang of passing vehicles.

Reason: To ensure the safety of persons and vehicles proceeding along the highway.

15. Public Footpath Iford Id should remain unobstructed during and on completion of the development

Reason: To ensure the safety of persons proceeding along the public footpath.

16. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation 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),
- details of public engagement both prior to and during construction works.

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

Drainage

17. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Ref 7187, May 2018) and the mitigation measures detailed within and shall incorporate the measures further detailed in the Ecosystems Services Statement (dated February 2020). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that flood risk is managed

Development on land affected by contamination

18. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i) A preliminary risk assessment which has identified:
 - a. all previous uses;
 - b. potential contaminants associated with those uses;
 - c. a conceptual model of the site indicating sources, pathways and receptors; and

- d. potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution.

Verification report

19. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

Previously unidentified contamination

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

SuDS Infiltration of surface water into ground

21. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development must be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

Landscaping, Ecology and Trees

22. Prior to the commencement of the development hereby permitted, a detailed scheme of 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 tree establishment;

schedules of plants and trees noting species, sizes; and proposed numbers/densities where appropriate;

- ii) Tree guards, staking and tree-pit construction;
- iii) Retained areas of grassland cover, scrub, hedgerow, and trees;
- iv) A timetable for implementation of the soft landscaping works.
- v) 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.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape.

23. All soft landscaping shall be carried out in the first planting and seeding season following the bringing into use of the proposed farm buildings, 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.

24. Works shall be carried out in full accordance with the ecological mitigation and enhancement measures as set out in Section 6 “Recommendations” of the submitted ARB894: Preliminary Ecological Appraisal and Bat Building Assessment, Section 6 “Recommendations” of the ARB894 Reptile Survey Report and the Ecosystems Services Statement (dated February 2020).

Reason: to protect reptiles and other notable species in accordance with the Wildlife and Countryside Act 1981 (as amended).

25. Prior to development above slab level, a Landscape and Ecological Management Plan (LEMP), shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) A description, plan and evaluation of landscape and ecological features to be managed including the water features and ditches, grassland and hedgerows;
- b) Measures setting out how the development will:
 - i) Conserve water resources and improve water quality;
 - ii) Protect and provide more, better and joined up natural habitats;
 - iii) Improve the National Park’s resilience to, and mitigation of, climate change;
 - iv) Increase the ability to store carbon;
 - v) Conserve and enhance soils.
- c) Ecological trends and constraints on site that might influence management;
- d) Details of future management of both areas for habitats and species, including details of management responsibility;
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- f) A scheme of ongoing monitoring, and remedial measures where appropriate;

The approved LEMP will be implemented in full accordance with the approved details, unless otherwise agreed by the Local Planning Authority. Where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be

further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

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 and biodiversity net gain.

26. Prior to the commencement of the development hereby permitted details of the protection of the trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity of the local area.

Lighting and Dark Night Skies

27. Prior to development above slab level, a scheme 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:

- i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;
- ii) Be designed to minimise impacts on wildlife
- iii) Internal lighting shall Be installed as high as possible so that there is an even spread and that the lights aren't directly visible from the surroundings and greater detail provided of the internal lighting switching
- iv) The lighting shall be installed, maintained and operated in full 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.

28. Prior to development above slab level, a scheme shall be submitted to and approved in writing by the Local Planning Authority to upgrade two footpaths that run through land under the control of the Iford Estate. The two routes are known as the Iford/Lewes link and The Ouse Valley Way and are identified as blue and red lines on the approved plans. The approved schemes shall be fully implemented in accordance with the approved details prior to the buildings hereby permitted being brought into use and shall be maintained to an agreed standard thereafter.

Reason: In the interests of the amenity of the local area.

Informatives

Requirement for an Environmental Permit

1. The application states that the proposal for the discharge of foul effluent is unknown. Any discharge of effluent associated with this development may require an Environmental Permit from us under the Environmental Permitting (England & Wales) Regulations 2016, unless an exemption applies. The Applicant is advised to contact us on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk for further advice and to discuss the issues likely to be raised. The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit. Additional guidance' can be found on the gov.uk website – <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Digestate and silage storage

2. The site lies on Chalk which is classified as a Principal Aquifer. Groundwater must be protected from pollution and all precautions including the design and construction of any

storage lagoon must be undertaken in accordance with best practice. Silage feedstock material for the AD plant should be stored as in accordance with the SSAFO Regulations (The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010). It is noted that the Agricultural Justification report confirms that the silage clamp will be constructed to SSAFO requirements (paragraph 5.20). The Applicant should note that in accordance with the SSAFO Regulations, we require 14 days' notice before work starts on the construction of new silo, slurry or fuel oil storage facilities, or the refurbishment of existing ones, and for purpose built on site clamps and field heaps (including "Ag Bag" structures which may be stored off site by sub-contractors/other farmers). Notification form WQE4 and further guidance on the SSAFO regulations are available on the gov.uk website - <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>, but where the NVZ Regulations are applicable this should be increased to 5 months. Rainfall should be taken into account also when calculating capacity also.

Locally Sourced Materials

3. The SDNPA encourages the use of locally sourced materials to support local character and distinctiveness, and to reduce the costs both financially and environmentally of transporting materials long distances. The applicant is recommended to undertake a resource mapping exercise for materials, starting within a 5km radius of their site, and then 10km, 25km.

Highways

4. The applicant will be required to enter into a license/agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. This includes the construction of the new access. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

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

Contact Officer: Heather Lealan

Tel: 01730 819363

email: heather.lealan@southdowns.gov.uk

Appendices I. Site Location Map

SDNPA Consultees Legal Services, Development Manager

Background Documents <https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

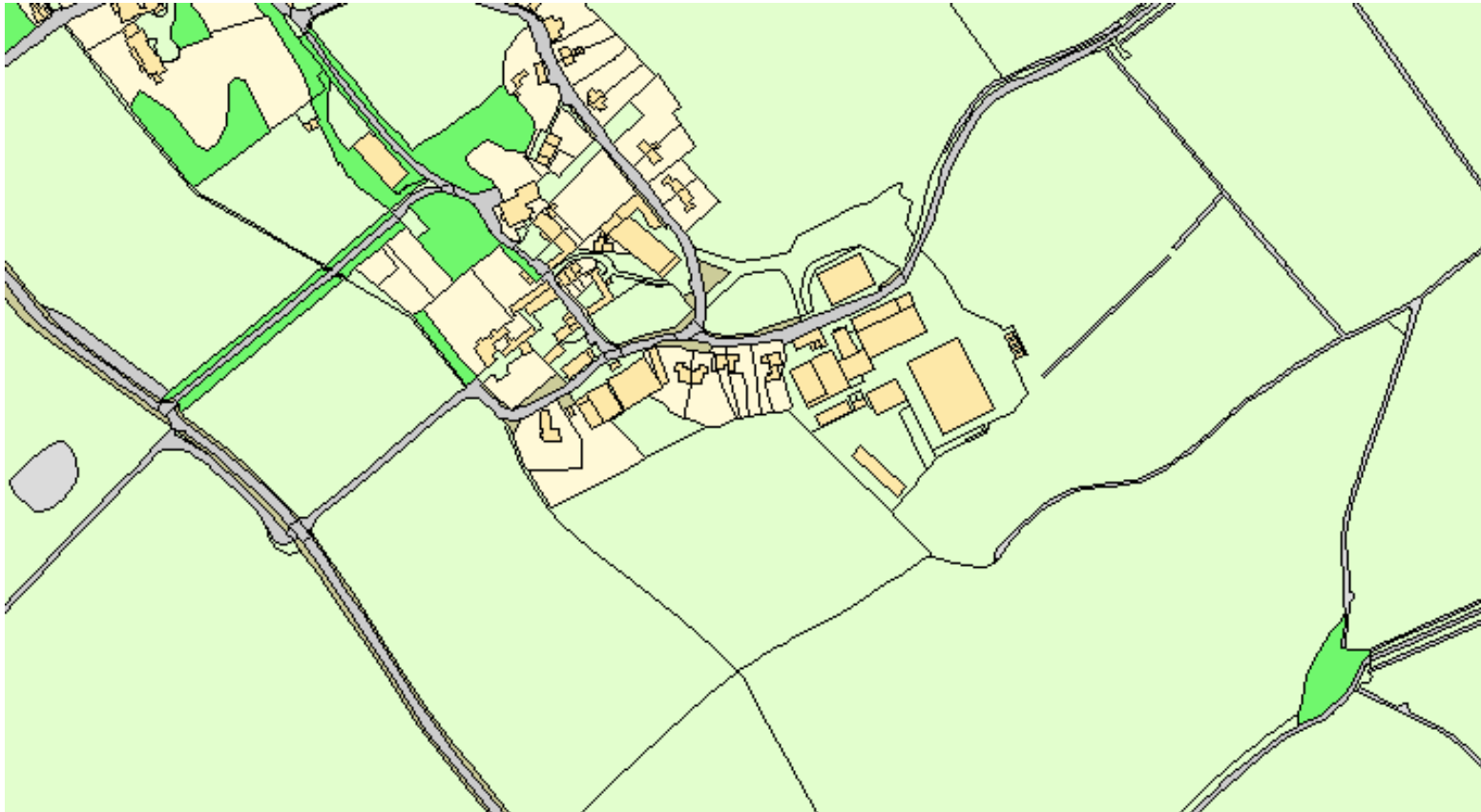
[National Planning Policy Framework \(2019\)](#)

[South Downs Local Plan \(2014-33\)](#)

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

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

Site Location Map



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Report to	Planning Committee
Date	11 June 2020
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/19/03160/OUT
Applicant	Mr H Janson
Application	Outline: redevelopment of existing redundant farmstead with ten two storey dwellings (4 x 2 bed; 3 x 3 bed and 3 x 4 bed) six double car ports, parking area and upgraded access after demolition of existing buildings.
Address	Lower Yard, Selborne Road, Newton Valence, Alton, Hampshire.

Recommendation:

1) That outline planning permission be granted subject to:

- **The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:**
 - a. Two affordable dwellings and two key estate workers' dwellings;**
 - b. A public bridleway and permissive path on the former Meon Valley Railway and appropriate connection to the right of way network;**
 - c. A scheme of new permissive footpaths and signage across the estate;**
 - d. Repair and maintenance of public bridleway no. 12;**
 - e. A scheme of Green Infrastructure Initiatives;**
 - f. A financial contribution towards repairs of Newton Valence Village Hall (up to £35,000);**
 - g. An energy audit of the estate and a strategy for energy reduction and use of renewable energy;**
- **The completion of bat and reptile surveys and provision of a suitable policy compliant mitigation and enhancement strategy, the consideration of which is delegated to the Director of Planning; and**
- **The conditions, substantially in the form set out in paragraph 11.2 of this report along with any additional conditions, the form of which is delegated to the Director of Planning' to address those mitigation matters that arise from the completion of bat and reptile surveys and strategy.**

2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:

- a) The S106 agreement is not completed or sufficient progress has not be made within 6 months of the 11 June 2020 Planning Committee meeting.**
 - b) The bat and reptile survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 11 June 2020 Planning Committee meeting.**
-

Executive Summary

The Planning Committee considered the application at a previous meeting on 12th March 2020 where Members resolved to defer the application to allow the Applicant the opportunity to work with officers to demonstrate the multiple benefits of the development proposal, in the context of the endorsed Whole Estate Plan (WEP) and wider landscape.

Officers have worked extensively with Newton Valence Farm and, following discussions, revised documentation has been received and shared with the Newton Valence Parish Council. This report outlines the projects and actions in mitigation that the proposed scheme will enable at Newton Valence Farm as well as provides updated consultee responses, planning history, and officer views following receipt of additional information. This report should be considered as an update to the report in **Appendix 2** (report reference PC19/20-50 considered by Planning Committee on 12th March 2020) and they should be read together.

The previous report recommended approval, subject to the completion of bat and reptile surveys, conditions and completion to a S106 legal agreement to secure the delivery of two affordable dwellings and two key estate workers' dwellings. Following Committee Members' concerns resulting in a deferral of the application, additional information provided on the delivery of the WEP and it responds to Members' concerns. The current proposal demonstrates that the development and associated contributions and projects to be implemented throughout the whole estate, will deliver multiple benefits and mitigation locally, in line with the purposes of the National Park, its special qualities and ecosystem services and are compliant with the legal tests required to justify their inclusion. The application is consistent with the South Downs Local Plan, the Partnership Management Plan, the Newton Valence Farm WEP and the Newton Valence Village Plan, which are also material considerations. Consequently, the application is recommended for approval as per the previous recommendation, subject to secure multiple benefits in a legal agreement.

This application is placed before the Committee given the earlier consideration and resolution to defer a decision at the 12th March 2020 meeting.

1. Introduction

- 1.1 This report follows the planning committee's decision to defer a decision on the application at the meeting on 12th March 2020. The previous report and update sheet are included at **Appendix 2**
- 1.2 The focus of this report are the matters of concern previously raised by Members. These consisted of the following:
 - The application lacked sufficient information to enable a decision. There should be a clear justification, and significant benefits shown, to accept the development as part of a Whole Estate Plan (WEP). The multiple benefits of the WEP and proposal had not been made clear and were not secured.
 - There was concern that six open market properties, and 10 dwellings overall, on a rural site was excessive.
 - There was concern at the amount of weight that had been given to the Newton Valence Village Plan 2015.
- 1.3 Members decided at the 12th March Planning Committee meeting to defer the application. The purpose of deferral was to allow the Applicant to demonstrate the full advantages of the scheme in the context of the WEP, being the multiple benefits demanded by policy capable of being secured.
- 1.4 Since the previous Planning Committee meeting, Newton Valence Farm (NVF) have worked with officers to address the issues above and to provide sufficient information on the WEP implementation, including projects to be implemented with the proposed development at Lower Yard.

2. Site description

- 2.1 This is detailed in **Appendix 2**.

3. Relevant Planning History

3.1 This is detailed in **Appendix 2**.

3.2 In addition to the planning history as outlined in the 12th March Planning Committee Report, the following pre-application advice letter was issued in May 2020:

SDNP/20/01592/PRE New grain store and drier at Upper Yard.

3.3 Advice stated that, in principle, a new grain store and drier facility at Upper Yard in replacement of the existing out of date facility on the A32 site is likely to be supported.

3.4 It has been demonstrated that the new facility is needed for the efficient operation of the farm and the expected improvements to the business follow from the objectives of the endorsed WEP. It would also entail the consolidation of all farm buildings in a single site.

3.5 Although the principle of development is likely to be compliant with the Development Plan, further information was requested to ensure compliance with policy on the following matters: impact on the local road network, sustainable construction details, material details, ecology, noise and visual impact.

4. Proposal

4.1 This is detailed in **Appendix 2**.

5. Consultations

5.1 Original consultee responses on the application are summarised in **Appendix 2** and remain relevant. The responses below have been received in response to the additional information.

5.2 **Whole Estate Plans Team (SDNPA):** Comments:

- It is recommended that the proposed benefits related to the endorsed WEP are secured as part of a Section 106 agreement. These are the following:
- Work on improvements to Green Infrastructure, which are advised to deliver:
 - Species rich grassland, and
 - Replacement of existing Maize shoot cover with Wild Bird Seed Mix in areas and quantities to be agreed.
 - These interventions should be above and beyond those required as part of the criteria for the Higher Level Stewardship grant funding.
- Three proposed improvements to increase access within the Estate, improving links to the existing public rights of way network, services and connected to the SNDP strategic ambitions. The full extent of these works and timetable for delivery should be determined through the S106 agreement.
- Provision of affordable housing and estate worker accommodation.

5.3 **Hampshire County Council (Public Rights of Way):** Comments:

- Broad support of the principle of providing public access along the old rail track and linking this into the existing rights of way network.
- To accept dedication of a right of way, the route would need to be accompanied by a commuted sum, providing future maintenance and HCC would need final approval on the detail and specification of the construction of the path.

6. Representations

6.1 The responses received prior to the 12th March 2020 meeting are included in the report, the update sheet in **Appendix 2** and the 12 March Planning Committee meeting minutes. No further representations have been received.

7. Planning Policy Context

7.1 All as stated in **Appendix 2**.

8. Planning Policy

8.1 All as stated in **Appendix 2**.

9. Planning Assessment

9.1 Considerations which do not relate to the reason for deferral are outlined in **Appendix 2**, which should be considered alongside the assessment below.

9.2 Projects to be implemented throughout Newton Valence Farm are detailed in **Appendix 3** ('Further Information on the Implementation of the WEP' – a statement produced by the agent). These are outlined and assessed below:

- a) Two affordable dwellings. These units will be provided at Lower Yard, under intermediate home ownership tenure, which are homes for sale at a cost below market levels provided to eligible households whose needs are not met by the market. Tenure, occupancy conditions and local connection criteria will be set out in a Section 106 agreement.
- b) Two key estate workers' dwellings. Also to be built at Lower Yard, and to be owned and managed by NVF and let out to key staff. A Section 106 agreement will set out the precise tenure restrictions and allocation criteria.
- c) New public bridleway on Meon Valley Railway (north section). A stretch of 850 metres of disused railway to dedicated as public bridleway, as a non-motorised route for walkers, cyclists and horse riders. To be connected with Writers Way and the A32 to the north and public footpath no. 5 and Newton Lane to the south. This dedication as public bridleway will be secured in a S106 legal agreement.

The Meon Valley Trail is one of the key motor traffic-free aspirational routes for the National Park, which, once completed, will link Alton to Wickham. This route is safeguarded in the Local Plan (Policy SD20 – Meon Valley Trail) as shared use travel route (foot, cycle, horse riding). This route will also positively contribute to horse riders access to Inadown Riding Centre from the north and reduce walkers and cyclists along the unsafe A32 road.

- d) New permissive path Meon Valley Railway (south section). A stretch of 785 metres of disused railway will become a permissive path. This one will continue south from Newton Lane to the junction of footpath no. 6, which coincides with the southern edge of the estate. This section also falls along the safeguarded Meon Valley Trail, as above-mentioned, and will be secured in a legal agreement.
- e) New permissive footpaths through the estate. The Applicant has agreed to discuss with the SDNPA and Hampshire County Council as appropriate for inclusion in a S106 new permissive paths and signage across the estate. There is potential to increase the amount of routes through the estate and better link the existing public right of way network, for pedestrians, cyclists and horse riders. The Village Plan aims for the establishment of the right to walk on the fields to the south of Newton Lane and Hullam Lane, some of which are within the NVF, therefore it should be explored and, if agreed, secured in the Section 106 agreement.
- f) Repairs and maintenance of the bridleway from the village to Selborne Common. Bridleway no. 12 crosses the estate and links the village of Newton Valence with Selborne Common. The Newton Valence Village Plan seeks to implement necessary remedial action and ongoing maintenance of this bridleway. This proposal consists of the repair of the surfacing and to establish appropriate maintenance of the route. A Section 106 agreement will cover the extent of the repairs and maintenance plan.
- g) New grain store, drier and weighbridge: Which will contribute to the currently implementing precision farming techniques and its monitoring. It is claimed to be an essential facility to upgrade the farming business at NVF to more sustainable standards, reduce energy and labour requirements as well as facilitating practices that reduce soil disturbance and diversification of crops.

- h) Farming business to adapt to Conservation Agriculture, which is a technique that would maintain a permanent soil cover, cause minimum soil disturbance and diversify plant species. This change in farming would lead to improvements in soil structure and health, carbon storage, soil erosion, reduces need for fertilizers and pesticides.
- i) Green Infrastructure Initiatives: NVF has signed Countryside Stewardship (CS) agreement with the Department of Environment, Food and Rural Affairs (DEFRA) in which NVF commits to a series of actions for the care and improvement of the environment within the estate, in exchange of financial incentives. The CS includes Green Infrastructure (GI) initiatives in the form of hedge laying and new hedgerow planting. NVF has offered to develop, in line with the WEP and SDNP Partnership Management Plan (PMP) 2020-2025, further GI initiatives to be built up from the CS. NVF have identified potential areas for GI improvements and linkages in the information submitted, and further detail and implementation can be secured in a S106 agreement.
- j) Energy Audit and Energy Reduction Scheme through renewables: NVF aims to carry out a whole estate energy audit and then a strategy for energy reduction and use of renewable energy (solar panels) across the estate buildings. NVF has set the target to reduce energy consumption by 50% by 2022. The reduction in energy consumption and use of on-site renewable energy will positively contribute to climate change mitigation and the resilience of the NVF and a scheme will be secured in a legal agreement.
- k) Covered arena and viewing gallery at Inadown Farm Riding Centre, as a form of upgrade of the riding school, which contributes to a strengthened secondary business at NVD and its diversification.
- l) Welfare facilitates for shoot and school visits: similar to the above, it contributes to the diversification of NVF.
- m) Financial contribution towards repairs and upgrading of the Village Hall. The Newton Valence Village Plan identified the need for funding for the Village Hall refurbishment. The plan seeks to improve the accessibility of the building amongst other works. In response to this, NVF offers a financial contribution of 50% of the costs (up to a maximum of £35,000) towards repairs and upgrading of the Village Hall.

9.3 Overall, the above outlined actions are in accordance with the purposes of the relevant policies and priorities of the South Downs Local Plan 2014-2033 and the Partnership Management Plan 2020-2025. Affordable housing will be secured as per tenure details required in Policy SD28 of the Local Plan, Green Infrastructure indicative initiatives follow the spirit of Policy SD45, new non-motorised access through the estate and particularly along the Meon Valley Railway are consistent with Policy SD20. Other more farming-focused projects such the grain store, weighbridge, conservation agriculture, etc. contribute to more efficient and sustainable farming techniques, which are broadly supported too.

Principle of development and multiple benefits for the National Park

- 9.4 The above outlined projects to be implemented across the whole estate are assessed, together with the development proposal at Lower Yard, against Policy SD25 of the Local Plan, as this one relates to the development strategy in the National Park. Policy SD25 states that in considering development proposals within rural estates, positive regard will be had to proposals that:
- a) are part of a WEP that has been endorsed by the SDNPA; and
 - b) deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services.
- 9.5 Members were concerned at the last Planning Committee meeting that the application was not supported with sufficient information as to understand the proposal in the context of paragraph 'b' above, and therefore compliance with Policy SD25 could not be assessed.
- 9.6 To facilitate the assessment of whether proposals deliver to multiple benefits, officers have produced a table where all proposals are considered against the purposes, special qualities of the National Park and ecosystem services. This table has been appended in **Appendix 4**.

- 9.7 The proposal at Lower Yard has been accompanied with a series of other projects throughout the estate that generally positively contribute to the purposes of designation of the National Park, improving the recreational opportunities within Newton Valence Farm as well as the conservation management and Green Infrastructure network. Furthermore, it will contribute to the social sustainability of the area through the provision of new affordable dwellings, key workers' dwellings and with financial contributions to the repair of the Newton Valence Village Hall.
- 9.8 The majority of these projects build upon the endorsed WEP, which set out goals and an Action Plan for five years for Newton Valence Farm (2017-2022). The residential development at Lower Yard and other projects outlined are consistent with the vision of Newton Valence Farm of creating a socially, financially and environmentally sustainable, robust and diversified farming business, with a group of associated businesses contributing to and enhancing the primary farming activities. Should planning application be granted and projects delivered, the WEP Action Plan will see a substantial progress in its implementation.
- 9.9 These projects are also developed in the context of the SDNP Partnership Management Plan 2020-2025 (PMP), insofar as the WEP is a mechanism for the Newton Valence Farm to implement the ambitions set out in the PMP.
- 9.10 Through the proposed development, the National Park Authority will support Newton Valence Farm to diversify, and invest in conservation and benefits to the local community in form of affordable housing and recreational and accessibility opportunities, all within the already agreed framework of the endorsed WEP. Proposals do materially deliver the SDNP Partnership Management Plan in that they contribute to the following priorities and outcomes:
- a) Protect and enhance landscape character, create Green Infrastructure and increase resilience to climate change;
 - b) To create, restore and improve areas of priority habitat to be more, bigger, better and joined up at a landscape scale;
 - c) Enable everyone to experience the National Park, improve accessibility through a network of high quality routes connecting communities and landscape;
 - d) Increase affordable housing stock; and
 - e) To strengthen and support sustainably managed land-based industries and local enterprise.
- 9.11 As illustrated in **Appendix 4**, the proposal at Lower Yard and set of projects throughout the estate have the potential to deliver substantial ecosystem services locally. It is considered that the application is now supported with sufficient information as to confirm that proposals will deliver numerous opportunities that positively impact ecosystem services at the whole estate level.
- 9.12 The proposed residential development at Lower Yard, on its own, will have, as detailed in the previous committee report (**Appendix 2**) a positive impact on ecosystem services. In addition to this, proposals will add substantial opportunities for ecosystem services throughout Newton Valence Farm, in manifest compliance with Policy SD2 (Ecosystem Services) and SD25.3.b (Development Strategy).
- 9.13 Overall, the development proposal at Lower Yard and the associated set of projects and mitigation to be implemented throughout Newton Valence Farm will deliver multiple benefits in line with the purposes and special qualities of the National Park and in regard to ecosystem services.
- Amount of development
- 9.14 Concern was raised by some Members at the March Planning Committee meeting in relation to the amount of residential development at Lower Yard. Although the affordable and key estate workers' dwellings did not raise many questions, there was doubt on whether six open market units is a proportionate amount of development in this location.

- 9.15 Officers have worked with NVF on this issue. Officers are of the view that the scale of development and its density are not disproportionate for this location. Dwellings would be erected in an area that is already spoiled, of low visual and landscape value and found to be redundant for agricultural purposes. The redevelopment of the yard has been well informed by its context and contributes to an overall enhancement of the area without resulting a cramped form of development neither causing stress to the infrastructure network.
- 9.16 The supporting text of Policy SD25 states that where new dwellings are proposed, these should be affordable homes or accommodate full-time rural workers. It also states that an exception may be made where to do so would make the delivery of multiple benefits to ecosystem services and the special qualities of the park unviable.
- 9.17 The residential scheme at Lower Yard will deliver affordable and rural estate workers' dwellings, and with the open market dwellings will contribute to deliver on the multiple benefits that Policy SD25 requires. Considering that the development is of an appropriate scale and does not lead to harm to the landscape and qualities of the National Park, the proposal is acceptable and seeking a lower intensity is not deemed necessary as it would jeopardise the delivery of multiple benefits.
- 9.18 The development proposed makes an efficient use of land, it is sensitively designed to blend with its surrounding landscape and no harm to the road network has been identified. It has been demonstrated that the residential scheme has taken all reasonable opportunities to make this scheme more sustainable, given its location and that no unacceptable pressure on infrastructure and services will result from the development. Furthermore, the proposal, through the mitigation to be secured, will contribute to substantial environmental, open access and recreation improvements across 518 hectares of the Newton Valence Farm, which outweigh the sustainability concerns raised with the site location, complying with the aims of the NPPF and the Local Plan. Therefore, the principle of a new residential development at Lower Yard, in its current form, and associated projects across the estate are given positive regard and accepted.

Securing multiple benefits for the National Park

- 9.19 The use of a Section 106 legal agreement is considered the best tool to mitigate the impact of the development and secure the delivery of those projects that will result in multiple benefits for the National Park and ecosystem services.
- 9.20 The development proposal and associated projects have passed the test for planning obligations of paragraph 56 of the NPPF. These are considered to be necessary to make the development acceptable (compliance with Policy SD25), directly related to the residential development in question, as they form part of a WEP implementation plan, and are fairly and reasonably related in scale and kind to the development.
- 9.21 Consequently, a S106 legal agreement will secure the delivery of those projects that provide the most benefits and for which the SNDPA and NVF can agree a precise obligation independently from changes in Government environmental and agricultural policy. These projects are:
- a) Two affordable dwellings and two key estate workers' dwellings;
 - b) A public bridleway and permissive path on the former Meon Valley Railway and appropriate connection to the right of way network;
 - c) A scheme of new permissive footpaths and signage across the estate;
 - d) Repair and maintenance of public bridleway no. 12;
 - e) A scheme of Green Infrastructure Initiatives;
 - f) A financial contribution towards repairs of Newton Valence Village Hall (up to £35,000);
 - g) An energy audit of the estate and a strategy for energy reduction and use of renewable energy;

Reptile and bat surveys update

- 9.22 The agent has confirmed that both reptile and bat surveys are being carried out at the moment of writing this report. Surveys and reports are expected to be completed and

published at some time in June. From initial results, it appears that no significant evidence of bats or reptiles have been found on site, although this needs to be confirmed in the reports.

- 9.23 Considering the above and the overall limited ecological value of the site, it is likely that protected species are not present and that in case, harm can be appropriately mitigated. However, the SNDPA must await the receipt of suitable up-to-date information to continue the ecological impact assessment of the site. Once all information is submitted, the SDNPA will be in a position to complete the assessment of the scheme against Policy SD9, which relates to biodiversity. It is proposed that this assessment is delegated to the Director of Planning.

The Newton Valence Village Plan as a material consideration

- 9.24 Consideration has been given to the Newton Valence Village Plan (2015) as endorsed by the SNDPA in 2018. This document sets out the vision of the parish by 2030, includes a series of community surveys' results and aspirations and priorities for the local community.
- 9.25 In the Village Plan, the community showed opposition to new housing developments, being 61% of respondents of the survey against any further housing. Options for small scale developments and affordable housing were supported by less than 30% of respondents. The Village Plan also shows the mixed views for the future use of redundant agricultural/farm buildings, as 57% of respondents supports their redevelopment for housing, only a smaller proportion of residents support businesses/storage units instead. These responses may appear contradictory, however, it can be extrapolated that the majority of residents oppose new housing development in green fields, but they have mixed views, and they do support, by a narrow margin, housing as the preferred option in the redevelopment of redundant farm sites. Given the mixed views, but the preference for an efficient use of redundant sites for housing development, this development proposal complies with the spirit of the community as captured in the Village Plan.
- 9.26 Other matters, such protection of the dark skies, conservation of verges and the character of historic sunken lanes, etc. have been considered in the assessment of this scheme and are covered in the previous committee report.
- 9.27 The Village Plan also refers to public access in the countryside and it identifies opportunities for improvements of the route network, especially for pedestrians. It seeks to implement necessary remedial action and ongoing maintenance on bridleway from the village on to Selborne Common. This is bridleway no. 12, which is proposed to be repaired and maintained by NVF.
- 9.28 A renovation of the Village Hall and an upgrade, including accessibility improvements is an aspiration of the Newton Valence Village Plan, although it also acknowledges the difficulty to fund this project, so the plan sets out the objective to investigate external funding for the refurbishment. The proposal, in view of the plan, as incorporated a financial contribution to the Parish Council for the repair and upgrade of the Village Hall. Although this contribution is not envisaged in the WEP Action Plan, it is consistent with the vision of the WEP and develops from the WEP community engagement objective as well as the aspirations of the Village Plan, which are material considerations. Given this context, it is considered that the proposed contribution is a justified mitigation measure.

10. Conclusion

- 10.1 It is acknowledged that Lower Yard is located outside of the settlement boundary and, whilst development related to an endorsed WEP does not guarantee planning permission, officers consider that the additional information submitted by Newton Valence Farm addresses Members' concerns and provide clarification on the mitigation and benefits that the proposed development will entail.
- 10.2 Extensive work with officers have resulted in projects proposed across the estate that benefit the local community and the National Park. The previous assessment was well-balanced having considered the benefits to the National Park. Following negotiations and an increase in number, significance and detail of these projects and contributions, and in light of

the fact that these can be secured via a legal agreement, officers are of the view that the recommendation should remain for approval.

- 10.3 Proposals will deliver open market, affordable and estate workers' housing as well as open market dwellings at Lower Yard, which will justify and contribute the delivery of multiple benefits locally for the National Park and ecosystem services. New dwellings outside settlement boundaries are exceptionally permitted, however the principle of re-development of Lower Yard is considered to positively contribute to the local area and to materially deliver the Whole Estate Plan. It will also meet the outcomes and priorities of the SDNP Partnership Management Plan, resulting in great environmental and recreational gains, for the benefit of people, wildlife and businesses in accordance with the purposes and duty of the National Park.
- 10.4 The scheme does not meet the precise housing mix requirements of Policy SD27 of the SDLP, but has been found compliant with the remaining Development Plan. In consideration of the benefits of the scheme, on balance, the proposal is acceptable. It is therefore recommended that outline planning permission is granted subject to conditions, the satisfactory completion of the outstanding ecology surveys and completion of legal agreement as set out in this report.

11. Reason for Recommendation and Conditions

11.1 Planning permission is recommended to be granted subject to:

- 1) The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:
 - a) Two affordable dwellings and two key estate workers' dwellings;
 - b) A public bridleway and permissive path on the former Meon Valley Railway and appropriate connection to the right of way network;
 - c) A scheme of new permissive footpaths and signage across the estate;
 - d) Repair and maintenance of public bridleway no. 12;
 - e) A scheme of Green Infrastructure Initiatives;
 - f) A financial contribution towards repairs of Newton Valence Village Hall (up to £35,000);
 - g) An energy audit of the estate and a strategy for energy reduction and use of renewable energy; and
- 2) The completion of bat and reptile surveys and provision of a suitable policy compliant mitigation and enhancement strategy, the consideration of which is delegated to the Director of Planning; and
- 3) The conditions, substantially in the form set out in paragraph 11.2 of this report along with any additional conditions, the form of which is delegated to the Director of Planning' to address those mitigation matters that arise from the completion of bat and reptile surveys and strategy.
- 4) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:
 - a) The S106 agreement is not completed or sufficient progress has not be made within 6 months of the 11 June 2020 Planning Committee meeting.
 - b) The bat and reptile survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 11 June 2020 Planning Committee meeting.

11.2 Proposed conditions:

1. Applications for the approval of the matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:-

- (i) three years from the date of this permission, or
- (ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - To comply with the provisions of Section 92(2) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Sustainable construction

3. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) design stage SAP data
- b) passive house certificates
- c) Site Waste Management Plan
- d) design stage BRE water calculator
- e) product specifications
- f) Grown in Britain or FSC certificates;
- g) sustainable material strategy
- h) building design details
- i) layout or landscape plans

demonstrating that the dwelling has:

- a) reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
- b) reduced predicted CO2 emissions by a further 20% due to on site renewable energy compared with the maximum allowed by building regulations
- c) EV charge point for every home
- d) 5% of dwellings and at least one dwelling are passive house certified
- e) predicted water consumption no more than 110 litres/person/day
- f) separate internal bin collection for recyclables
- g) SWMP and at least 50% of construction waste diverted from landfill;
- h) private garden compost bin

and evidence demonstrating:

- i) sustainable drainage, enhanced green infrastructure and GI linkage and adaptation to climate change
- j) selection of sustainable materials

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Construction management plan

4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- (i) the anticipated number, frequency and types of vehicles used during construction;
- (ii) the method of access and egress and routeing of vehicles during construction;
- (iii) the parking of vehicles by site operatives and visitors;
- (iv) the loading and unloading of plant, materials and waste;
- (v) the storage of plant and materials used in construction of the development;
- (vi) the erection and maintenance of security hoarding;
- (vii) effective vehicle wheel-cleaning facilities to be made available throughout construction;
- (viii) the provision and utilisation 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);
- (ix) details of public engagement both prior to and during construction works;
- (x) temporary arrangements for access and turning for construction traffic for each part of the site; and
- (xi) protection of trees and hedgerows to be retained.

Reason: In the interests of highway safety and the amenities of the area and having regard to National Policy Guidance contained in the National Planning Policy Framework 2019. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Foul and surface water drainage

5. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development that meets the requirements of Policy SD17 of the South Downs Local Plan 2014-2033. To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework. And Position Statement G of the 'Environment Agency's approach to groundwater protection'. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

6. No development approved by this permission shall be commenced until details of surface water drainage, which shall follow the principles of sustainable drainage, have been submitted to and approved by the Local Planning Authority. These should include:
 - a) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - b) Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system and inform the design of the surface water drainage strategy. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus 40% climate change allowance) rainfall events. The drainage features should have the same reference that the drainage layout.
 - c) Groundwater monitoring should be undertaken between autumn and spring, which should demonstrate that there will be at least 1m unsaturated zone between base of the infiltration structures and the highest recorded groundwater level.

- d) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.
- e) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.
- f) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer.
- g) Finished ground floor levels of any proposed residential development must be sufficient to ensure that surface water does not pose a flood risk in the 1 in 100-year event.

The development shall be built in accordance with these agreed details.

Reason: To ensure satisfactory surface water drainage that meets the requirements of policies SD17 and SD50 of the South Downs Local Plan 2014-2033. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Hard and soft landscaping

7. Notwithstanding the details shown on the approved plans no development shall commence unless and until a detailed scheme of hard landscape works has been 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. Once implemented they should be retained.

The scheme design shall include the following details:

- a) Details of existing trees and other vegetation to be retained in the scheme and methods/measures for the protection of trees during and after construction;
- b) Proposed and existing levels and contours, including retaining walls;
- c) Layout of surfaces including materials, permeability, kerbs, edges, steps, retaining walls, ramps;
- d) Schedule of surfacing materials;
- e) Boundary treatments details including gates and doors.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

8. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a detailed scheme of planting proposals have been submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The scheme design shall follow the principles of the submitted Ecosystem Services Statement (February 2020) and include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material, irrigation design, surface treatment according to location;

- c) Areas of grass & specification for seeding or turfing as appropriate
- d) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance Operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- e) Any bunding or swales (including cross sections).

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

9. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior occupation of the development. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

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

10. Prior to the commencement of the development hereby permitted, measures for the protection of the trees to be retained as outlined in the submitted Arboricultural Impact Assessment and Method Statement (Helen Brown Treescapes – 17 June 2019) shall be implemented. These measures shall be retained until the completion of works.

Reason: In the interests of the amenity and the landscape character of the area. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Access and parking

11. No development shall start on site until the access, including the footway and/or verge crossing has been constructed and lines of sight of 2.4 metres by 29 metres provided in accordance with the approved traffic plan ref. 022.0022.003. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

12. No enclosure or infilling of the sides/fronts of the car-ports/car-barns hereby approved shall take place without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure a satisfactory development in the interest of amenity, character and appearance of the area.

13. Before the development hereby permitted is first brought into use, details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage details shall be implemented prior to the occupation of the development and thereafter retained.

Reason: To provide for alternative and sustainable modes of transport.

External lighting

14. No external lighting shall be installed within the site unless further details of the lighting have been submitted to, and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents, create an appropriate amenity space and conserve dark night skies of the South Downs National Park, in accordance with National Park Purposes and the NPPF.

Land contamination

15. No development shall commence until a Contamination Phase 2 intrusive report has been submitted to and approved in writing by the Local Planning Authority, detailing all investigative works and sampling on site, together with the results of the analysis. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity, soil and water quality and to protect the health and future occupiers of the site from any possible effects of land contamination in accordance with local and National policy. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

16. If the Phase 2 report identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved and any ongoing monitoring shall be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity, soil and water quality and to protect the health and future occupiers of the site from any possible effects of land contamination in accordance with local and National policy. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

17. In the event that contamination not previously identified is found at any time when carrying out the approved development then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works.

Refuse and recycling bins

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

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

Removal of permitted development rights

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the

following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Part 1 Classes A, B, C, D, E and F, and Part 2 Class A.

Reason: To ensure the appearance of the development is satisfactory in accordance with the purposes of the South Downs National Park.

20. Notwithstanding the provisions of Part 2, Schedule 2 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 gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site, unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of the appearance of the development and to ensure that development is satisfactory in accordance with the purposes of the South Downs National Park.

Informatives

1. Environmental Health recommends developers follow the risk management framework provided in CLR 11 Model procedures for the Management of Land Contamination when dealing with land affected by contamination. A leaflet entitled "Development on Potentially Contaminated Land" is available as a download on the following East Hampshire District Council website <http://www.easthants.gov.uk/sites/default/files/documents/ContaminatedLandGuide.pdf> and which contains a template for a Completion Statement. This should be completed by the applicant at the end of the development, regardless of whether contamination was investigated/discovered on site. Approval of this statement will enable discharge of the unsuspected contamination condition.
2. The SDNPA encourages the use of locally sourced materials to support local character and distinctiveness, and to reduce the costs both financially and environmentally of transporting materials long distances. The applicant is recommended to undertake a resource mapping exercise for materials, starting within a 5km radius of their site, and then 10km, 25km.
3. Please note that this development may require an environmental permit from the Environment Agency. Further information can be found on the gov.uk website - <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits> The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit. We recommend that the Applicant contacts the Environment Agency at the earliest opportunity to commence permit discussions.

12. Crime and Disorder Implication

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

13. Human Rights Implications

- 13.1 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.

14. Equality Act 2010

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

15. Proactive Working

- 15.1 In reaching this decision, the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of extensive advice from the SDNPA Design, Landscape, Development Management Officers and the opportunity to provide additional information to overcome critical issues and the opportunity to amend the proposal to add additional value as identified by officers and Members.

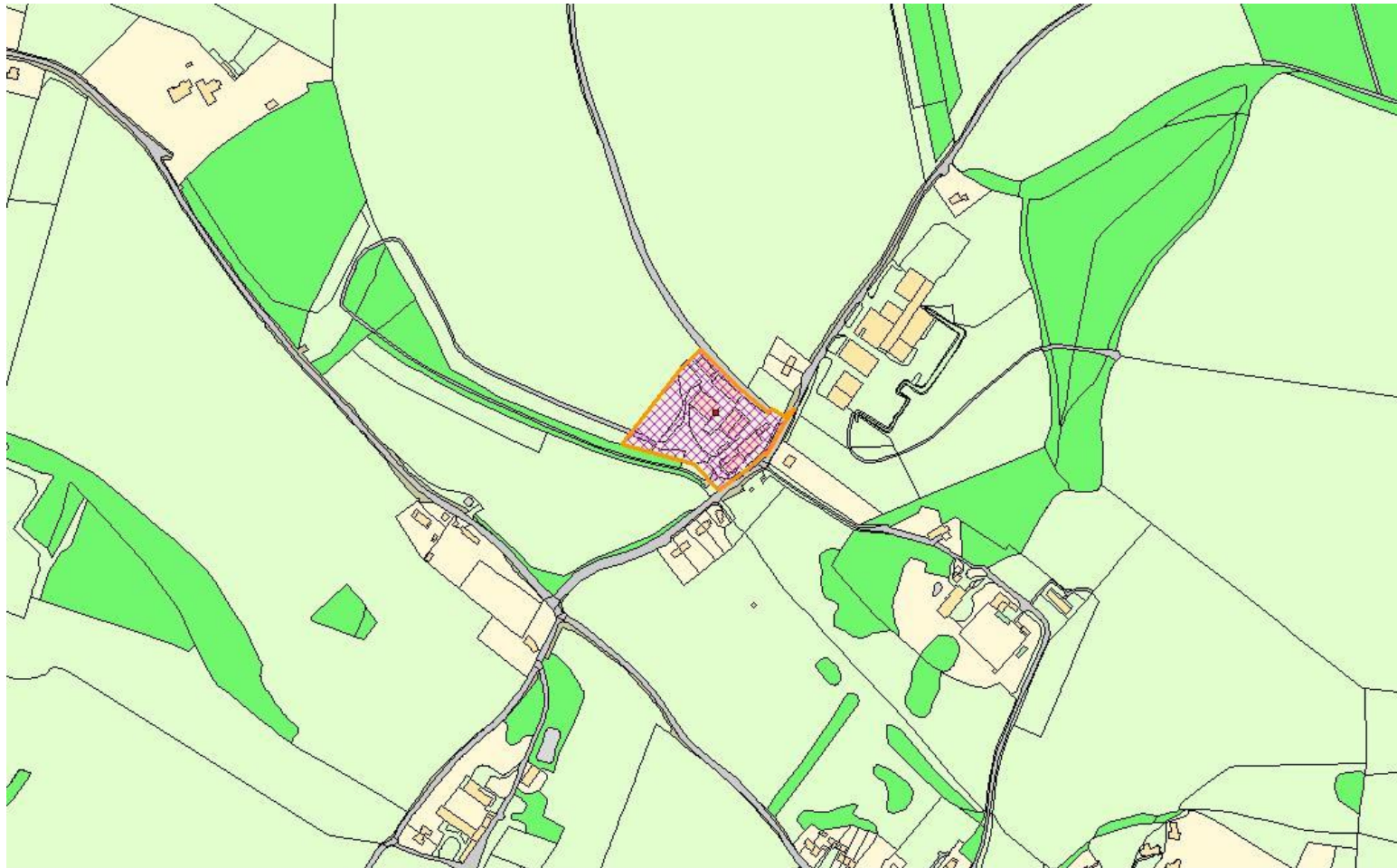
TIM SLANEY

Director of Planning

South Downs National Park Authority

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Tel:	01730819336
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Appendices	<ol style="list-style-type: none">1. Site Location Map2. Previous Planning Committee Report PC19/20-50 and Update Sheet from 12th March 2020 planning committee meeting.3. Further Information on Implementation of the WEP.4. Multiple Benefits Table.
SDNPA Consultees	Legal Services, Development Manager.
Background Documents	<p>Planning application (documents, representations and consultation responses) https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</p> <p>South Downs Local Plan 2014-2033 https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/</p> <p>National Planning Policy Framework (2019) https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>The South Downs National Park Partnership Management Plan (2014-2019) https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management-plan/</p> <p>English National Parks and the Broads: UK Government Vision and Circular (2010): https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010</p> <p>South Downs Integrated Landscape Character Assessment (2011) https://www.southdowns.gov.uk/planning/planning-advice/landscape/</p> <p>Newton Valence Village Plan 2015 https://www.southdowns.gov.uk/wp-content/uploads/2018/06/Newton-Valence-Village-Plan.pdf</p> <p>Roads in the South Downs 2015 https://www.southdowns.gov.uk/wp-content/uploads/2015/09/Roads-in-the-South-Downs.pdf</p>

Site Location Map



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Agenda Item 11
Report PC19/20-50

Report to	Planning Committee
Date	12 March 2020
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/19/03160/OUT
Applicant	Mr H Janson
Application	Outline: redevelopment of existing redundant farmstead with ten two storey dwellings (4 x 2 bed; 3 x 3 bed and 3 x 4 bed) six double car ports, parking area and upgraded access after demolition of existing buildings.
Address	Lower Yard, Selborne Road, Newton Valence, Alton, Hampshire.

Recommendation for SDNP/19/03160/OUT:

- 1) That outline planning permission be granted subject to:**
 - **The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of two affordable dwellings and two key estate workers' dwellings;**
 - **The completion of bat and reptile surveys and provision of a suitable policy compliant mitigation and enhancement strategy, the consideration of which is delegated to the Director of Planning; and**
 - **The conditions, substantially in the form set out in paragraph 10.2 of this report along with any additional conditions, the form of which is delegated to the Director of Planning' to address those mitigation matters that arise from the completion of bat and reptile surveys and strategy.**
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:**
 - a) The S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 12 March 2020 Planning Committee meeting.**
 - b) The bat and reptile survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 12 March 2020 Planning Committee meeting.**

Executive Summary

The application site is a redundant farmyard. Outline planning permission (with appearance reserved – will all other matters for determination) is sought for the redevelopment of the yard for 10 new dwellings. The proposed development will deliver 2 affordable and 2 estate workers' dwellings and will generate necessary funds to implement the action plan of the endorsed Newton Valence Farm Whole Estate Plan (WEP).

The principle of development is given positive regard as the redevelopment of Lower Yard does materially and financially contribute to the delivery of the endorsed WEP and the SDNP Partnership Management Plan, as well as make good use of a redundant agricultural site.

Extensive negotiations and iteration of plans have resulted in a layout that has been positively influenced by the local landscape character and enhances public views, albeit some concerns have been raised in regard to the scale of buildings by the Landscape Officer. However, this can be overcome with high quality architectural details, which are to be assessed at reserved matters stage.

The scheme will deliver affordable housing in compliance with the development plan (subject to tenure details which are to be agreed) although the proposed housing mix does not precisely meet the policy requirements of the Development Plan.

Insufficient ecological information (bat and reptile surveys) was submitted with the application and therefore until these surveys are completed and satisfactory mitigation and enhancement is submitted and agreed, the SDNPA will not determine the application.

This application has demonstrated that it will deliver multiple ecosystem services and green infrastructure enhancements on site. The application has demonstrated, that matters relating to the protection of dark night skies, hard and soft landscaping, trees, parking, drainage, pollution and impact on neighbouring amenity are policy compliant.

Despite the proposal's conflict with Development Plan policy, insofar as it relates to housing mix, there are material considerations which warrant a decision other than in accordance with the Development Plan.

The application is placed before the Committee due to the significance of local interest and unique policy implications.

1. Site Description

- 1.1 Lower Yard was formally part of the dairy and arable farming activities of Newton Valence Farm, now largely redundant with occasional use of some buildings for agricultural storage. The site represents a negligible portion of the whole farm, which extends over 1200 acres. The site features a range of 10 large and medium sized agricultural outbuildings of no architectural or historic value, as well as large areas of concrete hard standing, gravel tracks and debris mounds.
- 1.2 Lower Yard is accessed from one main vehicular access from Selborne Road on the eastern corner of the site, where the road joins public footpath no. 10a. This junction is surfaced with a mix of tarmac and concrete slab.
- 1.3 There are several public rights of way in the locality, being public footpath no. 10a the closest to the site, adjoining its north-east boundary. Public footpath no. 10b starts at the Lodge (to the south of site) and follows the historic route to the east, towards the registered park and garden of Newton Valence Place.
- 1.4 The topography of the site falls down towards the north-west, from the highest point along Selborne Road on its south-east corner. Vegetation on site is scarce with the exception of the some overgrown areas. Most of the vegetation is located along boundaries of the site, consisting of an established hedgerow along three boundaries and mature trees along footpath 10a and the track to the south which historically led to Newton Valence Place.
- 1.5 Overall, the site is visible from Selbourne Road and the immediate footpaths above-mentioned, as well as other public rights of way to the north of the site and on higher ground level, although views are more limited. No views of the site can be achieved from the conservation area, registered park and garden and church.
- 1.6 The site is in proximity to Upper Yard, the main activity hub of the farm, as well as other farm cottages. It is served by basic infrastructure (road access, electricity, water supply, telephone and broadband) and is located in a relatively short driving distance from Selborne, where public transport and community services are available.

2. Relevant Planning History

- 2.1 The most recent planning history relating to Lower Yard consists of the following two pre-application enquiries:

SDNP/17/06513/PRE Proposed five dwellings at Lower Yard.

- 2.2 Advice stated that in principle, the redevelopment of Lower Yard is likely to be supported subject to development proposals being landscape-led and compliance with the WEP and SDLP. The SNDPA would expect any development proposals to clearly demonstrate an understanding of the ecosystem services and for it to set out multiple benefits that could be delivered through any scheme.
- 2.3 Although Lower Yard has already been developed, it would not be classified as “brownfield” land since this excludes agricultural buildings. The site would be classified as “greenfield”.
- 2.4 The SDNPA advised that the form and character of any future development proposals would need to be underpinned by strong landscape evidence, which should be gathered first and actively used to inform the layout and design. The scheme proposed was unlikely to be supported as it is not truly landscape-led. The main concerns with the scheme were the following:
- a) Suburban character scheme in a rural setting is to be resisted;
 - b) There is no rationale for large detached dwellings, as the local area features modest in size semidetached dwellings with a strong relationship with the road;
 - c) The development should be contextual and could possibly take cues from the pair of dwellings to the north;
 - d) Gardens should not incorporate boundary treatments;
 - e) Formal access (and tree lines) were considered incongruous with the local context;
 - f) Trees on site have important amenity value and should be retained;
 - g) Existing buildings (such barn) could be retained for car parking or storage;
 - h) Characteristic elements of the historic parkland to the south-west should be retained.

SDNP/18/06058/PRE Redevelopment of redundant farm yard with ten dwellings and garages at Lower Yard and a pair of dwellings to the east of Goldrige Cottages.

- 2.5 The pre-application proposals benefited from advice from the Design Review Panel (DRP). The Panel advised the following:
- a) The landscape analysis was too focused on visual analysis and should incorporate landscape characteristics as well as consider ecological constraints and opportunities, including green infrastructure. Topography should also be included in the analysis.
 - b) The two new dwellings north of Goldrige Cottages was not agreed.
 - c) New highways interventions would lead to suburbanisation of the lane and the existing access should be maintained.
 - d) The scheme should use carports and not individual garages, which suburbanise the proposal.
 - e) The farmyard arrangement was welcomed, but buildings were of similar size and appearance arranged in plots of similar size, sited at similar distances. This layout was of suburban character.
 - f) Cottages at the front would normally front on the access road (into the farmstead)
 - g) The view corridor is a less significant design consideration.

3. Proposal

- 3.1 The proposal consists of:
- The demolition of the existing agricultural buildings and clearing of the site.
 - The erection of 10 new dwellings, of the following mix:
 - 2 two-bedroom dwellings restricted to estate workers, to be owned and managed by the Newton Valence Farm for rent to their staff;
 - 2 two-bedroom affordable dwellings;

- 3 three-bedroom and 3 four-bedroom open market dwellings.
 - The erection of associated car-ports for vehicle parking.
 - Associated earthworks and landscaping, mainly consisting of the creation of a new pond, the erection of low retaining walls, fencing, permeable surfacing, drive, yards, green open spaces as wildlife buffer and associated planting.
- 3.2 This application seeks outline planning permission. Notwithstanding, detailed matters regarding means of access, layout, scale and landscaping are subject to consideration on this application, whilst details of appearance would be subject to consideration via a reserved matters application should outline planning permission be granted.
- 3.3 The proposed development seeks to deliver affordable and estate workers' dwellings and to generate necessary funds to implement the action plan of the Newton Valence Farm Whole Estate Plan.
- 3.4 The application has been accompanied with a series of plans indicating layout and access, as well as landscaping. Floorplans and elevational drawings of buildings reflecting their appearance are illustrative only.
- 3.5 This proposal has benefited from pre-application advice and extensive negotiations with SDNPA officers through the life of the application.

4. Consultations

4.1 Newton Valence Parish Council: Objection.

- The Parish Council initially objected to the application and they raised several concerns, which have remained in the subsequent rounds of consultation. The last consultation response raised the following concerns:
 - Lack of compliance of proposals with the South Downs Local Plan and the endorsed Newton Valence Farm Whole Estate Plan.
 - The erection of 10 dwellings in Newton Valence is disproportionate for a hamlet of its size. The proposed development would not be sustainable as there are no public transport services in Newton Valence and limited community infrastructure and services.
 - Potential negative impact on historic sunken lanes and additional pollution caused by increased traffic.
 - No housing need assessment has been undertaken and the Local Plan shows no housing need in Newton Valence.
 - The revised drawings have not attempted to address the concerns raised by residents' objections.
- The Parish Council raised concerns with the level of consultees which required additional information and that no progress had been made in order to address their concerns.

4.2 Design Officer: Comments:

- The courtyard layout has followed a logical farmstead pattern of built form around a central open space. There is a gap in the built form along the western edge, maintaining views of the communal space and wider landscape.
- There is an appreciation and understanding of the local character, aiding the siting and relationship between buildings.
- It has a generously sized courtyard, where new homes overlook the open space, this will create an intimate neighbourly environment and it responds to a key view of the site.
- The proposed five units along Selborne Road aid identity and contributes to the rural character of the lane.

- Surface water drainage need to be addressed at a reserved matter application.
- Appearance is not being considered as part of this application, but parameters have been set out. There are reservations with building heights, particularly with buildings 'style A', which create an awkward uncharacteristic arrangement. A farmstead typology would have a more distinctive hierarchy of building scales with varying heights and widths.
- Further justification for the type and detailing for each of the buildings (details and materials) should form part of the reserved matter application, as this will be key to the final success of the scheme.
- Overall, there is satisfaction with the siting of buildings and layout. However, to ensure its final success, a design code should be requested by way of a condition to guide subsequent reserved matters applications.

4.3 Landscape Officer: On balance objection:

- Principle of development and consolidation farming practice of the Estate onto a single site are supported. This is accepted in visual terms.
- A farmstead/yard typology to inform development at depth is agreed.
- Positive aspects of the proposal include:
 - Retaining existing access and amalgamation of parking into a single building.
 - Not widening the lane with a pavement and provision of a shared space for vehicles and people. Adhering to the principles of 'Roads in the South Downs' report, avoiding a negative suburbanising effect upon the road.
 - Dwelling addressing the lane positively reflecting pattern of dwellings along the road.
 - New green infrastructure, farm pond, green roofs, the overall ratio between open space to dwellings and retention of hedgerow along the road. Provision of food production space (orchard) for small dwellings.
 - Lack of front gardens within the courtyard.
- Negative aspects of the proposal:
 - The farmstead currently fall into the category of 'residential character with some hints of agricultural typology'.
 - The lack of hierarchy of buildings and response to landform contribute to suburban characteristic and fail to respect the site's strong rural character.
 - The retention of a vista has erroneously driven the layout.
 - The landscape evidence has not clearly driven this scheme nor applied. Buildings are of similar scale, which happen to be arranged around a yard.
 - Landscaping/planting details fail to maximise benefits: lawn areas as opposed to species-rich grass.
- Surface water drainage – There is no clear assessment of flood risk and the layout appears to have not responded to it either.
- Management and maintenance – Further consideration to ecosystem services and wildlife should be given. A Landscape Environmental Management Plan should be conditioned to address these issues.
- Ecosystem services – a significant number of opportunities are missed. E.g. use of local materials, surface water flooding, carbon storage, rainwater harvesting, grey water reuse.

4.4 Tree Officer: No objection subject to condition.

4.5 Ecology: Comments:

- Two of the buildings are considered to offer potential for roosting bats (one with direct evidence of bats). Further bat surveys are recommended.
- Areas of the site are suitable for common reptiles and further surveys are recommended.
- Any outstanding ecology surveys should be completed prior determination.

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

4.7 **Public Rights of Way:** Objection:

- Changes to the surfacing of public footpath 10a would not normally benefit the public unless made to an adoptable standard and adopted by the Highway Authority.
- No support to the installation of a gate on public footpath 10a.
- Proposals for the delivery of a permissive bridleway from the disused railway are not detailed or deliverable.
- A contribution is sought towards surface improvements of 800m of the promoted Writers Way on bridleways 10 and 13 in Farringdon for cycling and horse riding access.

4.8 **Whole Estate Plans Team and Major Planning Projects (SDNPA):** Comments:

- Both Estate workers' and affordable dwellings should be secured in perpetuity.
- There is no overarching strategy that clearly demonstrates how/what Estate-wide environmental and recreational benefits (particularly improvements to the Public Rights of Way network) are being secured.

4.9 **Housing Enabling Officer:** Comments:

- Support to the current provision of affordable and estate workers' dwellings.
- Requires details of tenure and occupancy conditions secured in a legal agreement.

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

4.11 **Lead Local Flood Authority:** No objection subject to conditions.

4.12 **South East Water:** No objection.

4.13 **Environmental Health:** No objection subject to conditions.

4.14 **Waste:** No objection – referred to guidance.

5. Representations

5.1 87 third-party representations were received commenting on the proposal, of which 43 are objections, 43 are in support of the application and 1 comment is neutral. These representations are summarised below:

Principle

- Unsustainable location. There are not sufficient facilities and infrastructure available in Newton Valence. Not exceptional development in the countryside.
- How this scheme comply with the purposes of designation of the National Park?
- Impact on tranquillity of the area. Increased noise.
- No need for housing. No provision of affordable housing.

Landscape and design

- Out of keeping density of development. Suburbanisation of the landscape. Disproportionate amount of development
- Impact on public views from footpaths, especially during the winter months.
- Light pollution and impact on dark skies.

Ecology

- Irreversible impact on ecology. Consideration to be given to the loss of species and enhancement of habitats.

Highways and accessibility

- Roads in the area unsuitable for large vehicles. Increased damage to rural roads. Dangerous crossings and junctions in the village, especially for pedestrians and cyclists. No pavements for pedestrians.
- Increased vehicular movements.
- The scheme does not minimise the need to travel with private vehicles neither promotes sustainable transport.

Other

- Housing located in an area prone of flooding.
- Carbon footprint generated by the development. Mitigation of climate change. Major development should be carbon neutral.
- Increased pollution.
- Conflict with the guidelines of the Newton Valence Village Plan.
- Estate workers dwellings being rented/sold in the past.
- Harmful impact from construction works.

Support

- Provision of worker dwellings for members of staff of the Newton Valence Farm and capital return to implement the Newton Valence Farm Whole Estate Plan.
- The provision of two affordable dwellings is supported.
- Residential traffic generates less nuisance and traffic than existing, being less disrupting overall. Traffic likely to be directed towards the A32 rather than through village centre.
- Proposal to visually improve existing site. The proposed dwelling sit well with the landscape.
- Appropriate level of parking proposed, therefore no obstructing the road.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan 2014-2033. 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 well-being of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect 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 landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF) 2019

6.4 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Relationship of the Development Plan to the NPPF and Circular 2010

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

The South Downs National Park Partnership Management Plan 2020-2025

6.6 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant outcomes include: Outcome 1: Landscape and Natural Beauty; Outcome 2: Increasing Resilience; Outcome 3: Habitats and Species; Outcome 5: Outstanding Experiences; Outcome 6: Lifelong Learning; Outcome 7: Health and Wellbeing; Outcome 8: Creating Custodians; Outcome 9: Great Places to Live; and Outcome 10: Great Places to Work.

Whole Estate Plans

6.7 A Whole Estate Plan (WEP) aims to enable collaboration between individual estates/large farms and the National Park Authority to achieve the ambitions of the Farm/Estate and the purposes of the National Park, and deliver the Partnership Management Plan. A WEP is a non-statutory plan not focused on or to be limited to planning matters but rather the whole husbandry of the Estate – farming, woodland management, conservation, access provision etc. An endorsed Whole Estate Plan is a material consideration in determining planning applications within the farm/estate and provides a solidly understood contextual background to any development proposals.

Other relevant evidence document

- Newton Valence Village Plan (2015)
- Roads in the South Downs (2015)
- South Downs Integrated Landscape Character Assessment (2011)

7. Planning Policy

7.1 The following policies of the South Downs Local Plan 2014-2033 are most relevant:

- SD1 – Sustainable Development
- SD2 – Ecosystems Services
- SD4 – Landscape Character
- SD5 – Design
- SD6 – Safeguarding Views
- SD7 – Relative Tranquillity
- SD8 – Dark Night Skies
- SD9 – Biodiversity and Geodiversity
- SD10 – International Sites
- SD11 – Trees, Woodland and Hedgerows
- SD12 – Historic Environment
- SD17 – Protection of the Water Environment
- SD19 – Transport and Accessibility
- SD20 – Walking, Cycling and Equestrian Routes
- SD21 – Public Realm, Highway Design and Public Art
- SD22 – Parking Provision
- SD25 – Development Strategy
- SD26 – Supply of Homes
- SD27 – Mix of Homes
- SD28 – Affordable Homes
- SD32 – New Agricultural and Forestry Workers' Dwellings
- SD34 – Sustaining the Local Economy
- SD44 – Telecommunications and Utilities Infrastructure
- SD45 – Green Infrastructure
- SD48 – Climate Change and Sustainable Use of Resources
- SD49 – Flood Risk Management
- SD50 – Sustainable Drainage Systems
- SD54 – Pollution and Air Quality
- SD55 – Contaminated Land

8. Planning Assessment

Background

- 8.1 The Newton Valence Farm Whole Estate Plan (WEP) was endorsed by the South Downs National Park Authority (SDNPA) on the 19 September 2017.
- 8.2 Extensive pre-application advice has been given since the endorsement of the WEP on the suitability of developing sites within the estate for the purpose of a direct delivery of the WEP's vision and action plan, as well as providing a source of capital investment to enable this. Newton Valence Farm aims to adopt environmental management and farm practices that support the special qualities and Purposes of the National Park as well as to deliver projects that benefit the environment and recreational opportunities of the National Park within the estate.
- 8.3 Following a series of pre-application enquiries (see planning history – Section 3), Lower Yard was identified as the only suitable site for redevelopment of all proposed, as it has been previously developed and buildings were not considered of special aesthetic, historic or architectural value. The principle of redevelopment was considered to be likely acceptable

once the SDLP was adopted and Policy SD25 carried full weight. Notwithstanding this, officers raised fundamental concerns at pre-application stage with the initially proposed suburban layouts for new residential development and required for any design to be landscape-led.

- 8.4 Extensive negotiations have taken place during the life of this application between officers and Newton Valence Farm to ensure that development proposals are landscape-led, address concerns raised by consultees and identify the actions of the WEP that this development will facilitate.

Policy context

- 8.5 Policy SD25 of the South Downs Local Plan 2014-2033 (SDLP) sets out the development strategy of the National Park, resisting development outside the defined Settlement Policy Boundaries. Exceptionally, Policy SD25 states that development will be permitted outside settlement boundaries where it complies with relevant policies of the SDLP and responds to the context of the relevant area. Policy SD25 also states that, in considering development proposals outside settlement boundaries within rural estates and large farms, positive regard will be had to development proposals part of a Whole Estate Plan that have been endorsed by the SDNPA. Positive regard will also be had to proposals that deliver multiple benefits in line with the purposes and special qualities of the National Park and in regard to ecosystem services.
- 8.6 The supporting text of Policy SD25 refers to Whole Estate Plans, highlighting the important role that estates and farms play in the conservation of the landscape, the development of a sustainable rural economy and ecosystem services. Whole Estate Plans may demonstrate particular material considerations, relating to the purposes and special qualities of the National Park that justify development outside of settlement boundaries. Weight is only given by the SDNPA to such plans once they have been endorsed.
- 8.7 In this instance, the acceptability of the principle of development outside settlement boundaries has been assessed using core and strategic policies SD1, SD25 and SD34 of the SDLP and the endorsed WEP as to consider the proposal's compliance with the development strategy of the National Park.
- 8.8 Policy SD34 of the SDLP is relevant in the assessment of this application as it relates to sustaining the local economy and supports proposals that foster the economic and social well-being of local communities. In particular, it supports proposals that promote and protect business linked to farming, a key sector in the National Park. This policy is in accordance with the spatial strategy of a medium level of development dispersed across the National Park and should be read in conjunction with Policy SD25.

The Newton Valence Farm Whole Estate Plan

- 8.9 The Newton Valence Farm Whole Estate Plan was endorsed by the SDNPA Policy and Resource Committee on 19 September 2017. The WEP sets out the context and background for the evolution and diversification of Newton Valence Farm and it is supported with an ecosystem services analysis and as well as an action plan of projects and their contribution towards the National Park special qualities.
- 8.10 The plan sets out the vision for Newton Valence Farm, which consists of creating a socially, financially and environmentally sustainable, robust and diversified farming business, with a group of associated businesses contributing to and enhancing the primary farming activities. Associated businesses include sport, leisure and tourism facilities, commercial and residential property lets, which together provide a secure and viable future for the estate, its employees and the local economy. The farm seeks to contribute to local employment, community needs and the conservation and enhancement of the natural environment.
- 8.11 The 'Relationship with Newton Valence Farm Whole Estate Plan Statement' (**Appendix 2**) submitted with the application has highlighted the actions of the WEP that have been already implemented since endorsement. It also identifies a need for further funding to start and complete projects that are expected to be carried out within the first 5 years' timeframe of delivery of the WEP. A series of projects awaiting for funding have been outlined in this

application, which include, although not limited to: the implementation of more sustainable farming practices and associated facilities and machinery, provision of affordable and estate workers' dwellings, improvement of existing shooting facilities, energy audit and installation of renewable energy and water harvesting across the farm, new permissive footpath, etc.

- 8.12 The SDNPA WEP Team have commented on the proposal and have requested the affordable and estate workers' dwellings to be secured in perpetuity. This will be secured through a legal agreement, which is part of the recommendation. The WEP Team has raised discomfort with the absence of a strategy for securing the environmental and recreational benefits of the WEP. This concern is acknowledged, but the actions of the WEP cannot be legally tied to the delivery of the Lower Yard site. Notwithstanding this, Whole Estate Plans are monitored by the SDNPA to understand their level of implementation and success. Based on the information provided with the application and in the absence of evidence to confirm otherwise, there is no obvious limitation that would impede revenue from the development to be used for the delivery of the action plan within the context of the farm priorities over the WEP plan period.

The principle of development

- 8.13 Lower Yard has been previously developed with what mostly are redundant agricultural buildings. Although previously developed, the site is not classified as "brownfield" land because it contains agricultural buildings. Notwithstanding this, the site does not currently positively contribute to the special qualities of the National Park and offers opportunities for improvement of the local landscape character and local public views. The site also offers the opportunity to clear pollution from ground and buildings and provide significant ecological and visual enhancements.
- 8.14 The application site is located outside of any Settlement Policy Boundary, as defined in the Policies Map and Policy SD25 of the SDLP, where the principle of development is generally resisted. Notwithstanding this, the proposal relies on the exception of Policy SD25.3 with regards to efficient use of land for the delivery of the Whole Estate Plan. The proposal has identified the suitability of re-develop Lower Yard, as a mechanism to deliver benefits to the National Park and the Newton Valence Farm directly on site and indirectly across the farm.
- 8.15 Having examined the information submitted with the application, including the 'Relationship with Newton Valence Farm Whole Estate Plan Statement' (**See Appendix 2**), the proposal has been shown to contribute to raise funding for the delivery of the WEP, including the implementation of actions such outlined above across the farm. The redevelopment of Lower Yard also demonstrates the delivery of a number of actions of the WEP directly on site, such the provision of 2 affordable homes, 2 estate workers' dwellings, expanding the residential lets portfolio and improving the immediate public footpath amenity value.
- 8.16 In the assessment of the principle of development, the SDNPA has also given consideration to Policy SD34 (Sustaining the Local Economy), which supports the farming consolidation and diversification aspirations of the WEP, as well as paragraphs 83 and 84 of the NPPF in relation to supporting a prosperous rural economy and requirements for those developments supported by local business and community needs in the countryside.
- 8.17 In particular, the NPPF covers site sustainability in the rural area and recognises the challenges of rural sites due to their lack of available public transport and connection with settlements. However, paragraph 84 acknowledges that in these circumstances, developments should ensure sensitivity to its surroundings and not to have an unacceptable impact on local roads as well as explore opportunities to make the location more sustainable. These points are assessed in relevant paragraphs below.
- 8.18 The proposal will directly and indirectly contribute to a local business and communities, and will deliver a wide range of benefits to the National Park. The development proposed is sensitively designed to blend with its surrounding landscape and no harm to the road network has been identified. It has been demonstrated that the residential scheme has taken all reasonable opportunities to make this scheme more sustainable, given its location. Furthermore, the proposal will contribute to substantial environmental improvements

across 1200 acres of the Newton Valence Farm, which outweigh the sustainability concerns raised with the site location, complying with the aims of the NPPF and the Local Plan.

- 8.19 Overall, the WEP is a mechanism for Newton Valence Farm and the SDNPA to deliver the SDNP Partnership Management Plan, which the Local Plan enables through Policy SD25 of the Local Plan. Through the proposed development, the National Park Authority will support Newton Valence Farm to consolidate farming practices, diversify, and invest in conservation and benefits to the local community in form of housing and recreational opportunities, all within the agreed framework of the endorsed WEP. The redevelopment of Lower Yard does materially and financially contribute to the delivery of the endorsed WEP and the SDNP Partnership Management Plan. Therefore, the principle of a new development to facilitate its delivery is positively viewed and accepted.

Housing mix

- 8.20 Policy SD27 of the SDLP requires of a residential development of 10 dwellings to comply with an open market housing mix with a predominance of 2 and 3 bedroom dwellings and a small proportion of dwellings of 1 and 4 bedrooms. For affordable units, small and medium homes should predominate in the mix.
- 8.21 The required policy mix for affordable housing is:
- 1 bedroom dwellings: 35% (may be substituted with 2 bedroom dwellings);
 - 2 bedroom dwellings: 35%;
 - 3 bedroom dwellings: 25%;
 - 4 bedroom dwellings: 5%;
- 8.22 For open market housing, the mix of units should be of:
- 1 bedroom dwellings: at least 10%;
 - 2 bedroom dwellings: at least 40%;
 - 3 bedroom dwellings: at least 40%;
 - 4+ bedroom dwellings: up to 10%;
- 8.23 This proposal comprises 10 dwellings of the following housing mix:
- 2 bedroom dwellings (4 units, 40%)
 - 3 bedroom dwellings (3 units, 30%)
 - 4 bedroom dwellings (3 units, 30%)
- 8.24 No objection has been raised by the Housing Enabling Officer to the proposed mix. However, the above mix does not comply with the requirements of Policy SD27, although still provides a high proportion of small affordable dwellings (2-bedroom units). The main variation from the required mix is a predominance of 3 and 4 bedroom open market dwellings and the absence of open market small units. A more varied housing mix should be proposed to meet Policy SD27, however non-compliance with Policy SD27 has to be weighed with other material considerations. In this case, the delivery of the WEP and the acceptability of the built form and proposal overall in the landscape is a fundamental materials consideration which will be given weight in the planning balance.

Affordable and estate workers' dwellings

- 8.25 In terms of affordable housing requirements, Policy SD28 of the SDLP states that developments of 10 dwellings would need to contribute with 4 affordable units, of which 2 of them should be of rented affordable tenure.
- 8.26 Supporting text of Policy SD25 states that where new dwellings are proposed as part of a WEP, these should meet the priority housing need of the area, hence affordable homes or accommodation for full-time rural workers.
- 8.27 Consideration has been given to the estate workers dwellings need and the lack of affordable housing in relation to low salary scales in the farming sector, which were identified in the Newton Valence Farm WEP. Limited consideration has also been given to

the draft Affordable Housing Supplementary Planning Document (SPD), given its emerging status.

- 8.28 The development at Lower Yard will contribute with 2 affordable homes and 2 estate workers' dwellings to be managed by Newton Valence Farm and rented to workers. Estate workers' dwellings are considered to be affordable if they comply with the tenure requirements of the SDLP and draft Affordable Housing SPD. The level of affordability of both regular affordable homes and estate workers' dwellings will depend on their tenure, which is yet to be agreed, although the estate workers' dwellings are to be managed the farm and rented to staff.
- 8.29 The Housing Enabling Officer supports the proposal given that it is in support of the WEP's identified need for workers' dwellings and will provide affordable housing in accordance with the requirements of Policy SD28 of the SDLP, subject to tenure compliance. The Housing Enabling Officer has also provided to the applicant a series of registered providers which may be interested in taking the affordable units for affordable rent. Progress is expected to be made in this regard in preparation to a legal agreement.
- 8.30 As required and defined in the SDLP and draft SPD, tenure, occupancy conditions and local connection criteria will be part of a Section 106 legal agreement. Therefore, the proposal meets the requirements of Policy SD28 with regards to affordable housing contribution, subject to tenure details.

Landscape and design considerations

- 8.31 The site falls within Landscape Character D4a Newton Valence Downland Mosaic (Enclosed) of the South Downs Integrated Landscape Character Assessment (ICLA) 2011. The settlement pattern of the area is characterised by scattered farmsteads and hamlets, including the village of Newton Valence. The relationship of the local agricultural landscape, the modern ribbon development and the designed parkland is well defined and does not include transitional spaces. Selborne Road functions as a strong dividing feature of its own enclosed and intimate character.
- 8.32 The local landscape contains farmsteads based on L-shaped typologies around working yards enclosed on three sides. The main farmhouse usually set the priority in the hierarchy of buildings and stands separate from the working yard, surrounded by garden land with trees for shelter, and often approached along a tree lined drive. Workers' cottages are also found in local farmsteads and are typically associated (but not linked) to working yards. Many of these overlook rural lanes but are accessed from secondary farm tracks.
- 8.33 With regards to Local Plan, Policy SD4 relates to landscape character and states that development proposals will only be permitted when they conserve and enhance landscape character. Policy SD5 (Design) should be read together with SD4 and requires for development proposals to adopt a 'landscape-led' design approach and seek to enhance local character and distinctiveness of the area as a place where people want to live and work now and in the future. Policy SD6 is also relevant as it refers to conserving and enhancing key views.
- 8.34 At pre-application stage, whilst the principle was accepted, concern was raised with new development at depth beyond what typically constitutes ribbon development along Selborne Road. This is due to buildings sited in significant depth from the road is not characteristic in the area, with exception of some farmsteads. The Landscape Officer accepted that, in order to mitigate landscape character impacts, the design of the scheme could follow two different landscape cues from the local context: a) new dwellings along Selborne Road, following the settlement pattern across the road (e.g. cottages to the north and south), and b) create a farmstead typology development at rear of the site, informed by local landscape evidence.
- 8.35 Initial pre-application proposals were assessed by the SDNPA's officers and the Design Review Panel, and gave advice (summarised in Section 2 – Planning History), mainly objecting to suburban development in this rural location and requiring the development to be contextually sensitive.

- 8.36 The Landscape and Visual Impact Appraisal and Design and Access Statement submitted with the application, set out the landscape evidence that informs the design. In view of these and the revised plans, it is agreed that most relevant cues from the local farmstead context have been considered and incorporated in the revised layout. Buildings have been sited along Selborne Road following the ribbon pattern of similar residential development in the area. With regards to the development at depth, buildings have been sited forming a yard, resembling working yards from the local area. The yard is open on its western side and connects with its surrounding agricultural landscape.
- 8.37 Access remains as existing (reverted from initial proposals for new accesses), which is supported by the Landscape Officer. By retaining the existing vehicular access, an efficient use of the land is made which enables the retention of existing established hedgerow along the road. Other benefits of retaining the access are the absence of a new bell mouth opening on Selborne Road, culverts and changes to the existing green verge and ditch along the road. Furthermore, surfacing materials of the new drive are appropriate and contribute to create a hierarchy of spaces and routes within the site, which is context sensitive.
- 8.38 The layout and landscaping proposed result in a variety of open multifunctional spaces. Whilst small dwellings along the road would have modest gardens, these will be complemented with the shared open orchard across the drive. This area of the scheme has been well informed by landscape evidence and it follows the character and design cues from worker cottages within the area.
- 8.39 Dwelling C2 (farmhouse) is sited at the end of the drive and will have a large garden with tree planting that follows from the landscape evidence. It results in a relatively prominent dwelling, which will set the priority in the hierarchy of buildings in the area as it is located at the highest ground level of the site and would be separated from the yard.
- 8.40 Development at depth, in the form of a courtyard, provides private gardens to all dwellings, but the layout keeps a significant amount of open space for multiple uses. The central yard would function as a flexible active space shared by residents. The open areas closer to the wester and south edges, will add ecological and landscape value as well as a suitable visual transition from built to natural environment.
- 8.41 Boundary treatments are considered to be appropriate as they reflect local context. The parkland estate railing along the historic drive (south boundary) reflects the route that historic led to registered park and garden of Newton Valence Place. Whilst fences are kept to a minimum, native hedgerows will divide private gardens, softening the visual impact of the compartmentalisation of the site.
- 8.42 Consequently the proposed amount of open spaces and landscaping strategy is appropriate, subject to planting and materials details to be provided, which are secured via condition.
- 8.43 Proposals have substantially evolved in layout design since pre-application stage as well as during the life of the current application. Notwithstanding the substantial positive evolution of the scheme, the Landscape Officer objected to the last iteration of drawings being considered for decision. The reasons for the objection are outlined in section 4 of this report, although the main issue, is the lack of a clear building hierarchy within the courtyard.
- 8.44 Officers understand the view adopted by Landscape and Design Officers, and consider that a clearer difference in depth and height of buildings may have contributed to a more distinctive arrangement that better reflects the intended farmyard character. Weight has been given to the specialists' advice and it is considered that the insufficient hierarchy of buildings leads to harm to the farmstead typology sought. However, as the Design Officer noted, the architectural language of buildings (details and materials) are key to the final success of the scheme, even with homogeneousness of building heights. For that reason, it is considered that appropriate landscape-influenced buildings can be achieved with high quality architectural detailing and materials, to ensure the scheme's final success.
- 8.45 In order to achieved design quality and mitigate the harm identified by the insufficient hierarchy of buildings, the Design Officer recommended the inclusion of a design code condition pre-submission of any reserved matters application. However, the final appearance

of buildings is a reserved matter and is not assessed at this stage and the design code mechanism is not considered to be a necessary condition, as the appearance of buildings will be fully assessed at reserved matters stage.

- 8.46 This proposal has evolved in the last years from a wholly suburban scheme to a layout that acknowledges and responds to the rural landscape character of Newton Valence, albeit areas of improvement have been identified by the Landscape and Design Officers. Having weighed all landscape and design considerations stated above (including the poor current landscape value of the site, ecosystem and green infrastructure improvements), the proposal is considered to, on balance, respect local character and positively contribute to the appearance of the local area. Consequently, the scheme is compliant with policies SD4 and SD5.

Appearance of buildings

- 8.47 This outline application does not go into the assessment of the appearance of buildings, as it is a reserved matter. Therefore elevations drawings submitted with the application are only indicative and would not be approved under an outline planning permission. Elements such main elevations, openings, architectural details and materials would form part of a reserved matter application and are not assessed at this stage.
- 8.48 Without pre-judging the indicative elevations, officer are concerned with the architectural language shown on indicative elevations, which do not seem to be positively influenced by the agricultural surrounding context neither to positively respond to local landscape sensitivities. Therefore, it will be expected that the forthcoming reserved matters application addresses this concern and are of high quality design.
- 8.49 The Design Officer has provided advice on the expected level of information to be submitted at a later stage and has confirmed the relevance of the reserved matters phase as to successfully achieve a well-designed development that is landscape led.
- 8.50 An eventual reserved matters proposal should achieve high quality design in order to mitigate the harm caused by the homogenous height of buildings. The SDNPA expects that any reserved matter application is supported by relevant landscape and architectural information and provides the following: external built form of buildings, including roof zones, their architectural details, openings, recesses, rainwater goods and harvesting, decoration, lighting, materials, finishes and textures, amongst other relevant details.

Ecosystem Services

- 8.51 Policy SD2 of the SDLP relates to ecosystem services and states that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This is to be achieved through high quality design and delivering all opportunities to manage natural resources sustainably.
- 8.52 The application has been accompanied with an Ecosystem Service Statement (ESS), plans and other application supporting information which set out a series of on-site actions such:
- a) Use of previously developed site and no encroachment onto of agricultural land or areas which positively contribute to the landscape or natural capital. A sustainable management and maintenance of the site is controlled via the Landscape Environmental Management Plan (LEMP).
 - b) Protection and retention of existing mature hedgerows and trees. Provision of new green infrastructure and wildlife corridors. Use of native species. Appropriate species' mitigation and enhancements as well as biodiversity net gain (yet to be agreed once surveys are completed).
 - c) No further use of existing private water supply will contribute to conserve ground water resources. Foul and surface water drainage will be controlled by condition to ensure quality of water is improved.
 - d) No river/stream flood risk identified on site. Surface water drainage to be based on sustainable drainage systems. Sustainable manage surface water through capturing water

at source on green roofs, infiltration of permeable surfaces and new pond. Rainwater harvesting, which is to be included in a reserved matters application.

- e) Sustainable construction methods and materials as required by Policy SD48 of the SDLP and secured by condition. New planting on site which contributes to climate regulation.
- f) Carbon storage through significant increase of vegetation on site and through sustainable construction details secured by condition.
- g) Retention of agricultural land, provision of wildflower planted areas adjacent to fields, investigation and clearance of ground pollution from site.
- h) Provision of a communal kitchen garden/orchard.
- i) Reduced ground pollution. Light pollution to be controlled by conditions. Potential reduction of noise pollution from site due to change of use of land.
- j) Provision of living space within a natural environment.
- k) Residents' immediate access to the public right of way network and the recreational opportunities of the National Park.

8.53 The Landscape Officer considers that not all opportunities to deliver ecosystem services have been considered in the ESS and that some easy benefits have been missed. Notwithstanding this, it is acknowledged that the reserved matters application will complete the ecosystem services provision. Furthermore, actions for the benefit of ecosystem services submitted in support of this application are considered to have an overall positive impact on the natural environment, especially given the poor current conditions of the site. A series of conditions regarding sustainable construction, planting details, materials specifications, etc. will ensure that any remaining opportunity to benefit ecosystem services is incorporated.

8.54 Consideration should be given to the improvements to ecosystems services across the wider Newton Valence Farm. The endorsed WEP contains an analysis of ecosystem services across the farm and identifies opportunities and threats to these services. The action plan attached to the WEP follows from this analysis and will contribute to meet those opportunities. This development proposal indirectly contributes to the delivery of wider ecosystem services throughout the whole Newton Valence Farm.

8.55 It is therefore concluded that the proposed development will, directly on site and indirectly through the implementation of the WEP, have an overall positive impact on the ability of the natural environment to contribute to goods and services and therefore it meets the requirements of Policy SD2.

Green infrastructure

8.56 The existing site does not significantly contribute to the green infrastructure network of the National Park, only some of the boundaries provide some level of green infrastructure through hedgerows and mature trees. Notwithstanding this, the level of green infrastructure on site is poor. Policy SD45 of the SDLP requires for development proposals to demonstrate that they maintain or enhance existing green infrastructure assets and provide new green infrastructure of improvements to green assets and green linkages.

8.57 The proposal intends to revert the poor green infrastructure value of the site by enhancing existing assets and creating new. This is done through the retention of all mature vegetation (trees and hedgerows along boundaries) and the reinforcement of existing vegetation with additional planting.

8.58 Most of the site is covered by hard standings, gravel and buildings. Proposed new green infrastructure is extensive on site and it mainly consists of the creation of a wide multifunctional buffer area along the western boundary of the site, which will also function as wildlife corridor and open shared space for sustainable surface water drainage. In addition, an area mixed with trees, grass and hedges crosses the site from north to south, visually splitting the site into two character areas (courtyard and Selbourne Road zones) but also providing green linkages throughout the site. Other green infrastructure improvements

include additional open grass space to the south of the courtyard and outside of private gardens.

- 8.59 It is important to highlight that almost the entirety of the green infrastructure assets (existing and proposed) will fall outside of private gardens, which would facilitate good management by a management company or similar and avoid encroachment of activities and domestic paraphernalia into green infrastructure. Access to green infrastructure spaces remains available to all residents of Lower Yard. Consequently, open access to green infrastructure outside private gardens will contribute to its long terms success.
- 8.60 It is therefore concluded that the proposed scheme is compliant with Policy SD45 of the SDLP as it will enhance existing green infrastructure on site and will provide new multifunctional linkages across the site, which will benefit wildlife, surface water drainage, climate regulation and residents' well-being.

Ecology

- 8.61 The application was accompanied with a Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (July 2019). These were examined by the District's Ecologist who has provided comments objecting to the determination of the application prior to further surveys being completed and appropriate mitigation and enhancement for wildlife species being agreed.
- 8.62 The Preliminary Ecological Appraisal Report confirmed that Lower Yard features areas suitable for common reptile habitat within the site and areas adjacent to it. Therefore, clearance of grass and tall vegetation have the potential to injure or kill any reptiles that may be present at the time of clearance. The report recommends that further surveys should be undertaken in order to clarify the presence or likely absence of reptiles on site.
- 8.63 Furthermore, surveys have identified two buildings on site as offering low to moderate and high suitability, respectively, for roosting bats. The demolition of buildings as part of the redevelopment of Lower Yard would have the potential to injure or kill bats. The submitted Roost Assessment Report recommends to undertake further surveys of the buildings suitable for roosting bats following best practice guidelines. If bats are found, further surveys will be required to support the planning application and an application for a European Protected Species Mitigation license.
- 8.64 It is expected that these surveys are undertaken within the next available surveying season, which will approximately commence in April for reptiles and May for bats, depending on weather and temperature. These surveys have already been commissioned.
- 8.65 Given the overall limited conservation value of the site, it is likely that protected species are not present or harm can be appropriately mitigated. However, the SNDPA must await the receipt of suitable up-to-date information to continue the ecological impact assessment of the site. Once all information is submitted, the SDNPA will be in a position to assess the scheme against Policy SD9, which relates to biodiversity. It is proposed that this assessment is delegated to the Director of Planning.
- 8.66 In the absence of the above relevant surveys, the SDNPA will not determine the planning application favourably as it would not be in a position to determine the impact of the development on protected species and overall biodiversity and the conditions that may be necessary in order to make the proposed development acceptable. Therefore, the recommendation of this application is conditional, subject to submission of up-to-date relevant ecological information (reptile and bat surveys) and a strategy that demonstrate that proposals retain, protect and enhance biodiversity and incorporate opportunities for net gains, meeting the requirements of Policy SD9 of the SDLP.

Relative tranquillity and dark night skies

- 8.67 The application site is located within the Dark Night Skies Zone EI (a), the 2km Buffer Zone (intrinsic rural darkness), immediately adjacent to the boundary of the Dark Sky Core which is immediately to the east of the site. The area is also in an area of medium to low level of relative tranquillity as shown in the SDNP Tranquillity Study.

- 8.68 Policy SD7 of the SDLP states that development proposals will only be permitted where they conserve and enhance the relative tranquillity of the National Park. Whilst the site is within a highly tranquil area of the National Park, the replacement of the existing unsympathetic buildings and hard standing areas with the new residential development would be visually less intrusive in the landscape. The change of use of the site from an agricultural work yard to residential would not necessarily involve higher levels of noise, but possibly an enhancement of quietude in the absence of heavy vehicles and machinery.
- 8.69 Policy SD8 relates to the conservation and enhancement of the intrinsic quality of the dark night skies, and the integrity of the Dark Sky Core. The existing site does not count with any apparent external lighting and no external lighting is proposed. The lighting statement submitted with the application adopts appropriate principles with regards light pollution, given the sensible location of the site. These include the absence of new external lighting, the use of low transmittance glass for windows and doors, use of dimmers, motion sensors and timers when necessary and automatic settings to close blinds to avoid internal light transmission. These principles are considered acceptable and a condition is attached to the planning permission to ensure that any external lighting would comply with the above-mentioned principles and the SNDP Dark Night Skies Technical Advice Note.
- 8.70 Given the above, no light pollution is expected as result of the proposed development. The proposal has demonstrated that the level of tranquillity and dark night skies will be conserved and enhanced on site and therefore its compliance with Policies SD7 and SD8.

Sustainable construction

- 8.71 The SDNPA encourage all new development to incorporate sustainable design features, as appropriate to the scale and type of development. Residential development should meet minimum sustainability credentials to meet requirements of Local Plan policies SD2 (Ecosystem Services) and SD48 (Climate Change and Sustainable Use of Resources).
- 8.72 The proposed layout and landscaping proposed have demonstrated to meet the requirements of Policy SD2 expected from an outline application – as above mentioned. Notwithstanding this, due to the outline nature of the proposal – in which appearance is not assessed, the assessment on compliance with policies SD2 and SD48 will be completed at reserved matters stage. For instance, materials to be used, construction methods and final architectural details of buildings, which play a significant role in the mitigation and adaptation to climate change and ecosystem services.
- 8.73 Notwithstanding the above, a standard condition (as worded in the Sustainable Construction Technical Advice Note) is attached to the outline planning permission to secure compliance with Policy SD48 in terms of energy efficiency, renewable energy, water consumption, use of resources and waste management.

Surface and foul water drainage

- 8.74 Policy SD17 states that development proposals that affect groundwater and surface water, will be permitted provided that there is no adverse impact on the quality of the groundwater source, and provided that there is no risk to its ability to maintain a water supply. Policy SD50 (Sustainable Drainage Systems) supports development proposals that ensure against the increase of surface water run-off, taking account of climate change.
- 8.75 Lower Yard is not located within the Environment Agency's Flood Risk Zone I (low risk), although its surface water flood risk varies from very low to high across the site given the topography and hard standings. The surface water drainage strategy is based on infiltration on site and has been informed by infiltration testing. This approach is supported by the Lead Local Flood Authority and the District's Drainage Engineer. A details drainage layout design backed with calculations and winter monitoring is required prior commencement of works on site. This requirement has been incorporated in the form of a pre-commencement condition, as requested by consultees.
- 8.76 It has been confirmed that drinking water will be supplied from the South East Water company network and not from the existing borehole on site, which historically served farm buildings. This approach is supported by the District's Environmental Health Officer. South

East Water has also confirmed that the proposal is not likely to risk their groundwater or surface water supplies.

- 8.77 It is expected that homes would be connected to the main sewer for grey water when this is available. However, no public sewer is available in Newton Valence and therefore foul water should be drained alternatively using methods that comply with Policy SD17 with regards to groundwater.
- 8.78 The proposal would deal with foul water by using a private sewage treatment plant. The Environment Agency and District's Drainage Engineer were consulted on this application and concluded that in the absence of a mains connection, the principle of a package treatment plan is acceptable and that details of the foul water drainage scheme should be controlled by condition. Consequently, a pre-commencement condition is attached. The Environment Agency and District's Drainage Engineer will be consulted at the discharge of conditions stage to ensure that the system is acceptable and does not diminishes ground and surface water quality.

Access, traffic and public right of way

- 8.79 The Local Highway Authority raised no objection to the proposed development, and has requested that the access is constructed as per details submitted and a construction management plan are controlled by condition. These have been included in conditions.
- 8.80 The proposal would involve the retention of the existing access to Lower Yard on its existing position, which is supported by the Landscape Officer as it would avoid visual alterations to the road scene and the retention of the mature hedgerow along Selborne Road. The vehicular access would be nevertheless, upgraded with new surfacing and improved drainage. The existing bar gate that encloses the site and public footpath 10a will be relocated and recessed as part of the proposal.
- 8.81 The application has been accompanied with a Transport Statement which has been reviewed by the Local Highway Authority. Having examined the access proposed and Transport Statement, the Local Highway Authority is satisfied that the level of trips generated by the proposed 10 dwellings will not result in a significant impact on the local highway network from a safety and capacity perspective. Consequently, the proposal is in accordance with Policy SD19 in terms of a safe and efficient operation of the road network.
- 8.82 Policy SD21 requires to give consideration to historic rural roads and the impact of development proposals on biodiversity, landscape and the amenity vale and character of these roads. 'Roads in the South Downs' is referred in Policy SD21, as it is an essential piece of guidance developed by the SDNPA in partnership with local highway authorities and provides advice and best practices on highway design within the National Park.
- 8.83 Based on the submitted information and the comments made from the Local Highway Authority and the Landscape Officer, it is considered that the proposed access will not lead to harm to the value of Selborne Road. Moreover, the expected traffic generated by 10 dwellings would be minimal when compared with the potential traffic generated if the agricultural yard were in full use. Given that the proposed use would involve smaller vehicles than agricultural ones and only a small increase of movements, the scheme will not lead to harm to other historic roads within the area. Therefore the proposal is compliant with Policy SD21.
- 8.84 Public footpath 10a joins Selborne Road at the same vehicular access of Lower Yard. Given that the traffic generation is considered to be minimal from the potential capacity of the current site, no adverse impact is expected for users of the public right of way. The Public Rights of Way Officer objected to the new surfacing of the access, however, considering that these will significantly improve the existing poorly maintained mix of tarmac, concrete and dirt. A condition has been included to control surfacing materials.
- 8.85 Proposals will deliver a series of small improvements to the existing footpath 10a, such the erection of new sign post at the Selborne Road junction, new appropriate surfacing and planting a new native hedgerow along the north side of the footpath, as well as reinforcing

the existing hedgerow within the site. Visually, the scheme will give users an enhanced approach to Newton Valence when approaching the village from the north.

- 8.86 Notwithstanding the Public Right of Way Officer's comment on the absence of enhancements to the network, these are unsubstantiated since several enhancements are proposed as part of this application as previously mentioned. In addition, improvements to the network within the Newton Valence Farm are included in the action plan of the WEP such as new public footpath links and the permissive access along the dismantled railway Wickham to Alton, which is an aspirational non-motorised route in Policy SD20 of the SDLP.
- 8.87 The Public Right of Way Officer has also raised doubts with the deliverability of the proposed WEP permissive bridleway on the disused railway due to insufficient appropriate funding allocated in the WEP action plan. This amount shown on the action plan is an estimated cost only and the development should generate substantial revenue as to facilitate its appropriate delivery. Furthermore, the consultee requests a financial contribution to surfacing improvements to footpaths that 1.6 km away from the site and have no direct relationship with it. Therefore given the fact that these are not directly related to the proposed development, there is no compelling reason to include this contribution in a legal agreement.
- 8.88 Policy SD20 relates to the protection of the amenity value of public rights of ways. The SDNPA is, consequently interested in the material impact of the proposed development on the amenity value and tranquillity of, and views from, public footpath 10a. Significant consideration has been given in the assessment of the residential development to the impact on public views, but also to the most immediate quality of experience for walkers. This development would lead to the removal of a visually unsympathetic group of buildings and its replacement with a visually cohesive scheme informed by landscape character evidence and provides significant green spaces that would visually improve the visual experience of footpath users.
- 8.89 Regarding the use of the footpath where it joins Selborne Road, no safety conflict between vehicles and walkers is expected as appropriate visibility splays have been provided and no concern has been raised by any of the consultees. The footpath will remain accessible and a new appropriate upgrading in landscape terms will contribute to the long life of the footpath and, an easier management and better coexistence with the residential development.
- 8.90 It is concluded that the proposed development would not lead to harm to the street scene and will benefit users of the local public right of way network, being consistent with Policy SD21 of the SDLP and Purpose 2 of the designation of the National Park.

Parking provision

- 8.91 The Local Highway Authority have raised no objection to the proposed parking provision.
- 8.92 Vehicle parking is provided in a mix of arrangements. The small dwellings along Selborne Road have been provided with a shared parking yard accessed from the rear. A total of 8 parking spaces for four 2-bedroom dwellings is considered appropriate and would not result in overspill parking on the road. The main house (unit C2) would have a double green roof car port attached to the house which would be for private use only. The main courtyard would feature a long car barn which provides parking for all dwellings within the courtyard, with the exception of unit C1 which counts with a separate double green roof car port attached. The proposed parking provision is considered sufficient for residents but also for visitors and delivery vehicles as both yards are sufficiently large as to accommodate other vehicles in an informal and occasional basis.
- 8.93 Provision of electric vehicles charging points is intended for all dwellings, therefore details are controlled by condition. Similarly, application documents state that cycle storage would be provided mostly within car ports/car barns mostly. Details of the cycle storage are controlled by condition.

Impact on amenity of local residents

- 8.94 The site is far enough from properties on the opposite side of Selborne Road (over 30 metres from the new dwellings to neighbours Reed Cottage) as to not result in any unacceptably adverse overlooking impact. Furthermore, new planting is proposed along the boundary and retention of hedgerows and trees will contribute to soften presence of the new buildings. The new dwellings sit distant enough from the properties to the north and south (Goldrige Cottage and The Lodge respectively) so as not to cause, loss of privacy, loss of light that would harm residents' living conditions. Buildings would be of equivalent height as houses in the area and their scale it not considered to be overbearing. It is therefore considered that the proposed dwellings will not cause an unacceptable overlooking, overshadowing and overbearing impact on neighbours.
- 8.95 A construction management plan would control, by condition, the times of construction and construction operational arrangements, in order to avoid environmental harm and residential amenity disturbance.

Contaminated land

- 8.96 The site, as previously developed with farm buildings, has the potential to suffer from ground pollution and some buildings have been confirmed in the submitted Environmental Desk and Preliminary Desk Studies as having asbestos. The Environmental Health Officer has assessed these reports and agreed with their findings as well as recommended a series of conditions for the clearance of pollution from site, which mainly consists of asbestos fibre, radon gas, debris and fuel spillage. These conditions have been incorporated in the recommendation and satisfy the investigation and remedial requirements of Policy SD55 with regards to contaminated land.

9. Conclusion

- 9.1 Proposals will deliver affordable and estate workers' housing as well as open market dwellings in Lower Yard. New dwellings outside settlement boundaries are exceptionally permitted, however the principle of re-development of Lower Yard is considered to positively contribute to achieve the vision and complete the action plan of the endorsed Newton Valence Farm Whole Estate Plan. This development will materially deliver the Whole Estate Plan on site and indirectly throughout the whole farm, resulting in great environmental and recreational benefits in accordance with the purposes of the National Park.
- 9.2 The scheme does not meet the precise housing mix requirements of Policy SD27 of the SDLP, but has been found compliant with the remaining Development Plan. Having given consideration to the implementation of the Whole Estate Plan, which is a material consideration, it is considered that, on balance, the proposal is acceptable. It is therefore recommended that outline planning permission is granted subject to the satisfactory completion of the outstanding ecology and affordable housing matters set out in this report.

10. Reason for Recommendation and Conditions

- 10.1 It is recommended to grant outline planning permission subject to:
- The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of two affordable dwellings and two key estate workers' dwellings.
 - The completion of bat and reptile surveys and provision of a suitable policy compliant mitigation and enhancement strategy, the consideration of which is delegated to the Director of Planning; and
 - The conditions, substantially in the form set out in paragraph 10.2 of this report along with any additional conditions, the form of which is delegated to the Director of Planning' to address those mitigation matters that arise from the completion of bat and reptile surveys and strategy; and

That authority be delegated to the Director of Planning to refuse the application with

appropriate reasons if:

- The S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 12 March 2020 Planning Committee meeting.
- The bat and reptile survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 12 March 2020 Planning Committee meeting.

10.2 Proposed conditions:

1. Applications for the approval of the matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:-

- (i) three years from the date of this permission, or
- (ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - To comply with the provisions of Section 92(2) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Sustainable construction

3. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) design stage SAP data
- b) passive house certificates
- c) Site Waste Management Plan
- d) design stage BRE water calculator
- e) product specifications
- f) Grown in Britain or FSC certificates;
- g) sustainable material strategy
- h) building design details
- i) layout or landscape plans

demonstrating that the dwelling has:

- a) reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
- b) reduced predicted CO2 emissions by a further 20% due to on site renewable energy compared with the maximum allowed by building regulations
- c) EV charge point for every home
- d) 5% of dwellings and at least one dwelling are passive house certified
- e) predicted water consumption no more than 110 litres/person/day
- f) separate internal bin collection for recyclables
- g) SWMP and at least 50% of construction waste diverted from landfill;
- h) private garden compost bin

and evidence demonstrating:

- i) sustainable drainage, enhanced green infrastructure and GI linkage and adaptation to climate change
- j) selection of sustainable materials

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Construction management plan

4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - (i) the anticipated number, frequency and types of vehicles used during construction;
 - (ii) the method of access and egress and routeing of vehicles during construction;
 - (iii) the parking of vehicles by site operatives and visitors;
 - (iv) the loading and unloading of plant, materials and waste;
 - (v) the storage of plant and materials used in construction of the development;
 - (vi) the erection and maintenance of security hoarding;
 - (vii) effective vehicle wheel-cleaning facilities to be made available throughout construction;
 - (viii) the provision and utilisation 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);
 - (ix) details of public engagement both prior to and during construction works;
 - (x) temporary arrangements for access and turning for construction traffic for each part of the site; and
 - (xi) protection of trees and hedgerows to be retained.

Reason: In the interests of highway safety and the amenities of the area and having regard to National Policy Guidance contained in the National Planning Policy Framework 2019. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Foul and surface water drainage

5. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development that meets the requirements of Policy SD17 of the South Downs Local Plan 2014-2033. To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework. And Position Statement G of the 'Environment Agency's approach to groundwater protection'. It is considered

necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

6. No development approved by this permission shall be commenced until details of surface water drainage, which shall follow the principles of sustainable drainage, have been submitted to and approved by the Local Planning Authority. These should include:
 - a) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - b) Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system and inform the design of the surface water drainage strategy. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus 40% climate change allowance) rainfall events. The drainage features should have the same reference that the drainage layout.
 - c) Groundwater monitoring should be undertaken between autumn and spring, which should demonstrate that there will be at least 1m unsaturated zone between base of the infiltration structures and the highest recorded groundwater level.
 - d) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.
 - e) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.
 - f) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer.
 - g) Finished ground floor levels of any proposed residential development must be sufficient to ensure that surface water does not pose a flood risk in the 1 in 100-year event.

The development shall be built in accordance with these agreed details.

Reason: To ensure satisfactory surface water drainage that meets the requirements of policies SD17 and SD50 of the South Downs Local Plan 2014-2033. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Hard and soft landscaping

7. Notwithstanding the details shown on the approved plans no development shall commence unless and until a detailed scheme of hard landscape works has been 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. Once implemented they should be retained.

The scheme design shall include the following details:

- a) Details of existing trees and other vegetation to be retained in the scheme and methods/measures for the protection of trees during and after construction;
- b) Proposed and existing levels and contours, including retaining walls;
- c) Layout of surfaces including materials, permeability, kerbs, edges, steps, retaining walls, ramps;
- d) Schedule of surfacing materials;

- e) Boundary treatments details including gates and doors.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

8. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a detailed scheme of planting proposals have been submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The scheme design shall follow the principles of the submitted Ecosystem Services Statement (February 2020) and include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material, irrigation design, surface treatment according to location;
- c) Areas of grass & specification for seeding or turfing as appropriate
- d) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance Operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- e) Any bunding or swales (including cross sections).

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

9. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior occupation of the development. The content of the LEMP shall include the following:
 - a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

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

10. Prior to the commencement of the development hereby permitted, measures for the protection of the trees to be retained as outlined in the submitted Arboricultural Impact Assessment and Method Statement (Helen Brown Treescapes – 17 June 2019) shall be implemented. These measures shall be retained until the completion of works.

Reason: In the interests of the amenity and the landscape character of the area. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Access and parking

11. No development shall start on site until the access, including the footway and/or verge crossing has been constructed and lines of sight of 2.4 metres by 29 metres provided in accordance with the approved traffic plan ref. 022.0022.003. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

12. No enclosure or infilling of the sides/fronts of the car-ports/car-barns hereby approved shall take place without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure a satisfactory development in the interest of amenity, character and appearance of the area.

13. Before the development hereby permitted is first brought into use, details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage details shall be implemented prior to the occupation of the development and thereafter retained.

Reason: To provide for alternative and sustainable modes of transport.

External lighting

14. No external lighting shall be installed within the site unless further details of the lighting have been submitted to, and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents, create an appropriate amenity space and conserve dark night skies of the South Downs National Park, in accordance with National Park Purposes and the NPPF.

Land contamination

15. No development shall commence until a Contamination Phase 2 intrusive report has been submitted to and approved in writing by the Local Planning Authority, detailing all investigative works and sampling on site, together with the results of the analysis. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity, soil and water quality and to protect the health and future occupiers of the site from any possible effects of land contamination in accordance with local and National policy. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

16. If the Phase 2 report identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved and any ongoing monitoring shall be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity, soil and water quality and to protect the health and future occupiers of the site from any possible effects of land contamination in accordance with local and National policy. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

17. In the event that contamination not previously identified is found at any time when carrying out the approved development then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works.

Refuse and recycling bins

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

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

Removal of permitted development rights

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Part 1 Classes A, B, C, D, E and F, and Part 2 Class A.

Reason: To ensure the appearance of the development is satisfactory in accordance with the purposes of the South Downs National Park.

20. Notwithstanding the provisions of Part 2, Schedule 2 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 gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site, unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of the appearance of the development and to ensure that development is satisfactory in accordance with the purposes of the South Downs National Park.

Informatives

- I. Environmental Health recommends developers follow the risk management framework provided in CLR 11 Model procedures for the Management of Land Contamination when dealing with land affected by contamination. A leaflet entitled "Development on Potentially Contaminated Land" is available as a download on the following East Hampshire District Council website
<http://www.easthants.gov.uk/sites/default/files/documents/ContaminatedLandGuide.pdf> and which contains a template for a Completion Statement. This should be completed by the applicant at the end of the development, regardless of whether contamination was investigated/discovered on site. Approval of this statement will enable discharge of the unsuspected contamination condition.

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. This has included the provision of extensive advice from the SDNPA Design, Landscape, Development Management Officers and the opportunity to provide additional information to overcome critical issues and the opportunity to amend the proposal to add additional value as identified by SDNPA Officers and consultees.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices	<ol style="list-style-type: none"> 1. Site Location Map 2. WEP Relationship
SDNPA Consultees	Legal Services
Background Documents	<p>Planning application (documents, representations and consultation responses)</p> <p>https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</p> <p>South Downs Local Plan 2014-2033</p> <p>https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/</p> <p>National Planning Policy Framework (2019)</p> <p>https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>The South Downs National Park Partnership Management Plan (2014-2019)</p> <p>https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management-plan/</p> <p>English National Parks and the Broads: UK Government Vision and Circular (2010):</p> <p>https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010</p> <p>South Downs Integrated Landscape Character Assessment (2011)</p> <p>https://www.southdowns.gov.uk/planning/planning-advice/landscape/</p> <p>Newton Valence Village Plan 2015</p>

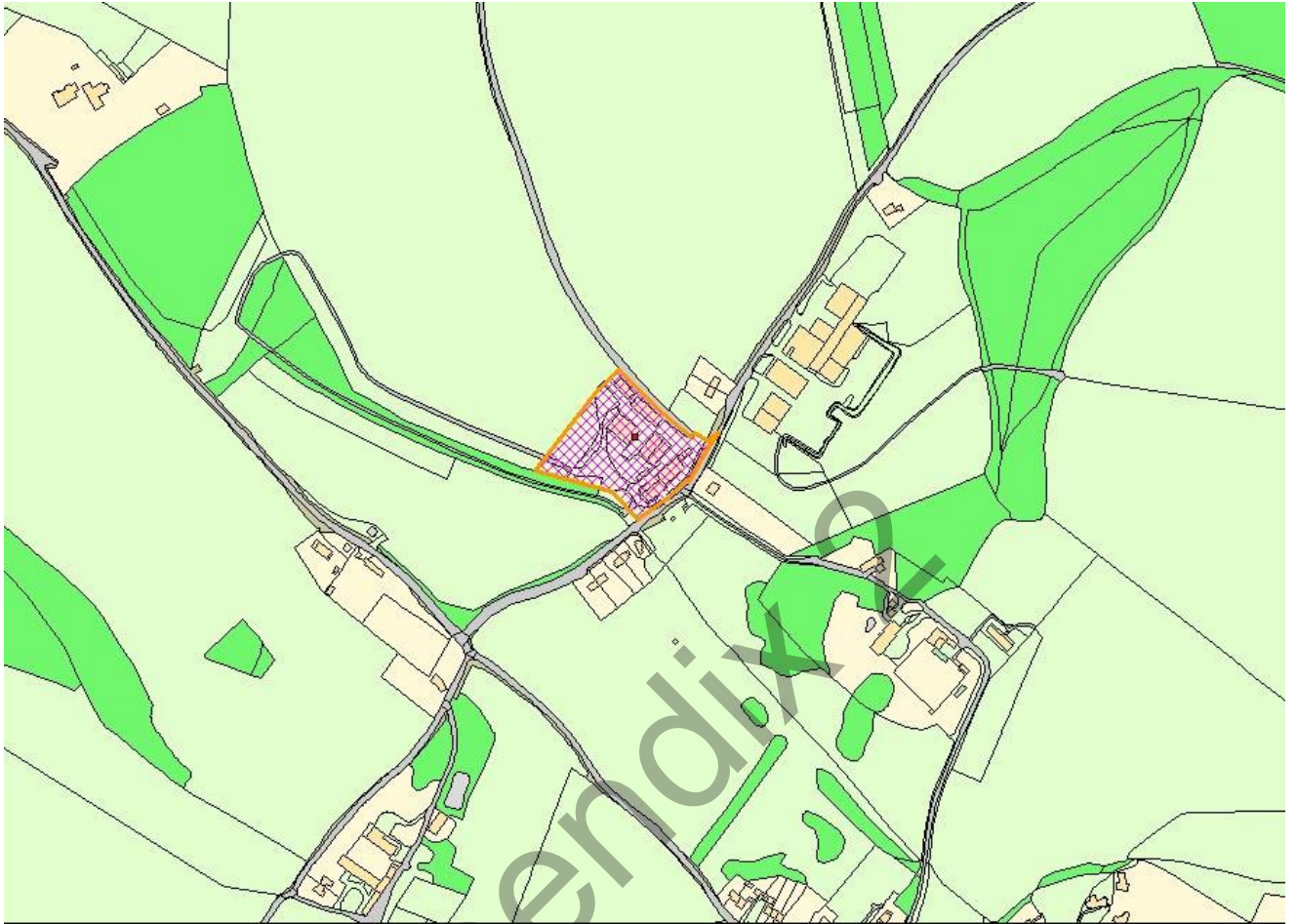
<https://www.southdowns.gov.uk/wp-content/uploads/2018/06/Newton-Valence-Village-Plan.pdf>

Roads in the South Downs 2015

<https://www.southdowns.gov.uk/wp-content/uploads/2015/09/Roads-in-the-South-Downs.pdf>

Appendix 2

Agenda Item 11 Report PC19/20-50 Appendix 1
Site Location Map



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SDNPA Planning Committee – 12 March 2020

Update Sheet

Agenda Item	Page No	Para	Update	Source/Reason
7	26	5.1	Two further letters of objection have been received expressing concerns that the current schools, doctors surgery, local shops and local road network will not be able to cope with the demand from the proposed development and that the scheme is out-of-character for the countryside which the SDNPA should be protecting.	Update
7	28	5.5	<p>An additional letter of objection has been received from the Friends of South Downs. In summary the letter requests the application is deferred to:</p> <ul style="list-style-type: none"> • Remove all wood burning stoves from the proposal (due to air pollution); • 19% Reduction of (CO₂) emissions is not enough; • Only 5% of the houses to be to Passivhaus standards, this is too low. Passivhaus Standards offer a design which should provide a zero carbon home. • To require further improvements to building construction (in terms of heating and ventilation) to meet the challenges of climate change • Remove all gas boilers from the scheme (as the Government is proposing to ban gas boilers from 2025), and • To require a full renewable energy proposal (such as communal storage of solar energy). <p>Officer Comment: The comments raised have been addressed within the report, however for clarification:</p> <ul style="list-style-type: none"> • The proposal is for all dwellings to achieve net zero carbon (19% through energy efficiency of the built fabric and a further 81% reduction through the use of wood burning stoves and solar panels). • The proposed wood burning stoves will be 'Ecodesign Ready' which can reduce particulate emissions by 90% when compared to open fires and between 80-84% when compared to wood burners manufactured from 10 years ago. Ecodesign Ready is also currently exempt from any DEFRA permits and the standard is expected to become law in 2022. There has been no objection raised to the use of the stoves from Environmental Health Officers. In addition, the details of wood burning stoves are also controlled by recommended condition 16. 	Update

Agenda Item	Page No	Para	Update	Source/Reason
			<ul style="list-style-type: none"> The inclusion of 5% Passivhaus is considered to be of benefit to the scheme as this provision is currently beyond development plan policy requirements. In addition, whilst Passivhaus Standards are more energy efficient they are not zero carbon in their own right. 	
7	36	7.39	<p>Correction to last sentence of paragraph.</p> <p>'It is considered that the proposed information / educational pack to be provided to new residents (including how to behave responsibly responsibility responsibly when in the Cooksbridge Meadow Nature Reserve) is reasonable and appropriate and can be secured through the Section 106 legal agreement'.</p>	Typing Error
7	38	7.59	<p>Correction to first sentence of paragraph.</p> <p>'The NPPG goes on to state that VBC does not apply to buildings that are either currently or have recently been in active use, or have been abandoned'.</p>	Typing Error
8	74	4.2	<p>Additional comments received from the Authorities Design Officer:</p> <ul style="list-style-type: none"> The contemporary building design is appropriate in this town centre location. The height and massing reflect the topographical changes in relation to the two streets and provides a presence on Southover Road that is currently absent. The curved wall design to individual houses is distinctive and but does not reflect anything specific to Lewes. The latest iteration of the building plans has simplified the design to reduce the number of potentially awkward left over spaces and has essentially created 4 pairs of semi-detached dwellings. The reduction in height by one floor of the block nearest the station platform results in a more appropriate massing next to the platform and avoids what would otherwise have risked being an overbearing relationship with the station. The flight of steps from the inner courtyard of the development up to the Garden Street junction with Southover Road creates an attractive and dramatic access which also provides a focussed view over the station and the hills beyond. This is in character with the Lewes experience of narrow focused views and celebrating the topography of the town. The combination of timber shingles with some flint and timber gate detail at ground floor will result in a quiet silver grey materiality as the timber weathers. This will reduce the building's apparent mass. The use of locally sourced chestnut or oak shingles would be preferable to the use of imported cedar, as the likely to be sourced from Canada and are not as long-lasting in the UK climate as oak and chestnut. The applicant should investigate sourcing from 'Grown in Britain' https://www.growninbritain.org/ . This is not a characteristic material in Lewes town although there some examples of its use in the wider National Park. 	Update

Agenda Item	Page No	Para	Update	Source/Reason
			<p>There would be more justification for its use as the main elevation material if there were clear Ecosystem Services and sustainable material benefits with oak or chestnut timber locally sourced.</p> <ul style="list-style-type: none"> • There is a large amount of glazing which would be problematic in many parts of the National Park due to the dark night skies concerns, but this is visually appropriate in such a town centre location. • An explanation of how the rainwater goods will work is needed. This should be conditioned. • Photomontages or wireframes of the development proposals overlain on key views from public vantage points should be provided. Without these there is no evidence on the significance of any visual impact, particularly from long views. • The boundary wall to the site on Garden Street and the junction with Southover Road is shown as a flint stone wall referencing that bounding the Grange on the other side of the street. The quality of the build of this wall is critical to the success of the development at street level. A sample panel of hand laid flint (not flint panels) should be provided on site to test the quality of this element. • The concept of a specimen tree with seating on the stepped access vista is a positive one and serves to encourage some passive recreation and focus to the outside space. This tree should be a more significant tree variety than the suggested Pyrus ‘chanceleer’. This is a rather small and undistinguished variety which has a short lifespan. A long-lived tree variety sufficiently attractive to justify its specimen tree status should be selected. The planting detail for the proposed specimen tree is completely inadequate as we will need a non-compacted root soil volume of at least 20 cubic metres for a medium to large tree. This will need to be achieved through underground crating or other structural soil method. Other trees in hard surfacing will also need minimum root soil volumes appropriate to the ultimate size of the tree. This will need to be conditioned. • Trees framing stepped access should also be long-lived alternatives to Pyrus ‘chanceleer’. • Bringing the culverted stream out into an exposed channel at the southern boundary of the site is a really positive element and brings the sight and sound of running water to the external space. What is the nature of the ‘protective grill’? Is this covering the whole water course? Is this necessary? If not, a fully exposed stream would be a much more attractive proposal, although safety concerns may trump this objective. The group of alder next to the course of the stream is appropriate. • Grass planting along the stream course is not feasible or sensible here due to the very thin nature of the strip proposed. Some other ground cover more appropriate and, ideally riparian in nature should be proposed. • Granite sett paving in fan pattern with running bond detail is an attractive and robust solution to paving the inner courtyard. 	

Agenda Item	Page No	Para	Update	Source/Reason
			<ul style="list-style-type: none"> • Detail on green roof to car port required. This should be conditioned. • A drainage strategy demonstrating a sustainable drainage approach is needed. <p>Officer Comment: With the exception of boundary treatment details and flintwork samples no additional matters have been raised which have not already been considered acceptable or adequately conditioned. However, two additional conditions have been identified within the report update.</p>	
8	75	5.1	<p>Comments were received from the Friends of Lewes, the South Downs Society and the Lewes Conservation Area Advisory Group. These comments were incorporated within the representations but for Members reference please find comments separated below.</p> <p>Lewes Conservation Area Advisory Group – Strong Objection</p> <ul style="list-style-type: none"> • The height of the proposed development is unacceptable. • Other elements including parking provision and traffic routing remain unsupportable. • The buildings will not weather well and the features will produce significant maintenance issues. • Buildings will be located at the bottom of embankments which will require fencing to stop people falling down resulting in a streetscape which “would be beyond belief”. • There is a lack of green space within the development with the roof gardens increasing the height of structures. • Blank walls would be forbidding to passing pedestrians. • Limited attention given to people with special physical needs. <p>Friends of the South Downs – Object</p> <ul style="list-style-type: none"> • The Lewes Neighbourhood Plan seeks smaller houses that meet local housing need. The four bedroom dwellings are too large for this site and smaller two storey pitched roof dwellings with ground level gardens would reflect neighbouring development. • Proposals do not comply with Policy PL1 A and PL1 B3. • Fails to provide any Lewes Low Cost Housing or to provide 50% affordable dwellings. • The development fails to reflect the character and appearance of the locality. • The low lying part of the site is vulnerable to flooding and accommodation is present at ground floor level for the flats. • Noise mitigation is required given proximity of the development to the railway line. • The proposed development has not been designed to be safely accessible to all members of the community. 	Clarification

Agenda Item	Page No	Para	Update	Source/Reason
			<ul style="list-style-type: none"> • The application proposes no measures for the recording of the WWI huts. The huts should also be offered to organisations with an interest in such structures rather than simply demolished and scrapped. • In terms of policy HC3 the development should not encroach upon views to the castle from the station, nor affect views to the Downs from Southover Road or impact upon the integrity of the chalk ridge. • Policy PL4 applies and the proposal has not incorporated any electrical generation via solar panels on the flat roofs nor have buildings been orientated so as to maximize solar gain. The proposed ground source heat pumps should be assessed in terms of their noise nuisance. • Cedar shingles usually require a dry climate to weather to grey and are not traditional. Flint panels are not a traditional feature. Brick and tile or slate roofs are more typical of this area. <p>Friends of Lewes – Object</p> <ul style="list-style-type: none"> • The proposal is an inappropriate design solution for this important site. • The development will block views from the top of Garden Street of the chalk face rising above the Cliffe contrary to policy SD6. • Concerns regarding the lack of relationship of the development within the immediate townscape context have been ignored along with the need to relate the development to the Garden Street frontage with its significant change of levels. • The development is contrary to policies ST3, H5 and policy SD6 of the SDNPA Local Plan. <p>Officer Comment: These points were already taken into consideration in the preparation of the recommendation report and therefore no additional comments are provided.</p>	
8	88	10.1	<p>Condition 4 amended to incorporate reference to green roofs:</p> <p>‘No development above slab level shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:</p> <ul style="list-style-type: none"> i) Written specifications (including cultivation and other operations associated with plant and grass establishment; ii) Planting methods, tree pits & guying methods; iii) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; iv) Retained areas of trees and hedgerows; v) Manner and treatment of existing frontage ditches and ha-ha feature; vi) Details of all hard-surfaces, including paths, kerb edges, access ways, boundary 	Update

Agenda Item	Page No	Para	Update	Source/Reason
			<p>treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting.</p> <p>vii) Details of the siting, specifications and management of the Sustainable Urban Drainage systems.</p> <p>viii) A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;</p> <p>ix) A timetable for implementation of the soft and hard landscaping works;</p> <p>x) A landscape plan with services shown; and</p> <p>xi) Details of green roofs.</p> <p>The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and provide a setting for the new development.'</p>	
8	94	Two new conditions after existing condition 32	<p>Two new conditions have been incorporated within the recommendation report in relation to boundary treatments and details of the proposed flint work.</p> <p>33) Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority of a plan indicating the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.</p> <p>34) Prior to the commencement of the development hereby permitted, a sample panel of hand laid flintwork (not flint blocks) shall be constructed on site and approved in writing by the Local Planning Authority. The flintwork comprised in the development shall be carried out and completed to match the approved sample flint panel, and shall be retained permanently as such.</p>	Update

Agenda Item	Page No	Para	Update	Source/Reason
			Reason: In the interests of preserving the character and appearance of the Conservation Area and its setting.	
9	99	3.5	Correction to first sentence of paragraph. 'A Planning Performance Agreement (PPA) was agreed in December 2019 and a revised planning application was <u>updated plans were</u> submitted in January 2020.'	Clarification
9	101	4.3	'Finally, Officers and our Design Review Panel have secured a design code (in principle) for external wall and surface materials, improved parking arrangements and significantly increased green infrastructure assets within the car park area and roof zone of the main building (30% is new brown roof <u>18.7% brown roof and 17.3% PV panels</u>)'	Further details
9	102	5.1	Update to paragraph: ' One Two objections has <u>have</u> been received. A local business raised concerns over road congestion and car parking, and a local resident commented that the current entrance to Aldi car park impedes traffic on the roundabout and needed to be moved further north on Brooks Road.'	Update
9	112	New condition Condition 20	'Development Shall not commence until details of a Local Labour Agreement have been agreed in writing with the Local Planning Authority. Reason: To ensure that local people benefit from the new jobs created at the new store.'	Omission
9	112	New condition Condition 21	'Prior to the opening of the store, location and details of the pedestrian directional signage in the car park shall be submitted to and approved in writing by the Local Planning Authority. The details as submitted shall be implemented prior to the car park coming into beneficial use and shall be retained thereafter. Reason: To enhance linkages between the store and Lewes Town Centre	Omission
10	115 & 120	Recommendation	<u>Corrections:</u> 1) That planning permission be granted subject to the completion of a Deed of Variation, the final form of which is delegated to the Director of Planning, to secure the previous S106 requirements in relation to the original planning permission SDNP/16/03835/FUL, which are:	Correction

Agenda Item	Page No	Para	Update	Source/Reason
			<ul style="list-style-type: none"> Not to sever the legal ownership of the barn and tourist accommodation or any parts thereof from the remainder of the land (Broadview Farm). Not to create any legal interest in the barn and tourist accommodation or any parts thereof separate from the remainder of the land (Broadview Farm). <p>2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 12 March 2020.</p> <p>3) The conditions as set out in paragraph 11.1 of this report.</p>	
10	117	5.6	Response received from the County Council ecologist: No comments.	Update
10	117	5.5	<p>Further response received from EHDC drainage engineer: Comments.</p> <ul style="list-style-type: none"> Previously approved and submitted drawings appear similar in principle; Surface water drainage was previously agreed on the basis that the access road would have French drains to discharge into the pond and petrol interceptor might be required; unclear if that was adopted; Foul drainage appears generally as previously approved; Applicant should submit a maintenance management plan to cover all drainage features and confirm responsibility post development. <p>Officer comment: Details previously approved pursuant to the discharge of a planning condition relating to foul and surface water drainage include details of future maintenance and, as private drainage, it would be the Applicant's responsibility to maintain it.</p>	Update
10	117	Section 6	Two third party responses have been received from persons who have previously commented on the application. Concerns raised relate to the enforcement of original planning conditions relating to the access in particular, authenticity of the submitted pro-formas in support of the application, failure of the democratic process and that SDNPA planning policy was not fully considered by Members at the 16 th January planning committee meeting.	Update
10	119	9.11	<p>Amend paragraph on the basis that submitted external lighting details are acceptable:</p> <p>Conditions originally applied which required the submission of further details were satisfactorily discharged in December 2017 (application SDNP/17/03166/DCOND). As per the recommendation below, where those details are satisfactory the previous conditions have</p>	Update

Agenda Item	Page No	Para	Update	Source/Reason
			been re-worded to refer to the approved details, rather than require this information to be re-submitted in this current application or re-used to discharge the same conditions at a later stage. Specifically, however, condition no.7 which relates to an external lighting scheme is required to be discharged because the previously approved details involved lighting attached to the originally approved building.	
10	120	11.1	<p>Amended condition no.7 as follows on the basis that the submitted external lighting details are acceptable.</p> <p>Prior to the development being brought into use, details of external lighting to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the external lighting details as approved in application SDNP/17/03166/DCOND insofar as they are not superseded by the updated submitted outdoor lighting details for the farm shop/café building. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the amenity of future residents, create an appropriate public realm, and conserve dark night skies.</p>	Update
10	119	9.12	<p>It is noteworthy that the drainage officer has requested planning conditions relating to surface and foul water drainage to be imposed. However, they have not taken into consideration the details which have already been approved. An amended layout of the drainage scheme has been submitted to reflect the re-siting of the building, which does not involve significant changes. The previously approved details have been raised with the drainage engineer and further comments received no longer raise an objection, but a maintenance management plan for the drainage has been requested. Proposed condition no.6 requires the development to be undertaken in accordance with the previously approved details insofar as they are not superseded by the updated drainage layout plan, which is also referred to in the condition. The previously approved details also include information on the maintenance of the drainage which is acceptable and no further information is proposed to be requested via a planning condition.</p>	Update

Agenda Item	Page No	Para	Update	Source/Reason
11	168	4	<p>Environment Agency's (EA) consultation response received raising no objection to the application subject to a pre-commencement condition controlling details of the foul water scheme.</p> <p>Officer Comment: The EA's suggested condition has been incorporated to the recommended set of conditions of paragraph 10.2.</p>	Update
11	168	4.1	<p>An additional consultation response has been received from Newton Valence Parish Council objecting the proposed development. In summary the letter refers to:</p> <ul style="list-style-type: none"> • New drawings fail to meet the objections raised by the Landscape Officer. • The proposed housing development is purely a capital raising exercise, principally to fund the relocation of the grain dryer to Upper Yard. • The revised documents have made no attempt to address the residents' and Parish Council's objections. • 10 houses is disproportionate for the size of the settlement in absence of services and public transport. Transport pollution and negative impact to historic sunken lanes as result of development is envisaged. • Lower Yard is classified as Greenfield. • No housing needs assessment has been undertaken and the Local Plan shows no housing requirement in Newton Valence. • The proposal is non-compliant with SDLP policies SD1, SD2, SD3, SD7, SD8, SD9, SD10, SD19, SD20, SD21, SD25, SD26, SD27, SD28 and SD32. • There are still objections from Landscape Officer, Housing Development Officer, Countryside Services and Parish Council. • At a village consultation attended by 45 residents, the development proposal was voted unanimously against. A 50/50 split between favouring no houses at all or a smaller development. <p>Subsequent to the above, a further comment has been received raising concern as to how the Newton Valence Village Plan (NVVP) has been considered in the assessment.</p> <p>Officer Comment: The comments do not raise any new issues which have not already been addressed within the report. Whilst not explicitly referenced in Section 8, the NVVP has been taken into consideration in the assessment of this scheme.</p>	Update
11	170	5.1	To read (with added words underlined):	Update

Agenda Item	Page No	Para	Update	Source/Reason
			87 third-party representations were received commenting on the proposal, of which 43 are objections, 43 are in support of the application, of which 41 are identical pro-forma responses albeit individually signed, and 1 comment is neutral.	
11	199	10	It was noted that the last sentence of paragraph 10 of Appendix 2 was incomplete, as it was missing a word. A complete version has been provided and the corrected paragraph ends as follows: 'No capital value would mean the WEP is unimplementable '.	Typing Error
12	209 & 210	1.1 2.3	A typing error was noted and "Seaford Parish Council" should read "Seaford <u>Town</u> Council".	Typing Error

Appendix 2

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FURTHER INFORMATION ON THE IMPLEMENTATION OF THE WEP
APPLICATION SDNP/2019/03160 – LOWER YARD, NEWTON VALENCE
NEWTON VALENCE FARM ESTATE

1. The SDNPA in an email dated 20 March 2020 that sought, inter alia, additional information of the benefits to the National Park that will be delivered through this development and how necessary and proportionate is this development in the delivery of the WEP projects. Specifically, the SDNPA wishes to know how the development will secure the implementation of those actions part of the WEP that deliver multiple benefits in line with the National Park purposes and special qualities and ecosystem services. A number of specific questions were posed, they have been responded to below.
2. The SDNPA will be aware that 2020 is an extraordinary year and this note has been drafted at the peak of the Covid-19 pandemic the consequences of which are:
 - Inadown Farm Riding Centre has closed its teaching facility in compliance with government regulations severely reducing income
 - the shoot has been put on hold
 - the four holiday lets have not been open for clients and income has been reduced.
 - the price of oil seed rape has collapsed because of the closure of the restaurant trade and other farmers are having to dump milk down the drain
 - Given the uncertainties of the real world at present, which might persist after the present emergency winds down, careful thought as to timing and the amounts of contributions/ payments will need to be given in the S106 Obligation.
 - The impact of a 10% shortfall of predicted revenue of £7,962,000 is a drop in the bottom line of £796,200 bringing the projected surplus down from £1,221,000 to £425,000, a drop of 65%. If that occurred, the benefits would have to be scaled back accordingly.
 - None of the beneficiaries are at risk of a loss which would be incurred if selling prices fell more than 15.3%. This would be wholly absorbed by NVF.

PROCESS FOR LOWER YARD AND WEP DELIVERY

- 3 It is confirmed that the applicant is willing to enter into a Section 106 Obligation with the SDNPA to ensure implementation and delivery of the WEP projects. The Covid-19 pandemic has local, national and international consequences which will take many years to recover from. The SDNP should be aware that with most of the developed world currently on lock down and a forecast contraction of GDP by one third, trading conditions are likely to be very tricky post the pandemic. Whatever the Section 106 obligation NVF commits to there must be sufficient flexibility to enable the project to respond to the actual conditions encountered.

WHICH PROJECTS OF THE WEP HAVE ALREADY BEEN IMPLEMENTED?

- 4 Following the endorsement of the WEP by the SDNPA in September 2017 Newton Valence Estate has already implemented the following actions in the WEP Action Plan.

Inadown Farm Riding Centre

Covered riding school, lunge circle and horsewalker – planning permission SDNP/18/03786. Cost £269,000. The covered riding school is in operation. Despite difficult trading conditions due to poor grain prices and low consumer spending it was decided to take out a loan of £250,000 from Barclays to enable construction of the covered riding school. That loan needs to be repaid. Since the coronavirus lockdown the covered riding school has not earned any income.

Evidence – see attached selection of invoices – [Appendix 5](#)

- WEP reference: Action Plan – Farm Diversification
- National Park purposes and duty: With the riding school in general, promotes enjoyment of the special qualities of national parks by the public

Upper Yard

Centralisation and upgrading of farm workshop cost £5,000

Evidence – attached copies of bills/ invoices – [Appendix 5](#)

- WEP reference: Action Plan – Farm Consolidation
- National Park purposes and duty: contributes to fostering the economic well-being of the local community and aids the conservation and enhancement of natural beauty

Newton Valence Farm Estate

Implementation of Countryside Stewardship aka Green Infrastructure projects

- Gapping up hedgerows
- Hedge coppicing
- Wild flower planting

- Grass block planting
- 6m wide field margins
- Woodland edge margins

Evidence Countryside Stewardship maps and [see Appendix 8](#)

Costs covered by Countryside Stewardship Scheme

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: assists in conserving and enhancing natural beauty and wildlife

Min Till - NVF has increasingly moved to minimal cultivations – Conservation Agriculture. The Joint Venture has recently purchased a stubble rake to enable further reduction in cultivations and soil movement. This has many benefits for the environment and for the economics of arable farming. The addition of this machine allows the farm to transition into direct drilling and ultimately zero till using cover crops. Organic matter is added at any opportunity and over the past 2 years NVF has applied poultry/turkey manure ahead of all OSR crops. Going forward this is a key area to develop and locate more manure to add to the farm.

Evidence: Conservation Agriculture paper by Farm Manager – [Appendix 6](#)

Costs – The Joint Venture with nearby farmers has invested £525,000 in precision farming. NVF has funded one third of this which has been absorbed in NVF's agriculture costs

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: assists in conserving and enhancing natural beauty and wildlife

Precision Farming With recent investment in modern farm machinery NVF has been able to utilise many aspects of precision farming. All main line tractors are now equipped with GPS for accurate steering in the field – reducing overlaps.

All fields are sampled every four years for P, K, Mg, pH by SOYL who have also created soil zone maps for the farm. The soil zones are created using electro conductivity testing and then a soil scientist hand textures the samples in the field to create soil type zones. This has all come at a cost which NVF has invested £5,800. This enables data to be collected for every field on the farm. The data can then be used to variably adjust seed rates, P, K, Mg, Lime, N across the fields and allows products to only be applied where needed and seed rates reflect soil type.

NVF has also invested 30% of the money into a new sprayer and fertiliser spreader costing £110,000. Therefore, this is an NVF liability/ expenditure of £33,000 on improving the application accuracy of fertiliser and sprays.

Those costs of precision farming have been absorbed in NVF's agriculture costs

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: assists in conserving and enhancing natural beauty and wildlife

On-going from 2014 – Selborne Landscape Partnership (sometimes referred to as the Selborne Land Management Group) aka Green Infrastructure initiatives. NVF is an active member of the SLP, a local farm cluster group of likeminded farmers, landowners, The National Trust, Hampshire and Isle of Wight Wildlife Trust and the Gilbert White House Museum. And has also been helped/supported by the Game and Wildlife Conservation Trust (GWCT) and the South Down National Park Authority (SDNPA). The SLP was a significant influence on NVF's Countryside Stewardship application.

This brings together common goals for local farmers in delivering environmental benefits – see attached webpages at [Appendix 1](#). The NVF Higher Tier scheme (see next item) was designed with local objectives in mind. Regular meetings within the SLP allow all members to discuss, progress and continue to set new objectives that benefit the local area.

The latest newsletter at [Appendix 2](#) explains some of what has been done in recent months. This includes:

- Harvest Mice surveys
- Brown Hare/Break Butterfly survey
- Winter Farmland Bird survey
- Blackthorn survey
- Pollinator mapping
- Sowing of wild bird mix
- Regular topping up of Winter bird feeders

Costs associated with SLP actions are not recorded

Evidence – see [Appendix 8](#)

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: assists in conserving and enhancing natural beauty and wildlife and promoting opportunities for the understanding and enjoyment of the special qualities of national parks by the public

DEFRA Countryside Stewardship – Higher Tier Stewardship Scheme aka Green Infrastructure Initiatives

NVF entered the scheme voluntarily on 1/1/19 and this runs until 31/12/23. The structure and design of the NVF Countryside Stewardship application was completed with guidance and influence from the SLP's local targets and needs.

NVF has established flower rich grass margins, wild bird cover, winter bird food, leaving of over winter stubble, planting cover crops for overwinter, created grass woodland edge habitats, supplementing the wild bird food source and created a lapwing plot. Other items include hedge laying, gapping up existing hedges and some coppicing works. Further to this the farm has established tussocky grass in certain areas of to prevent run off and we have established a legume rich sward on one field that will now be grazed by sheep.

Opportunities exist for future Stewardship Schemes to build on the above and further enhance the biodiversity credentials for NVF
Evidence – see [Appendix 8](#)

Supplementary feed - NVF, through the shoot, feeds kibbled maize and a ground mix throughout the year at a cost of £1,000.

Total Spend in year 1 approx. £6,000 – on wild bird mix seed/ grass seed/ coppicing/ hedge laying/ management time.

Replacement of 3.26ha maize with wild bird mix planting

Costs off set by grant income under the scheme

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: assists in conserving and enhancing natural beauty and wildlife

Note: the implications of splitting Ecological Focus Areas (EFAs) from the Countryside Stewardship for 2020 needs to be factored into NVF since that change affects:

- AB1 Nectar flower mix
- AB3 Beetle banks
- AB4 Skylark plots
- AB5 Nesting plots for lapwing and stone curlew
- AB6 Enhanced overwinter stubble
- AB8 Flower rich margins and plots
- AB9 Winter bird food
- AB11 Cultivated areas for arable plants
- AB15 Two year sown legume fallow
- AB16 Autumn sown bumblebird mix
- HS2 Take historic and archaeological features out of cultivation
- OP2 Organic wild bird seed mixture
- SW1 4 to 6 metre buffer strip on cultivated land
- SW3 In-field grass strips
- SW4 12 to 24 metre watercourse buffer strips on cultivated land
- SW6 Winter cover crops
- SW12 Making space for water
- WD3 Woodland edges on arable land
- WT2 Buffering in-field ponds and ditches on arable land

Broadband After lobbying by NVF and others Open Reach installed new cables to and through the village

No financial costs involved just time for lobbying

- WEP reference: Action Plan – Farm Diversification
- National Park purposes and duty: fosters the social well-being of the local community

Opera performances for charity– 4 events have been held in recent years and have proved very popular. Attendance has risen from 375 to 475 people and money has to be spent in hiring tentage for this number if the weather is against us on the day. These have cost £35,000 so far and annual expenditure of £10,000 pa for five years has been promised.

- WEP reference: Action Plan – Community Engagement
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

Upgrading signage on PROWs

Work has started in consultation with HCC Rights of Way and will continue

Costs absorbed by NVF

- WEP reference: Action Plan – Community Engagement
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

NVF Holiday lets – Improved literature for visitors on National Park, farming and conservation activities

Cost minimal

Defibrillator (Heart starter?) Cost £400

Evidence – copy of bill attached [Appendix 5](#)

- WEP reference: Action Plan – Community Engagement
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

WHAT SHOULD BE IMPLEMENTED NEXT?

- 5 The following projects taken from the endorsed WEP would be considered next for implementation; they are not in any form of priority order.

Newton Valence Farm Estate

Conservation Agriculture. Conservation Agriculture (CA) is defined as a farming system that promotes maintenance of a permanent soil cover, minimum soil disturbance and diversification of plant species

What benefits does it bring?

- Lowers crop establishment cost. Approx. 30% less fuel/ha
- Improves soil structure and health/worms/mycorrhizal fungi
- Improves water infiltration – useful in a dry year and a wet one
- Reduces run off
- Reduces the need to apply as much Phosphate
- Reduces the need to apply insecticides
- Cover crops capturing nutrients and building soil health
- Can bring new farming opportunities

What needs to change on farm to enable CA to work?

- Change in crop rotation – more diversity
- Planting of cover/catch crops on all stubble ASAP after harvest
- Add as much organic material as possible
- No deep cultivation. Light disc pass OR stubble rake
- Correct mindset for all involved
- A drill is required to deal with trash/residue

CA would have the following implications for NVF closer management of weeds and pests (especially slug issues) CA will also require the purchase of a lower disturbance drill that can be used in a CA system e.g. the John Dale Drill - £35,000 £40,000. The cost of the drill would be absorbed in NVF's agriculture costs

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: contributes to fostering the economic well-being of the local community and aids the conservation and enhancement of natural beauty

Timetable - implement in the first growing season after the grain store and drier has been brought into use

DEFRA Countryside Stewardship – Higher Tier Stewardship Scheme on-going aka Green Infrastructure Initiatives

Monitoring and labour for participation is provided by NVF with most costs covered by a DEFRA grant. However, NVF will bear the following costs in coming years:

Wild Bird mixes - 8.73 ha will be planted this season at a cost of £140 per ha and then planted each year thereafter - £5,000

Supplementary feed - The shoot feeds kibbled maize and a ground mix throughout the year at a cost of £1,000 pa

Woodland Management – This is not currently in the CSS but labour from the shoot is used on coppicing and maintenance of drives @ £6000 pa

SSSI Management Grant funding to fence Rifle Range (SSSI) to enable grazing by sheep - Works are due to commence summer 2020 if a contractor and materials are available due to Covid-19

Year 2-5 budgeted cost is £3,000/ annum to include renewing seed mixes/management time

The implications of splitting Ecological Focus Areas (EFAs) from the Countryside Stewardship grants for 2020 onwards needs to be evaluated and acted on

Total income is £18,000 per annum for the five years. Years 1 - 2 to includes £30,000 of capital grant funding available for fencing difficult sites, hedge gapping/ coppicing/ water troughs install/ Barn owl boxes

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: assists in conserving and enhancing natural beauty and wildlife

New bridleway on alignment of former Meon Valley Railway – dedication of a new bridleway between Annetts Farm and Newton Lane – see project page submitted separately. This to accord with the safeguarding of the route in SDNP Local Plan policy SD20. Draft scheme to be prepared in consultation with HCC and SDNPA. The route of the bridleway would be provided for in a Section 106 Obligation. NVF is will to contribute towards the cost of providing the length of bridleway at an appropriate level commensurate to all the other calls on the capital receipt from the Lower Yard redevelopment.

Costs estimated not known at this time

- WEP reference: Action Plan – Community Engagement
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

Timetable - To commence discussions with HCC and SDNPA in the autumn of 2020

New permissive path on alignment of former Meon Valley Railway – dedication of a permissive footpath on the alignment between the bridge over Newton Lane and the southern end of the estate – see project page submitted separately. To include in the S106 Obligation the dedication of the route as a future bridleway as part of the Meon Valley Trail to accord with the safeguarding of the route in SDNP Local Plan policy SD20. Draft scheme for the permissive footpath to be prepared in consultation with HCC and SDNPA. Negotiating the use of the bridge over Newton Lane is best undertaken by the competent rights of way authority.

Costs estimated not known at this time

- WEP reference: Action Plan – Cultural services
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

Timetable - To commence discussions with HCC and SDNPA in the autumn of 2020

New permissive footpaths – work with the SDNPA and HCC RoW officer on provision of and apparatus for new routes

Costs estimated at £12,000

- WEP reference: Action Plan – Cultural services
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

Timetable - To commence discussions with HCC and SDNPA in the autumn of 2020 with a view to implementation by 31 March 2022

Repairs and maintenance of the bridleway from the village to Selborne Common

The poor state of this ROW in winter is recorded in the Newton Valence Village Plan. NVF has agreed with the Parish Council to carry out work to repair the surface, such repair to be agreed with HCC Rights of Way and in consultation with the Parish Council and the National Trust

Cost estimated at £2,500

- WEP reference: Action Plan – Cultural services
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

Timetable – summer 2020

Welfare facilities for the estate shoot and use for school farm visits – prepare draft planning application and liaise with SDNPA on how to best manage school farm visits. Costs provisionally estimated as £20,000

- WEP reference: Action Plan – Farm Diversification and Community Engagement
- National Park purposes and duty: assists in promoting the enjoyment of the special qualities of national parks by the public

Timetable - Planning application in 2020/21

Energy reduction technology across the estate – undertake an estate energy audit and put together a strategy for energy reduction through alternative energy sources (solar) for the estate as a whole – including residential buildings. The audit to also advise on the best way of re-using the 100 solar panels on the existing grain store when it is no longer required. The overall aim is to reduce NVF's consumption of energy bought from suppliers by at least 50%.

Costs unknown at present

- WEP reference: Action Plan – Conservation Management
- National Park purposes and duty: assists in the wider planning issue of contributing to reducing reliance on fossil fuels and minimise the impact of climate change.

Timetable – Undertake energy audit in 2020/21 and bring forward proposals in 2021/22

Inadown Farm Riding Centre

Viewing gallery in covered arena cost £32,000

Evidence – copy of estimate at [Appendix 5](#)

- WEP reference: Action Plan – Farm Diversification
- National Park purposes and duty: With the riding school in general, promotes enjoyment of the special qualities of national parks by the public

Timetable – within 12 months of securing planning permission SDNP/19/03160

Upper Yard

Grain store and drier. The shortcomings and problems with and about the existing grain handling on the east side of Gosport Road, near Lower Farringdon are explained in [Appendix 3](#) written by the farm manager. A pre-application advice request for a 3,000t grain store and drier at Upper Yard, Newton Valence was submitted on 17 April 2020 (SDNP/20/01592/PRE)

Cost £960,000 – cost estimate previously supplied

- WEP reference: Action Plan – Farm Consolidation
- National Park purposes and duty: contributes to fostering the economic well-being of the local community

Timetable – within 2 years of completion of the first market price dwelling

Weighbridge. This would allow the harvest from each field to be weighed into store and give NVF accurate yield data from each field. It would ensure the monitoring of NVF's precision farming efforts. It would also aid crop marketing in being able to record exactly the tonnage NVF has to sell.

Cost estimate £50,000.

- WEP reference: Action Plan – weighbridge was not included
- National Park purposes and duty: contributes to fostering the economic well-being of the local community

Timetable – before the first harvest season after the practical completion of the grain store

Other projects

Newton Valence Parish Hall

A financial contribution of 50% to a maximum of £35,000 towards repairs and upgrading of the Parish Hall is under discussion with the Parish Council and the agreed sum could be included in any Section 106 Obligation. This would be a contribution to the community as no Community Infrastructure levy contribution arises from this development

Cost: £35,000 max contribution

- National Park purposes and duty: fosters the social well-being of the local community

Timetable set by agreement with Newton Valence Parish Council

Affordable and estate housing

The proposal will also deliver two affordable homes for local people to occupy as shared equity dwellings and two more dwellings to be occupied by estate workers of Newton Valence Farm. The provision of housing for local people is a community benefit.

- National Park purposes and duty: fosters the social well-being of the local community

Timetable to be set in a Section 106 obligation

Is the amount of development adequate for the delivery of the WEP?

- 6 The current application seeks outline planning permission and it is likely that following the grant of outline planning permission it will be winter 2020/21 before the next planning stage of an application for approval of reserved matters is reached. The world and national situation will hopefully be totally different to that in April 2020.
- 7 Peter Grant LCIOB of P & GR Grant Consulting Ltd has reviewed the costs of the development project and property values that could be realised – see [Appendix 4](#) and financial summary at [Appendix 7](#). This makes no allowance for the present coronavirus state of emergency and parlous state of the national economy.
- 8 The following points are the key points from Peter Grant's spreadsheet:
 - Development costs £6,740,475.00
 - Sales £7,962,000.00
 - Margin including land cost £1,221,525
 - There is a 28% tax to be paid for the realised gain - approx. £336,000 (£1.2m x 28%)
- 9 It is the sum of £1.22m, less tax, that would be ploughed (pun intended) into Newton Valence Farm. In mathematical terms that is less than the sum of the costs of the projects explained above. It will be the case that cash flow from the Lower Yard development will take in the order of 3 years to accrue and thus a development loan will be needed to kick start the development. Given that this program of work to implement the WEP is in SDNP friendly investments and there will be a deficit of funding from the development, the applicant strongly believes that it is difficult to argue that the SDNP is not getting good value without taking any risk. Moreover, the WEP has been endorsed by the SDNPA and constitutes a material consideration for the Lower Yard planning application. That accounts for why the officer report and recommendation supported the grant of planning permission.
- 10 In response to the draft of this paper the case officer posed a number of questions. Those have been largely answered above and in the separate paper on National Park benefits with the exception of the following points which are answered below.

Point i. The WEP identifies need for affordable (staff) accommodation: a total of 6 units accommodating 11 staff/partners of the NVF. However, the proposal before us only seeks to deliver 2 of the 6 dwellings. Why has NVF discarded the delivery of the remaining 4 estate workers' dwellings at Lower Yard? This hasn't been clarified.

Response: The WEP set out the aims and ideals for NVF outside the orbit of planning policy and it included a number of residential properties for staff and partners. In the reality of

planning policy, those aims and ideals are not currently capable of being realised in the Lower Yard redevelopment scheme. That is why it includes two estate worker cottages only. Moreover, because of the shortage of finance and the band width of the development scheme (two other possible development sites having been rejected by the SDNPA) the client has put the other WEP housing projects on ice for the moment. Lower Yard will enable the Estate's pressing development need, the grain store and drier to be progressed.

Point ii. From the information provided, NVF would expect to raise from the Lower Yard development an estimate margin capital of £1,221,525, which after taxes is £885,525. However, I wonder why the two estate worker dwellings Type D (to be let to staff) are shown in the net sales. Shouldn't these be retained in the NVF? Please clarify.

Response: The estate worker dwellings will have a book value for the estate which is why they have been included to balance out the cost of building them. It would be in equitable to have those two properties on only one side of the financial equation.

Point iii. Similarly, the sales forecast does not make reference to the affordable homes in the assessment. The statement says that both affordable units would be of shared equity, however this tenure is not yet agreed. In order for the SDNPA to agree shared ownership/equity, the two workers dwellings would need to be of rented tenure and affordability should be controlled in the S106. Only when the four units (staff and strictly affordable) comply with this tenure mix, it would be policy SD28 compliant.

Response: In answer to the first point, yes it does. Secondly, the proposed shared equity tenure for the two affordable homes is as advised and requested by EHDC's Housing Services officer. The estate worker's dwellings would be rented out by NVF

Point iv. I would also query the total margin of £1,221,525, which includes land costs. I wonder where the land cost is coming from, as it is our understanding that NVF owns this site. Please clarify.

Response: Advice from Savills, Chartered Surveyors, is that the Lower Yard site has a value of £150,000 and it is usual for there to be a land value in such financial calculations.

Ian Ellis
Associate Director
Southern Planning Practice

May 2020

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Projects	National Park Purposes		National Park Special Qualities						
	Conserve and enhance natural beauty, wildlife and cultural heritage	Promote opportunities for understanding and enjoyment of special qualities	Distinctive towns, villages with pride in the area	Well-conserved historical features and rich cultural heritage	Great opportunities for recreational activities and learning	Diverse, inspirational landscapes and views	Tranquil and unspoilt places	Rich variety of wildlife and habitats	Environment shaped by farming and embracing new enterprise
2 affordable dwellings + 2 key workers' dwellings			Benefit						Benefit
New grain store, drier and weighbridge									Benefit
Covered arena and viewing gallery		Benefit			Benefit				Benefit
New public bridleway and permissive path	Benefit	Benefit		Benefit	Benefit	Benefit			
New permissive footpaths + repairs of bridleway to Selborne Common		Benefit			Benefit	Benefit			
Conservation Agriculture	Benefit					Benefit	Benefit	Benefit	Benefit
Green Infrastructure Initiatives	Benefit					Benefit	Benefit	Benefit	Benefit
Welfare facilities for the shoot and use for school visits		Benefit			Benefit				Benefit
Energy Audit and Energy Reduction Scheme through renewables									Benefit

204 WEP projects to implement in NFV	Ecosystem Services										
	Sustainable manage land and water	Protect + provide more, better and joined up habitats	Conserve water resources, improve water quality	Manage, mitigate risk of flooding	Improve resilience and mitigation to climate change	Increase ability to store carbon	Conserve and enhance soils	Sustainable production of food, forestry and raw materials	Reduce levels of pollution	Improve opportunities for people's health and wellbeing	Provide opportunities for access natural and cultural resources
2 affordable dwellings + 2 key workers' dwellings										Benefit	Benefit
New grain store, drier and weighbridge	Benefit										
Covered arena and viewing gallery										Benefit	Benefit
New public bridleway and permissive path										Benefit	Benefit
New permissive footpaths + repairs of bridleway to Selborne Common										Benefit	Benefit
Conservation Agriculture	Benefit	Benefit	Benefit	Benefit		Benefit	Benefit	Benefit			
Green Infrastructure Initiatives	Benefit	Benefit	Benefit	Benefit		Benefit	Benefit	Benefit			
Welfare facilities for the shoot and use for school visits										Benefit	Benefit
Energy Audit and Energy Reduction Scheme through renewables					Benefit	Benefit			Benefit		

Agenda Item 11
Report PC19/20-61

Report to	Planning Committee
Date	11 June 2020
By	Director of Planning
Title of Report	Adoption of the Affordable Housing Supplementary Planning Document (SPD)
Purpose of Report	To present the revised Affordable Housing SPD for adoption

Recommendation: The Committee is recommended to:

- 1) Note the content of the Consultation Statement (Appendix 1 of this report); and**
- 2) Adopt the revised Affordable Housing SPD (Appendix 2 of this report).**

1. Summary

- 1.1 The South Downs Local Plan (SDLP) adopted in July 2019 includes robust policies requiring the provision of affordable housing alongside housing to be sold or rented on the open market, or as rural exception sites (RESs) to meet an identified local need. The Affordable Housing SPD supports the implementation of the SDLP, and therefore supports the wider objectives of the SDNPA (for example it supports the [Partnership Management Plan](#) Outcome 9 in relation to provision of affordable housing).
- 1.2 The SPD has been drafted to provide further detail to the policies in the SDLP that relate to affordable housing. It covers a number of implementation issues, including local connections, tenure mix, vacant building credit, and financial contributions in lieu of on-site affordable housing provision.
- 1.3 Public consultation took place in September to October 2019 on the draft SPD. The Consultation Statement, forming **Appendix 1** of this report, summarises and responds to the representations received during the consultation. Minor changes were made to the SPD in response to this consultation, as set out in the Consultation Statement. The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities, prior to adopting a SPD, to publish the Consultation Statement and revised SPD for comment for a minimum four week period. This consultation took place from the 2 March to 6 April 2020. **Appendix 1** also summarises and responds to further representations received during this period. In light of these consultation responses a revised SPD is proposed and this document is at **Appendix 2** of this report.

2. Background

- 2.1 There is substantial evidence which shows most privately provided residential property in the National Park is unaffordable to families and individuals on modest incomes. Young people and young families, in particular, find it difficult to get low-cost housing that would enable them to continue living in the area. In carrying out its purposes, the South Downs National Park Authority (SDNPA) has a duty to seek to foster the economic and social well-being of the local communities within the National Park. The English National Parks Vision and Circular further sets out the Government's expectation that *new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key*

services¹. To support the duty and address these issues the [South Downs Local Plan 2014-2033](#) (SDLP) contains robust policies that require new residential development to provide affordable homes:

- **Policy SD28: Affordable Homes** sets out a requirement for residential developments of three or more homes to provide for affordable housing. This provision should be provided on-site on sites with capacity for four or more homes. The level of provision is determined by the overall capacity of the site in terms of potential number of homes, with a minimum 50% of the total to be affordable on sites of 11 or more homes. The policy also sets out how many affordable homes should be provided as rented tenure (as opposed to shared ownership or other forms of low-cost ownership).
- **Policy SD29: Rural Exception Sites** sets a requirement that residential housing sites outside of settlement boundaries should provide 100% affordable housing. The precise mix of homes and tenures should be based on the local needs of the community, and provide specifically for local housing needs.
- **Policy SD27: Mix of Homes** sets out a broad strategic mix of affordable dwelling sizes.
- **Policy SD25: Development Strategy**, and in particular paragraphs 7.15 and 7.16, outlines the SDNPA's approach with respect to Whole Estate Plans and affordable housing.

2.2 The Affordable Housing SPD has been prepared to provide further guidance to support the implementation of the Local Plan policies, in particular Policy SD28: Affordable Homes and Policy SD29: Rural Exception Sites. In July 2019, Planning Committee approved for consultation the draft Affordable Housing SPD. Public consultation took place for eight weeks from the 24 September to 19 November 2019. During the consultation period 45 responses were received, from a range of individuals and organisations including parish councils, district councils, Community Land Trusts (CLTs), whole estate managers and developers. These are detailed in the Consultation Statement, which forms **Appendix I** of this report.

2.3 The key response themes are summarised as follows:

District Councils

- Local connection cascade may be difficult to administer
- Query the standard inputs to be used in viability appraisals

Parish Councils

- General support for the Local Plan policies on affordable housing and the guidance contained in the draft SPD
- In lieu financial contributions should be used within the parish they are collected
- Parish Councils would like greater involvement in deciding a suitable mix for a site

Community Land Trusts

- Provide some flexibility for CLTs to cross-subsidise Rural Exception Sites reflecting their aim to address local needs
- CLTs would like greater flexibility in applying the local connection criteria and cascade to respond to the objectives of the CLT

Developers

- Objections to the standard inputs proposed for viability appraisal
- A number of issues raised with the use of review mechanisms
- Unrestricted 'staircasing' should be allowed on shared ownership housing to enable outright ownership

2.4 Following the public consultation, a revised SPD was prepared. Changes were made, where necessary, as follows:

- Inclusion of criteria for the assessment of Vacant Building Credit

¹ English National Parks and the Broads: UK government vision and circular 2010 (Defra, 2010), paragraph 78

- Detail on the marketing and eligibility criteria for Discount Market Sales affordable housing
 - Removal of S106 template from appendices (this will be a standalone template which can be updated more frequently separate from the SPD)
- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities, prior to adopting a SPD, to publish the Consultation Statement and revised SPD for comment for a minimum four week period. This consultation took place from the 2 March to 6 April 2020. A further eight representations were received during this period and these are detailed in the Consultation Statement, which forms **Appendix 1** of this report. The representations largely concerned detailed matters and some minor changes to the SPD are set out in response to these in the Consultation Statement and included in the revised SPD, which forms **Appendix 2** of this report. The most substantive representation, from a developer, concerned the inclusion of standard viability appraisal inputs and detailed requirements regarding the use of review mechanisms. The representation maintained that the inclusion of these elements was not appropriate for a SPD. These representations were considered and in response, these elements have been removed from the revised SPD.
- 3. Next steps**
- 3.1 The recommendation of this report is that Members note the content of the Consultation Statement and adopt the revised Affordable Housing SPD.
- 3.2 Once adopted, the SPD will be a material consideration in the determination of planning applications. As such, it will help to maximise the number of new affordable homes provided in the South Downs National Park in a way which meets local needs, whilst also supporting the landscape-led approach.
- 3.3 The SDNPA is preparing a suite of SPDs on Parking, Trees, Sustainable Construction, Design and Biodiversity Net Gain, which will be presented to Planning Committee over the next few months before they go out to consultation; they all support the implementation of the South Downs Local Plan. It is proposed all new SPDs will be formatted and designed into a common style. As this will not change the content of the Affordable Housing SPD, the formatting and design work can occur following adoption of the SPD.
- 4. Sustainability Appraisal and Habitats Regulations Assessment screening**
- 4.1 The European Union Directive 2001/42/EC sets out legislation on the assessment of the effects of certain plans and programmes on the environment (known as 'Strategic Environmental Assessment' or 'SEA'). Where the Authority determines that SEA is not required then under Regulation 9(3) the Authority must prepare a statement setting out the reasons for this determination.
- 4.2 The SDNPA therefore produced a draft SEA Screening Statement. Consultation on the draft Statement, with the three statutory bodies: the Environment Agency, Natural England and Historic England, took place from the 24 June to 8 July 2019. The Environment Agency responded to state they did not consider that the SPD has the potential to give rise to significant environmental effects for areas within their remit. No response was received from Natural England or Historic England. The determination therefore concludes that the Affordable Housing SPD is not likely to have any significant environmental effects, and therefore does not require an SEA.
- 4.3 As required by Habitats Regulations Assessment (HRA), the SDNPA has also assessed whether the policies and proposals set out in the Affordable Housing SPD will have any significant impacts on Natura 2000 sites, thereby necessitating an Appropriate Assessment to consider the impact on the integrity of any such sites. The HRA Screening Statement concludes that the SPD does not set the principle of development nor does it direct development to a specific location. Therefore, as with the assessment of SD28 and SD29 there are no linking impact pathways present and there are no HRA implications. Subject to the outcome of consulting the three statutory bodies listed in paragraph 3.2 above, it is considered that a full appropriate assessment is not required.
- 4.4 The combined SEA Screening Statement and HRA Screening Statement is presented as **Appendix 3** to this report.

5. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No.
Does the proposal raise any Resource implications?	The SPD has been produced using existing internal resources. The costs of further formatting and design production of the SPD will be met within existing budgets.
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	<p>The Authority has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act; • Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it; • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. • Due regard in this context involves having due regard in particular to: <ul style="list-style-type: none"> a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic; b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it; c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low. <p>The Affordable Housing SPD promotes the advancement of opportunity for people within the communities of the National Park, who have lower incomes. This will in particular advance equality of opportunity for younger people who are currently often disadvantaged by the poor availability of affordable homes close to existing family or areas of potential employment. There are also likely to be indirect benefits for those with other protected characteristics who due to those characteristics find themselves to have lower incomes than might otherwise be the case.</p>
Are there any Human Rights implications arising from the proposal?	None.
Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	None.

Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:	<p>2. Ensuring a strong healthy and just society: The provision of affordable housing strongly supports this strategic objective, as it promotes justice and supports the health of those in housing need.</p> <p>3. Achieving a sustainable economy: The provision of affordable housing strongly supports this strategic objective, as it helps local communities retain and attract working age people who are economically active and therefore supports local enterprise.</p>
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6. Risks Associated with the Proposed Decision

6.1 A risk assessment is provided in the table below.

Risk	Likelihood	Impact	Mitigation
If adopted: Third party challenge to the principle of the SPD or the guidance contained within. A challenge can be made within a three month period following adoption.	Possible (3)	Moderate (3)	The SPD has been prepared in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended).

TIM SLANEY

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South Downs National Park Authority

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Appendices

1. Consultation Statement
2. Revised Affordable Housing Supplementary Planning Document
3. SEA Screening Statement and HRA Screening Statement Determination Statement

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees None

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Affordable Housing Supplementary Planning Document

Consultation Statement

June 2020

I.1. The Affordable Housing Supplementary Planning Document (SPD) provides further guidance to support the implementation of Local Plan policies, in particular Policy SD28: Affordable Homes and Policy SD29: Rural Exception Sites. Once adopted, the SPD will be a material consideration for relevant planning applications.

I.2. This Consultation Statement has been prepared in accordance with Regulation 12(a) and (b) of the Town and Country (Local Development) (England) Regulations 2004 which states:

“Before a local planning authority adopt a supplementary planning document it must—

(a) prepare a statement setting out—

(i) the persons the local planning authority consulted when preparing the supplementary planning document;

(ii) a summary of the main issues raised by those persons; and

(iii) how those issues have been addressed in the supplementary planning document; and

(b) for the purpose of seeking representations under regulation 13, make copies of that statement and the supplementary planning document available in accordance with regulation 35 together with details of—

(i) the date by which representations must be made (being not less than 4 weeks from the date the local planning authority complies with this paragraph), and

(ii) the address to which they must be sent.”

I.3. This statement sets out details of the consultation that has taken place to date which has informed and refined the SPD. It sets out details of how, when and with whom the initial consultations with interested parties and organisations took place and how this has informed the SPD.

I.4. Following the preparation of the draft SPD, the Authority resolved to undertake an eight week consultation on the Affordable Housing SPD between 24 September 2019 and 19 November 2019. As part of the consultation, the Authority:

- Published the draft Affordable Housing SPD on the SDNPA website
- Made the draft SPD available for inspection at the South Downs Centre during opening hours;
- Sent emails and letters to persons and organisations on the SDNPA Local Plan mailing list inviting them to examine the consultation documents and make representation on them during the consultation period;
- Sent emails to consultation bodies identified below, which the Authority considers to be affected by the SPD;
- Released details of the consultation to the local press via a press release;
- Presented the draft SPD to local agents at the SDNPA Agents Forum on 16 October 2019 and invited agents to respond to the consultation.

I.5. The Authority considered it appropriate to consult the following consultation bodies on the draft Affordable Housing SPD:

- Homes and Communities Agency
- Relevant district and county councils
 - Adur District Council
 - Arun District Council

- Brighton & Hove City Council
- Chichester District Council
- East Hampshire District Council
- East Sussex County Council
- Eastleigh Borough Council
- Hampshire County Council
- Horsham District Council
- Lewes & Eastbourne District Councils
- Mid Sussex District Council
- Surrey County Council
- Waverley District Council
- Wealden District Council
- West Sussex County Council
- Winchester City Council
- Worthing Borough Council
- Parish Councils within the National Park
- CPRE Hampshire
- Action in Rural Sussex
- Local developers and Registered Providers
- Estates within the National Park that have developed Whole Estate Plans

- I.6. Consultation responses were received from 45 individuals and organisations. The comments received are summarised in **Appendix 1**. Officer comments relating to the responses received and how the SPD has been amended in response to these is set out in Appendix 1.
- I.7. The Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) legally require local planning authorities, prior to adopting a SPD, to publish the Consultation Statement and revised SPD for comment for a minimum four week period. This consultation took place from the 2 March to 6 April 2020. A further eight representations were received during this period and these are summarised in **Appendix 2**. Officer comments relating to the responses received and how the SPD has been amended in response to these is set out in Appendix 2.

Appendix I

Draft Affordable Housing SPD: Summary of comments received Sept – Nov 2019 and officer comments

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Andrew Simpson	Refers to Mid Sussex DC guidance note on Vacant Building Credit (VBC) – SDNPA should develop a similar guidance on applying VBC. Affordable homes in Lewes should be provided as Lewes Low Cost Housing.	Agree further guidance on VBC should be included in the SPD. The SPD states LLCH will apply in Lewes Town.	Provide further guidance on the application of VBC.
Andy McIvor	Specific objection to Wiston WEP; not relevant to the SPD consultation.		None required
Chichester District Council	2.12 Consistency with NPPF – amend wording from Intermediate Home Ownership to Low Cost or Affordable Home Ownership.	SPD is consistent with the Local Plan glossary.	None required
Chichester District Council	Suggests 2.19 is not compliant with policy 7.62 of Local Plan. To give priority to residents of specific settlements difficult to administer.	2.19 is consistent with cascade set out in 7.61 of the SDLP. This cascade has been approved by SDNPA members. The SDNPA will seek the early involvement of the relevant housing authority in securing and delivering affordable housing.	None required.
Chichester District Council	2.25 Typo - should RSL be RLV?	Typo	Correct typo
Chichester District Council	Figure 4 Lower margin of build cost may be acceptable – generally professional fees exceed 6% of build costs.	Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		justification and evidence which will be independently reviewed.	
Chichester District Council	2.44 - Prefer term of Community Led Housing to be used. CLTs only represent one element.	This terminology would be more encompassing and offer more flexibility.	Reference in 2.44 to Community led housing added.
Chichester District Council	<p>Section 4 – Legal Agreement Include reference to:</p> <ul style="list-style-type: none"> • Minimum unit sizes • Restriction on disposals – non commencement until LHA/LPA has notification of RP • Mortgagee in possession clause • Description of process for letting (e.g through local housing register) <p>Benefits: reduces barriers to delivery & secures better fit with local housing register & allocation policy</p>	<p>Minimum unit sizes not needed in S106 as these are assessed by DM and covered by the approved plans.</p> <p>Agree bullet 2 and 3</p> <p>Bullet 4 would only be as good as the local housing register (see concerns of B&H CLT re housing lists). This is not essential for S106 purposes and should be covered by HA housing policies.</p>	Add bullet 2 & 3 to section 4.
Chichester District Council	Appendix 2 Stronger commitment to indexation – methodology appears to produce lower figure than expected given higher value of properties in SDNPA	Agree to including a commitment to alter figures annually in line with BCIS All-in Tender Price Indices	Include reference to in lieu rates increasing in line with BCIS All-in Tender Price Indices.
Ringmer Area CLT	No mention of CLT's other than in para 2.44, lack identifying needs of CLTs in relation to policies SD27, 28 & 29	SDLP and the SPD support delivery of affordable homes through CLTs	Reference to appropriate legal agreements added to para. 2.51
Ringmer Area CLT	<p>2.19 No acknowledgement of CLT's having specific occupancy policy. Unlikely to include local in connection priority 4. Concern re external (SDNPA) determination of local connections.</p>	All forms of affordable housing delivery will be expected to apply the local connection cascade set out in the SDLP to meet local needs for affordable housing. Para. 7.62 of the SDLP recognises regard will be had	Add para in section 2 to clarify expectation to use SDNPA cascade for all affordable home developments in SDNP.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		for a CLT's objectives when a CLT is the managing body.	
Ringmer Area CLT	1.3 Concern that 100% on Rural Exception Sites (RES) will not be financially viable unless some market housing. Query that 100% is in line with NPPF rules.	Also raised by B&H CLT - RES is outside of settlement boundary and would not otherwise be built on. Emphasis in SDNP is 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD with SDLP regarding 100% affordable on RES
Ringmer Area CLT	Need for agreements to be drawn up for mixed schemes to assure landowners that CLT can deliver.	CLT's should be drawing up agreements with developer to secure sites, this should cover this issue.	Add para re need for agreements between developers/CLT's to secure sites.
Ringmer Area CLT	SI06 needs to reflect roles of two parties in a development.	SI06 is agreement between the developer and SDNPA, not an agreement with the CLT, this needs to be separate between developer/CLT.	Add para re need for agreements between developers/CLT's to secure sites.
Brighton & Hove CLT	Requirement of 20% shared ownership may be too low	Section 2.12 refers to a max 25% initial equity share, owners may increase their ownership and flexibility will be considered if local needs are met.	None
Brighton & Hove CLT	Market housing on RES – allowable with mechanisms to prevent being used for profit	Also raised by Ringmer (see above). Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only	Align SPD with SDLP regarding 100% affordable on RES

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		considered with support of viability appraisal.	
Brighton & Hove CLT	Concern that LA housing registers may not represent all in housing need.	Noted.	None
Eames Almshouses	Consider adding almshouses as a source of social housing.	SPD to refer to Community Led Housing which incorporates a wide range of charitable trusts. Community-led housing organisations which create permanently affordable homes to meet local housing needs will be encouraged.	Reference in 2.44 to Community led housing added.
Eames Almshouses	Request for clarification of almshouses status	See above.	As above.
START CT	2.3, 2.15-2.17, 2.43-2.47, 2.53. Agree	Noted.	None required.
START CT	1.2, 1.3, 2.12, 2.22, 3.1 Concern re 100% on RES and 25% shared ownership limit with regard to viability	Emphasis in SDNP is 100% supported by Whole Plan viability assessment. Any alternative only considered with support of viability appraisal. 25% is the initial equity share, owners may increase their ownership and flexibility will be considered if local needs are met.	Align SPD with SDLP regarding 100% affordable on RES
START CT	1.2 Recognises issues with house prices in SDNPA but not importance of land prices in delivering RES. May rule out RES unless compromise can be found.	Land price should reflect RES are outside settlement boundary so would not normally be used for housing.	Align SPD with SDLP regarding 100% affordable on RES

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
START CT	Viability appraisal is calculated only on 100% affordable – assumes that landowners will accept residual land value figure.	Land price should reflect RES are outside settlement boundary so would not normally be used for housing.	None required.
START CT	S106 agreement Section 4 – fourth bullet – needs beefing up re completion of roads – wording is too weak. Should include details of services and access at point of occupation for each property. Should also include a layout plan detailing all properties and tenure.	Agree – add bullet re completion of roads etc prior to occupation. Add details of services and access that should be in place at occupation. Layout plan to be included in S106 to secure provision.	Add these to bullet list in Section 4 of the SPD.
Bargate Homes / Metis Homes / Oakford Homes	- SPD goes beyond scope of SPDs by introducing additional requirements on proposals in relation to viability. - SPD departs from assumptions used in BNP Paribas VA. No supporting evidence for the standardised VA inputs proposed in the SPD	SPD provides further guidance to support the implementation of LP policies. Para 7.64 to 7.66 of the LP sets out the requirement for a viability appraisal to justify any departure from SD28. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification.
Bargate Homes / Metis Homes / Oakford Homes	2.12 & 2.13 AH Tenure SDNPA should not assume preference for Social Rent over Affordable Rent Shared Ownership Housing is typically offered at 40% of OMV (SPD assumes 25%) 40% for discounted market sales housing does not reflect the NPPF definition (at least 20%)	Defra Circular 2010 (paras 76-79) sets out the government expectation that NPAs maintain a focus on affordable housing and ensure that the needs of local communities in the National Parks are met. Social Rent is most affordable to those in greatest need. 25% is the initial equity share, owners may increase their	SDNPA will seek a minimum discount of 30% on local market value, reflecting the high cost of buying in the National Park and local income levels. A minimum 30% discount is also in line with current government proposed 'first homes' model.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	Placing definitions of affordable housing in the Local Plan glossary above definitions in the NPPF is at odds with Government policy.	ownership and flexibility will be considered if local needs are met. Government definition of DMS sets minimum discount, does not preclude higher discount	Para. 2.13 amended to state that Local Plan definitions of affordable homes apply within the National Park.
Bargate Homes / Metis Homes / Oakford Homes	2.25 Landowner premium EUV + 10% is far too low – DVS typically agrees 20%, 30 -40% is accepted elsewhere in the South. EUV + 10% may result in less than market value - land will not be released. Premium should be 20-30% incentive.	Land owner premium will be site specific. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.
Bargate Homes / Metis Homes / Oakford Homes	<p>Viability Assumptions</p> <p>External works – ranges from 5-35% of Main Works Costs and typically 25%. BNP Paribas VA assumed 17.5% - this was too low.</p> <p>Professional fees – at least 8%. BNP Paribas VA assumed 10%. Planning applications in National Park require greater professional fees. (Provides appeal case that supports 10%)</p> <p>Selling costs – should be at least 2%. BNP Paribas VA used 3%</p> <p>Profit – should be 20% (as used by BNP Paribas VA) – 15% only appropriate for short term capital outlay or pre-sold project.</p>	Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Bargate Homes / Metis Homes / Oakford Homes	Nominations rights – S106 should reflect RPs nomination rights on 1 st lets and subsequent lets.	Nomination rights to be agreed between housing authority and RP and will be expected to reflect the SDNPA cascade	None.
Bargate Homes / Metis Homes / Oakford Homes	Low Cost Home Ownership Unrestricted staircasing should be allowed. S106 needs to include mortgage in possession clause otherwise it will be unmortgageable.	Para. 2.12 allows for occupiers to increase their equity share towards outright ownership.	Mortgage in Possession clause to be included in S106
Bargate Homes / Metis Homes / Oakford Homes	<p>Review Mechanisms Mandatory review should also allow for reduction in AH if review concludes this.</p> <p>SDNPA should state whether a review of viability post permission or at reserved matters will be accepted.</p> <p>Questions SDNPA position to review AH contributions if these are agreed resulting from Valuation.</p> <p>Questions Early Review mechanism – use on small sites, clear definition of when.</p>	<p>A reduced AH provision would require a new or revised planning application.</p> <p>Reviews of viability would only be undertaken post permission where the review triggers set out in the SPD document are met.</p> <p>Review mechanisms are widely used and supported by National Planning Practice Guidance (Paragraph: 009 Reference ID: 10-009-20190509)</p> <p>Early review will be required if sufficient progress is not made. This is triggered where ground works and foundations are not completed within 2 years of permission being granted.</p> <p>For an early stage review where development has been subject to</p>	<p>None.</p> <p>None.</p> <p>Clarification provided on meaning of sufficient progress.</p> <p>Clarification provided in respect of late stage review mechanisms that</p>

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Not practical to require onsite AH provision as part of review (dwellings already sold) – financial contribution instead.</p> <p>Late Stage Review – considered to be unreasonable and impractical</p>	<p>no/limited construction progress there is clearly the ability to provide any additional affordable housing required on site. For late stage review mechanisms where most of the development has been completed or sold it is acknowledged that a financial contribution toward off site affordable housing is more likely.</p> <p>Review mechanisms are widely used and supported by National Planning Practice Guidance (Paragraph: 009 Reference ID: 10-009-20190509). The benefits of a late stage review are that they are based on actual values achieved and actual costs incurred. A late stage review is restricted to development schemes of 25 dwellings and above and, in most cases, only changes to Gross Development Value and build costs will need to be considered. The approach is therefore considered both reasonable and proportionate.</p>	<p>the outcome of such a review is typically a financial contribution toward off site affordable housing provision (rather than affordable housing provision on site).</p> <p>None.</p>
Bargate Homes / Metis Homes / Oakford Homes	Vacant Building Credit Approach in SPD is not consistent with NPPF and NPPG	The policy is intended to incentivise brownfield development, including the reuse or redevelopment of	Include detailed criteria on the assessment of applications for VBC.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<ul style="list-style-type: none"> - No requirement to be in use for 6 months in last 3 years - NPPG does not state whole building must be vacant - CIL and VBC can both be applied 	empty and redundant buildings. It is therefore reasonable to expect the whole building to be vacant. Given that the NPPG states that a building should not have been made vacant for the sole purpose of redevelopment it is also reasonable to expect a minimum period of vacancy. CIL and VBC cannot normally be applied to the same building.	
Bargate Homes / Metis Homes / Oakford Homes	<p>Rural Exception Sites</p> <p>SPD should be more supportive towards RES – give greater weight to AH provision over environmental impacts.</p> <p>Site selection process should not need to consider sites within the settlement.</p>	<p>First purpose of the National Park is given priority. All development in the SDNP is expected to be landscape-led.</p> <p>Agree that sites within the settlement boundary do not need to be considered.</p>	Remove reference to alternative sites within the settlement boundary.
Angmering Park Estate	<p>Greater incentive required to persuade landowners to bring forward 'exception sites' (NOTE: Angmering Park do not have a WEP, nor have they been in active discussion with SDNPA to produce one in last 2 years). For example:</p> <ul style="list-style-type: none"> • allowing 50% market housing • allowing Estate to retain a proportion of nomination rights 	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD text with SDLP regarding 100% affordable on RES
Barlavington Estate	<p>Policy will only be successful if there is an element of market housing (approx. 33%) to provide the revenue to construct the AH. (NOTE: are engaged in WEP process, although no WEP endorsed)</p>	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only	Align SPD text with SDLP regarding 100% affordable on RES

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		considered with support of viability appraisal.	
Bramshott & Liphook PC	General support for SPD. Proposes mechanism whereby small local developer obtains permission covering multiple sites to be built out over 5-10 years.	Planning application can be made for multiple sites, although time period may be a restriction.	None
Country Land and Business Association (CLA)	Seeking greater flexibility in the SPD. LP glossary definitions of AH should not take precedent over national definitions. SPD should support landowners providing AH (in place of RPs, HA or CLTs) especially on small sites. NPPF para 77 support cross subsidy on RES.	2.43 delivering AH does acknowledge landowners as potentially delivering and managing AH	Amend text on RES to reflect Local Plan more closely
CPRE Sussex	Support for Local Plan policies and SPD. Requiring 100% affordable on RES is counter-productive, SPD should reflect approach in LP para 7.78. SPD needs to be more flexible regarding CLTs e.g. in regards to tenancy allocations, local connection & type of tenancy	Agree that SPD should reflect more closely the approach set out in the LP regarding RES. Para. 2.20 states the specific local connection criteria applied to a site may reflect evidence provided by a CLT.	Amend text on RES to reflect Local Plan more closely
David Cubey	Objection to the Wiston WEP and prospect that Bayards Field will be put forward as a RES.		None required
Mr Trevor Cree	Objection raises the issue of settlements just outside the SDNP boundary and associated development pressure at these locations. In particular objection relates to Steyning and proposals in the WEP.	Noted.	None required
Dr Prosser	Raises a number of affordable housing issues relating to South Harting including support for C2 accommodation and raising the priority given to an employment connection in the cascade. Smaller	Issues relating to South Harting are noted. Employment connection is already covered in the local connection criteria.	None

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	villages in the NP should be treated differently to the larger conurbations.		
Elizabeth Lawrence	Annexes could provide short term low cost accommodation for local permanent and seasonal workers.	Noted	None
Eric Croft	2.1 should be landscape & <u>natural habitat led</u> 2.12 social rented housing should only be provided by registered providers Fig 4 – why does APR vary? 2.28 In lieu financial contributions should only go to housing authority provision 2.38 Tied agricultural/forestry worker dwellings should be in perpetuity.	SDLP Policy SD5 requires landscape-led development, biodiversity, the water environment and other ecosystem services are encompassed in the landscape-led approach. Other forms of affordable housing may be provided by other providers e.g. CLTs. In lieu financial contributions will be used for affordable housing provision within the National Park. Occupancy conditions are secured in S106 and not removed while there is a need for such dwellings in the local area	None
Findon Parish Council	Refers to current planning applications which do not follow the guidance in regards to up-to-date local housing needs assessment. Para. 2.16 should clarify who supplies evidence for housing need.	Housing need assessments prepared by different organisations varying by location e.g. Action Hampshire in EHDC, CDC in CDC	None
Fittleworth Parish Council	General support for the SPD. In lieu financial contributions should be ring fenced for use in the parish they are collected. Concerned that housing authority tenure preference will not reflect local needs. Concerned that occupancy conditions & local connection criteria are not strong enough.	In lieu financial contributions will be used within local area collected wherever possible. There can be time restrictions on the use of S106 funds such that they need to be spent in a timely manner.	Include reference to using fund raised locally wherever possible and within a timely manner.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Friends of Lewes	Support for the SPD and implementation of LLCH via the SPD in particular. In lieu financial contributions should be ring fenced for use in neighbourhood area collected. Amend 2.48 to state in lieu financial contributions will be used in Lewes NDP area.	Seek to use in lieu contributions locally wherever possible, although there may not always be opportunities within the parish and there may be time limit for spending in lieu funds.	Amend para. 2.28 to state funds raised from financial contributions will be used to increase affordable housing provision locally (within the parish) wherever possible and within a timely manner.
George Gordon	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required.
Hywel and Jean Griffiths	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required
Glynde Estates	100% affordable is counter-productive, and unfeasible economically; mix should include some open market units (particularly if required to build using traditional materials and styles). In terms of Nomination Rights, happy to work in partnership with CLT's, but Estate would want final say on who occupies property.	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD text with SDLP regarding 100% affordable on RES
Ian Graham for West Dean Estate	100% affordable is counter-productive, and unfeasible economically; mix should include some open market units (particularly if required to build using traditional materials and styles).	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Align SPD text with SDLP regarding 100% affordable on RES
Itchen Valley Parish Council	RES policy should allow for some enabling development subject to an enhanced scheme or community facilities.	Emphasis in SDNP should be 100% supported by Whole Plan viability assessment, any alternative only considered with support of viability appraisal.	Update SPD to reflect para 7.78 of the LP – subject to viability appraisal will consider optimum alternative option.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
Kingston Parish Council	Support for the SPD.	Noted	None required.
Stephen Fuggles	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required.
Luken Beck	Queries para 2.25 landowner premium of just 10% of EUV. Should use DCLG benchmark land values for greenfield sites. Disagrees with use of VA key inputs. GDV should be based on net sales income. Affordable housing revenue does not need to be based on RP evidence. Build costs should be based on bespoke cost plan or upper quartile BCIS standard. Professional fees should be 10%. Agrees with finance costs. Developer profit should be 20%.	Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.
Lewes & Eastbourne DC	Blended profit margin for open market and affordable homes falls below the range allowed by NPPG (15-20%)	Development in the SDNP is generally low risk, a profit margin at the lower end of the scale is considered reasonable. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.
Midhurst Society	Support for SPD. Suggestion that long term vacant properties should be made available for sale to CLT at 50% discount.	Noted	None
Mr Hicks	Support for SPD with following comments – AH should be for working persons and not retirees.	Noted	None

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	No design compromises. Benefits to community should be clearly set out. Location of care homes should take into account proximity of health services.		
Nick Bailey	Specific objection to Wiston WEP and example site.	Not relevant to the SPD consultation.	None required.
Oliver Darlington	Comments relate to government's definition of affordability which is not genuinely affordable.	Local Plan policy emphasis on affordable rent tenure reflecting evidence of need. SPD also supports the implementation of LLCH.	None
Sarah O'Kane	Support for emphasis on affordable rent tenure and smaller units. When dealing with large sites, priority should be given to proposals put forward by CLTs.	SDLP and SPD are supportive of delivery through CLTs.	None
Selborne PC	General support for the SPD. Request that Parish councils are consulted on suitable mix for a site. Recommend revised wording regarding WEPs at para 2.12. Revise para. 2.38 to take account of former estate worker accommodation. Two paragraphs 2.50. Concerned whether the AH review mechanism robustly addresses reduced AH provision post permission. Detailed wording amendments to RES section proposed.	SPD para 2.17 refers to regard being had to any local housing needs evidence, which would include evidence presented by the parish council.	Correct para. numbering and some wording amendments made as suggested.
Steep Parish Council	Support for SPD. Parish Council should have greater say over local connections and nominations in their parish.	Local connection is determined by the SDNPA, parish council and Housing Authority. Anyone eligible within the parish can be on the housing register and the SDNP local connection cascade will give	None

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		preference to those within the settlement / parish.	
Storrington Parish Council	Number of observations made. Question raised as to how right to buy legislation will affect perpetual affordability objective?	National legislation allows some ex-council home tenants to have a Preserved Right to Buy. In addition, Right to Acquire allows some housing association tenants to purchase their homes at a discount (the discount varies from £9,000 to £16,000). The SDNPA will endeavour through the SDLP policies SD28 and SD29 to address affordable housing needs in the National Park.	None
Sue Fasquelle	Objection to government definition of affordable housing.	AH SPD provides guidance for the implementation of LP policies SD27, 28 & 29. Whilst the LP needs to be in conformity with national policy and guidance, the LP does emphasise the provision of affordable rent tenure and the SPD seeks to implement LLCH within Lewes neighbourhood area.	None required.
Sussex Hub AiRS	General support for approach taken by the SDNPA in particular AH on small sites, commitment to social rented and community led housing. Seeks greater flexibility for Community Led Housing (CLH) to offer a higher equity share on shared ownership units to make schemes more viable. Also suggests some flexibility re. 100% AH on RES	Support noted and welcomed. Para. 2.12 of the SPD provides flexibility on shared ownership to reflect providers' business model as long as the core objective of meeting housing needs is met. This applies to CLH as well as other registered	SPD to reflect para. 7.78 of the LP on RES & mix of tenure. New para 3.3 states SDNPA will work with relevant stakeholders for optimum alternative option where viability is a barrier to delivery.

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	could better reflect the aims of CLH which are genuinely seeking to address local needs. Argues for bespoke housing allocation policies – housing registers don't reflect rural AH needs. No mention of CLH in the SPD. Professional fees considered too low for the types of project CLH will seek to bring forward.	providers. Emphasis in SDNP should be 100% AH on RES which is supported by the Whole Plan viability assessment. Where viability appraisal evidence shows this is not viable, the SDNPA will seek the best alternative option to meet the needs of the local community. Para 2.20 of the SPD states that local connection and occupancy criteria for specific sites will have regard to evidence presented by CLH organisations where applicable. Agree that reference to CLH would be more encompassing. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.	Include reference to CLH in SPD (includes co-housing, cooperatives & community self build)
Wealden DC Housing & Property Services	<p>Para 2.8 C2 use – case law suggests 2 hours week minimum care requirement</p> <p>To enable delivery, AH should be required to be built to RP and Homes England standards (e.g nationally described space standards) and Building Regs Part Q - security.</p>	<p>In the appeal case referred to, the LPA had set no guideline minimum requirement. 4 hours is considered reasonable to qualify as care that is significant.</p> <p>Onus is on developer to ensure necessary standards are met to ensure onward sale to a Registered Provider.</p>	<p>None.</p> <p>None.</p>

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Reference to HCA should be Homes England / Regulator of Social Housing.</p> <p>Parish level information on affordable home ownership need is not readily available.</p> <p>Suggests Local Connection criteria has 5th priority which refers back to Local Housing Authority.</p>	<p>Agreed.</p> <p>An up-to-date Local Housing Needs Assessment would address this.</p> <p>This cascade was approved by SDNPA members at Committee. The SDNPA will seek the early involvement of the relevant housing authority in securing and delivering affordable housing.</p>	<p>Amend references to Homes England / Regulator as relevant.</p> <p>None.</p> <p>None.</p>
Winchester CC	<p>Support classification of extra care housing as C3. Chesil Lodge, Winchester is good example of mixed tenure extra care scheme.</p> <p>Social rent requires significant funding which may only be granted by Homes England post permission.</p> <p>Shared ownership – 25% share can make unviable for RP, allow for higher share at point of sale.</p> <p>Discounted market sale – any evidence 40% discount is viable?</p>	<p>Noted.</p> <p>Social rent is the SDNPA's preferred form of rented tenure and the Authority will seek to secure this tenure as widely as possible. Para. 2.12 of the SPD provides flexibility on shared ownership to reflect providers' business model as long as the core objective of meeting housing needs is met. SDNPA will seek a minimum discount of 30% on local market value, reflecting the high</p>	<p>None.</p> <p>None.</p> <p>SDNPA will seek a minimum discount of 30% on local market value.</p>

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Cascade should include prioritizing those within the parish but outside the SDNP.</p> <p>Landowner premium of just 10% is low – any evidence to support this?</p> <p>In lieu financial contribution should vary according to size of units and reflect the onsite mix.</p> <p>Extending allocation of AH across the SDNP does not reflect spirit of providing AH for local people.</p>	<p>cost of buying in the National Park and local income levels. A minimum 30% discount is also in line with current government proposed 'first homes' model.</p> <p>Para 2.19 sets out that those with a local connection to the parish, <u>partly</u> or wholly within the National Park will be prioritised within the cascade.</p> <p>Land owner premium will be site specific. Figure 4 key inputs should ordinarily be used, if an applicant differs from these they will need to provide justification and evidence which will be independently reviewed.</p> <p>Financial contribution in lieu is based on size mix required by SD27. This is considered to be a reasonably approach and provides a clear in lieu financial contribution rate per affordable home.</p> <p>Cascade prioritises local need i.e. the settlement, parish & nearby settlements, before the wider SDNP area. SDLP and DEFRA circular</p>	<p>None required.</p> <p>Clarify that Fig 4 inputs are the benchmark, any departure from these will require justification and evidence.</p> <p>None.</p>

Person or organisation who made representations	Issue raised	SDNPA response	Proposed action
		directs the Authority to reflect local affordable housing need within the National Park.	
Valerie Haggie	Raises a number of concerns regarding the King Edward VII development and recent planning application; not relevant to the SPD consultation.	Noted.	None required

Appendix 2

Consultation Statement & Revised Affordable Housing SPD: Summary of comments received March 2020 and officer comments

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
Cove Construction	<p>SPD takes an unreasonable approach to viability appraisal (VA).</p> <p>SPD sets landowner incentive to apply to Existing Use Value (EUV) as 10% for non-agricultural uses. The premium for landowners should reflect circumstances of the site.</p> <p>Developer profit level is unreasonable and unrealistic. It doesn't reflect the risk level in getting through DM process given the SDNP landscape designation and high design & sustainability requirements.</p>	The SPD requirements for viability appraisal are in line with National Planning Guidance. Minimum content of an applicant's viability appraisal is set out in Appendix 3 and any viability appraisal should be supported by appropriate available evidence.	Figure 4 checklist of key inputs for viability appraisal to be removed from the SPD.
CPRE Hampshire	<p>Support for the amended draft SPD.</p> <p>Raises the issue of commuting to work and its contribution to the climate change emergency. Current local connection cascade could lead to people occupying affordable housing considerable distance away from their place of work. Suggests place of employment is factored into the last stage of the cascade.</p>	<p>Support welcomed.</p> <p>Note the issue of commuting and its contribution to the generation of greenhouse gas emissions. Covid-19 pandemic has illustrated that commuting can be reduced through alternative working arrangements and use of virtual technology. Also it is noted that the criteria for local connection used by housing authorities and set out in the SPD</p>	None required.

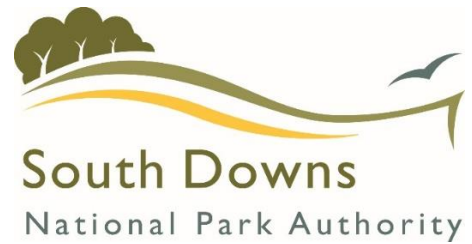
People or organisation who made representations	Issue raised	SDNPA response	Proposed action
		includes being employed or due to take up employment in the relevant area.	
Environment Agency	Flood risk should be a key consideration for the site selection process for RES and assessing potential RES should meet the requirements for sequential test and exception test.	Agreed. Vulnerability to flooding should be a key consideration in the assessment of potential RES sites.	Include additional bullet point at para. 3.6 'vulnerability to flooding'
Findon Parish Council	No further comments to make.	N/A	None
Historic England	No comments to make.	N/A	None
Highways England	No comments to make on the amended draft.	N/A	None
McCarthy & Stone	Para. 2.8 reference to 'care home' should be deleted, extra care housing could fall within use class C2.	Agreed, planning applications for extra-care housing may fall into either category C2 or C3, the level of care provided determines the use class. In this paragraph use the term 'residential institution / accommodation' as used in the Use Class order.	Replace references to 'care home' with 'residential institution or accommodation' in para 2.8.
	The reference to a minimum of 4 hours is arbitrary and should be removed.	It is reasonable to expect a minimum level of care in judging which use class a development falls within.	None
	Tenure has very little to do with use class and should be removed from the list at Para. 2.9	Tenure is one of several variables in the type and form of extra-care housing and will be given	None

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
	Provision of therapy rooms should not be a determining factor.	consideration when judging the use class of an application.	None
	Para 2.10 suggests a degree of independence is indicative of a C3 use, this is erroneous.	Provision of therapy rooms is one of various indicators of the level of care to be provided and will be given consideration when judging the use class of an application.	None
	Para 2.11 suggests self-contained accommodation is determinative of a C3 use, it is not.	Retaining a degree of independence is the converse to being dependent on care. For a development to classify as C2 use class, the provision of care must be significant and the care provided must be the primary reason why residents seek to live there.	None
	Para 2.12-14 tenure requirements for housing for older people should reflect the needs of older people and not tenure needs of housing overall.	The form of accommodation is one of several elements that will be considered in making a judgement on the use class of an application. The tenure requirements of SDLP SD28 are based on evidence from the Strategic Housing Market Assessment and the Housing & Economic Development Assessment. In absence of locally specific evidence on the tenure	None

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>Viability inputs for specialised housing for older people varies from conventional housing and should be acknowledged in Para 2.28. Profit levels are established at 20% and a 10% landowner premium is unrealistic.</p>	<p>needs of older people it is considered appropriate to apply these tenure requirements across housing types including specialist housing for older people.</p> <p>The SPD requirements for viability appraisal are in line with National Planning Guidance. Minimum content of an applicant's viability appraisal is set out in Appendix 3 and any viability appraisal should be supported by appropriate available evidence.</p>	<p>Figure 4 checklist of key inputs for viability appraisal to be removed from the SPD.</p>
Midhurst Society	<p>Repeats suggestion that CLTs are given the right to purchase vacant properties which are vacant for a number of years.</p>	<p>Suggestion is beyond the scope and remit of the SPD.</p>	<p>None.</p>
Oakford Homes	<p>Representation maintains it would be unlawful to adopt the SPD as a supplementary planning document as it contains policy statements on viability and review mechanisms which constitute new policy and should be in a DPD such as a Local Plan and not a SPD.</p>	<p>The SPD requirements for viability appraisal are in line with National Planning Guidance. Minimum content of an applicant's viability appraisal is set out in Appendix 3 and any viability appraisal should be supported by appropriate available evidence. Officers will consider whether the assumptions used by an applicant are reasonable. Clawback clauses may be negotiated in S106</p>	<p>Figure 4 checklist of key inputs for viability appraisal to be removed from the SPD.</p> <p>Paragraphs 2.57-2.71 on review mechanisms to be deleted from the SPD.</p>

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
		agreements on a case by case basis in line with paragraph 7.67 of the Local Plan.	
SMART CLT	Maximum equity on shared ownership should be 90% to ensure the dwelling is available to the community in perpetuity with first option of purchase going to the landlord. Para 3.2 suggests outright ownership will be an option. Support for new paragraph 3.3.	Agree, Local Plan policy SD28 states affordable housing should where feasible remain affordable in perpetuity. Support welcome.	Remove brackets '(unless an occupant has increased their equity share to outright ownership)' from para. 3.2.
Waverley District Council	No comments to make.	N/A	None
Wealden District Council	No comments to make	N/A	None
Winchester City Council	Para. 2.16 & 3.4 clarification that a housing needs survey is not required should other evidence exists. Fig 1 does not state whether homes can be flats or the occupancy rates (e.g 2 bed 4 person rather than 2 bed 3 person 2.22 how will Discounted Market Sales units be marketed?	Should other appropriate evidence exist, a housing needs survey is not required. Flats may be appropriate depending on the site circumstances. The figure is for illustrative purposes and is not intended to go into detail of occupancy rates. Whilst specific marketing requirements are likely to be site specific, agree that the SPD can make clear that minimum marketing requirements which prioritise local	None. None. Include the following in para 2.22 "Marketing arrangements will be included in a S106 agreement and will include minimum marketing periods to ensure local needs are

People or organisation who made representations	Issue raised	SDNPA response	Proposed action
	<p>2.47 Stronger wording / evidence needed on developers effectively managing affordable housing</p> <p>3.3 Tenure on Rural Exception Sites should reflect local needs</p> <p>Section 4 - concerned that the 21 day timeframe for housing authorities to nominate is insufficient to work through the cascade.</p>	<p>needs will be included in a S106 agreement.</p> <p>The SPD requires developers to demonstrate to the satisfaction of the SDNPA that they can provide and manage the affordable housing to the same quality as a Registered Provider. This is considered to be sufficient to ensure effective management.</p> <p>Agreed. SD29 requires tenure to reflect up-to-date evidence of local need.</p> <p>Note that the timeframe may be tight given the example of a 2 week advertising window used by Hampshire Home Choices. Timeframe will be extended slightly but it is important to ensure affordable homes are allocated to local needs promptly.</p>	<p>prioritised in line with the cascade set out in paragraph 7.61 of the SDLP and paragraph 2.19 of this SPD.”</p> <p>None.</p> <p>None.</p> <p>Amend timeframe in para. 4.3 to 28 days.</p>



Affordable Housing Supplementary Planning Document



South Downs Local Plan

Adoption Version June 2020

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I.INTRODUCTION

Policies covered:

- **Policy SD28:** Affordable Homes
- **Policy SD29:** Rural Exception Sites

Background

- I.1** The South Downs Local Plan (SDLP) was adopted on 02 July 2019. The introduction to the SDLP sets out the context of the statutory purposes and duty that govern all national park activities. In carrying out its purposes, the South Downs National Park Authority (SDNPA) has a duty to seek to foster the economic and social well-being of the local communities within the National Park. The English National Parks Vision and Circular further sets out the Government's expectation that *new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.*¹ The National Planning Policy Framework (NPPF) further sets out that *the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including those who require affordable housing.*²
- I.2** There is substantial evidence which shows that most privately provided residential property in the National Park has become unaffordable to families and individuals on modest incomes. House prices within the National Park are significantly higher than in the wider sub-region, with the average house being sold costing some fourteen times the average salary (compared to around eight times average salary across England and Wales as a whole). The result is that more people and families are struggling to meet the cost of accommodation, and younger people in particular are discouraged from remaining or settling in the area.
- I.3** To support the duty and help to address these issues, the SDLP includes two policies that require new residential development to provide affordable housing:
- **Policy SD28: Affordable Homes** sets out a requirement for residential developments of 3 or more homes to provide for affordable housing. This provision should be on-site on sites with capacity for 4 or more homes. The level of provision is determined by the overall capacity of the site in terms of potential number of homes, with a minimum 50% of the total to be affordable on sites of 11 or more homes. The policy also sets out how many affordable homes should be provided as either social rented or affordable rented tenure (as opposed to shared ownership or other forms of low-cost ownership). **It should be noted that the provision of affordable homes in the South Downs National Park is a priority for the Authority. Planning proposals should start from the position that the provision of affordable homes is paramount. Given the recently examined and adopted Local Plan, which includes an assessment of its viability, any planning applications that do not comply with Policy SD28 will be refused and the decision will be defended at appeal.**

¹ English National Parks and the Broads: UK government vision and circular 2010 (Defra, 2010), paragraph 78

² National Planning Policy Framework (MHCLG, Feb 2019), paragraph 61

- **Policy SD29: Rural Exception Sites** sets a requirement that residential housing sites outside of settlement boundaries should provide 100% affordable housing. The precise mix of homes and tenures should be based on the local needs of the community, and provide specifically for local housing needs.

In addition, **Policy SD27: Mix of Homes** sets out a broad strategic mix of affordable dwelling sizes. **Policy SD25: Development Strategy**, and in particular paragraphs 7.15 and 7.16, outlines the SDNPA's approach with respect to Whole Estate Plans and affordable housing. Policies SD27, SD28 and SD29 are replicated in **Appendix I** to this SPD.

Purpose of this SPD

- 1.4 The SPD provides further guidance to support the implementation of the Local Plan policies, in particular Policy SD28: Affordable Homes and Policy SD29: Rural Exception Sites. The SPD therefore supports Local Plan Objective 8: To protect and provide for the social and economic wellbeing of National Park communities supporting local jobs, affordable homes and local facilities. It covers a number of detailed matters which are set out in the Contents page of this document.

2.USING POLICY SD28: AFFORDABLE HOMES

Assessing 'gross capacity' and artificial subdivision of sites

- 2.1 The capacity of sites in the national park to accommodate development will depend on a number of factors. Most importantly, all developments must be 'landscape-led' and thereby enhance landscape character. But within this, it should also make appropriate and efficient use of the land.
- 2.2 Policy SD28 includes thresholds that refer to 'gross capacity'. This means that the development layout and design, and the sizes of houses and their plots, will be expected to reflect SDLP (and where relevant Neighbourhood Plan) policies.
- 2.3 In assessing site capacity, the SDNPA will consider carefully whether the number of homes proposed makes efficient and appropriate use of the site. Particular regard will be had to SDLP Strategic Policies SD4: Landscape Character, SD5: Design, and SD27: Mix of Homes. If the development does not make optimum use of the site (for example, by providing uncharacteristically large plot sizes, and/or failing to provide smaller dwellings to meet identified housing needs), the SDNPA may conclude that the use of the land is not appropriate, and also that not enough affordable housing is being provided. It should be emphasised however that a landscape-led approach, which takes account of site specific factors, will always be used when assessing site capacity.
- 2.4 Policy SD28 part 5 states that developers may not circumvent the policy by artificially subdividing sites. The development site itself (as identified by the 'red line') should include all existing elements of built development that are being materially modified (e.g. extended, reconfigured

or converted). As such, any existing dwelling or building on a plot proposed for development should only be excluded if there is no material alteration to that building proposed. If there are changes to the access, garden or parking to an existing dwelling or building that is necessary for the wider development to go ahead, the SDNPA may conclude that the land and building in question form part of the same development site.

- 2.5** Should two or more separate planning applications come forward within 5 years for adjacent sites within the same ownership and/or which have a clear functional link, the SDNPA may conclude that the developments should be considered as a single scheme. The SDNPA will, in such cases, consider evidence including land transaction data, the closeness in time of the applications being made, and appropriate evidence of ownership at the times the respective applications were made.

Types of uses to which policy applies

- 2.6** Strategic Policy SD28 Affordable Homes is applicable to all development proposals falling within the Use Class C3. Developments falling into the Use Class C1 (hotels) and C2 (residential institutions) do not attract the requirement for affordable housing. Use Classes C3 and C2 as defined by the Town and Country Planning (Use Class) order 1987 as amended are as follows:

Use Class C3

Use as a dwelling house (whether or not as a sole or main residence) by

- a. a single person or by people to be regarded as forming a single household
- b. not more than six residents living together as a single household where care is provided for residents
- c. not more than six residents living together as a single household where no care is provided for residents (other than use within C4)

Use Class C2

Residential Institutions - Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses))

There is a clearer distinction between Use Classes C1 and C3, as C1 applies to hotels and guesthouses that contain no capacity for use as a separate, independent unit of accommodation and provide no significant element of care (notwithstanding the ancillary provision of a manager's flat).

- 2.7** Historically Use Class C2 has been used for the more traditional forms of residential institutions providing care such as 'nursing homes' and 'care homes' provided by Local Authorities and some private companies. However, the provision of care has increasingly taken alternative forms consisting of 'assisted living', 'extra care', 'retirement village' and 'sheltered accommodation' which are different from a 'nursing home'. These alternative forms of care often take the form of self-contained dwellings (i.e. residents have their own front door where differing levels of care are provided to individuals living in those dwellings, which contain all the domestic facilities to enable independent living), as part of a wider housing complex or estate. Given this, the distinction between Use Class C2 and C3 has become less clear.
- 2.8** Where there is doubt over the use class, the SDNPA will presume in favour of Use Class C3, and the onus will be on the applicant to demonstrate otherwise. This bears in mind the identified

need for affordable specialist housing including for older people.³ Each proposal will be assessed on its own merits to assess the level of care being provided to the individuals and the constituent parts that make up the wider care provision. The amount of care provided at a residential institution or accommodation must be significant, and the care provided must be the primary reason why residents seek to live in the residential institution or accommodation. To this end, the SDNPA will begin the case by case consideration for compliance with Use Class C2 where the units are restricted to those aged 65 years or over and requiring a minimum of 4 hours of care needs per week. Outside of this definition, and if the units are self-contained, they will be considered as Use Class C3.

2.9 Elements to consider when making the judgement include:

- Built form of the development (e.g. scale, facilities provided such as private kitchens), dwelling types, dwelling features, building standards);
- Tenure (for sale, shared ownership, leasehold, mix);
- Allocation and eligibility criteria (age restriction, individual assessment of and minimum level of care needs etc);
- Level of service charge (whether these are well beyond those that might reasonably be expected in non-institutional accommodation);
- Provision of meals (either within a communal dining area or provided to residents' rooms) and other services (is it linked to the needs of the individual's personal care),
- Provision of communal facilities (kitchen, social areas, therapy rooms, offices and other areas for staff), and
- Housing and other support provisions (care provider / agency on site, multiple care agencies providing care).

2.10 These elements will be weighed up to determine whether a proposal falls within Use Class C2 or C3. For a proposed development to fall within Use Class C2, whether residents qualify as 'people in need of care' is key. Care can include medical care but extends to other forms of care needs due to age or disablement. In contrast, residents of extra-care housing, may be in receipt of care, but retain a degree of independence beyond that enjoyed by occupants of a care home and would therefore still be considered a C3 Use.

2.11 The facilities of the dwelling will also be taken into consideration, for example whether they include a private front door and lounge / kitchen area, and the extent to which the dwelling can function as a separate unit. It is necessary to look at the interrelationship between the dwellings and the rest of the development, taking into account the primary purpose of the development as a whole.

Affordable housing tenures

2.12 'Affordable housing' is an umbrella term that covers housing provided to eligible households whose needs are not met by the market, with eligibility based on local incomes and local house prices. This includes a number of different ownership and/or rental options, referred to in this

³ South Downs Local Plan (2014-33) paragraphs 7.42 to 7.44 and Figure 7.3

document as tenures. The main types of affordable housing are ‘social rented’, ‘affordable rented’ and ‘intermediate’ affordable housing.

- **Social rented housing** is the SDNPA’s preferred form of rented affordable tenure, as they are the most affordable to those in greatest need. It is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime.⁴ It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with Homes England / Regulator of Social Housing.
- **Affordable rented housing** is housing that must be rented at no more than 80 per cent of the local market rent (including service charges, where applicable). It should also be provided at a level of rent (and any additional service charge) which does not exceed the Local Housing Allowance (LHA) for the relevant area.⁵
- **Shared Ownership housing** describes housing where the occupier purchases with a mortgage part of a home and pays rent on the remainder. These are primarily provided by Registered Providers. Due to the high cost of housing in the National Park, shared ownership housing should offer buyers a maximum initial share of 25% of the open market value of the dwelling. The annual rental charges on the unsold equity (share) plus any service charges should be no more than 2.75% of this share. Shared ownership affordable housing should be available in perpetuity to those in housing need if the house is sold on in future, with the exception that occupants may increase (or ‘staircase’) their equity share towards outright ownership. Flexibility may be necessary to take account of affordable housing providers’ business models, provided the core objective of meeting the housing needs of those who cannot afford market prices are met. Nevertheless, Regulations⁶ may apply in some areas which restrict the leaseholder’s equity share to a maximum of 80%.
- **Intermediate home ownership** covers homes for sale at a cost below market levels provided to eligible households whose needs are not met by the market. They can include shared ownership, shared equity, equity loans and discounted market sales. **Shared equity homes** are where the occupier buys a home paid in part by a conventional mortgage and part through a short-term loan from the provider and/or Government. **Discounted market sales housing** is a form of intermediate home ownership and is defined in the NPPF. The NPPF states that this should be provided at a discount of **no less than 20%** below market value. Subject to evidence provided on a case-by-case basis, the SDNPA **will seek a discount of a minimum of 30% below local market value** to reflect the high cost of buying a home in the National Park and local income levels. The level of discount should ultimately reflect what is realistically affordable to a lower income household on a lower quartile salary. The discount should

⁴ Current guidance on setting a social rent formula is contained in ‘Guidance on Rents for Social Housing’ (DCLG, May 2014), which is published on gov.uk. It is likely that a new formula will be introduced from 1 April 2020 – see <https://www.gov.uk/housing-local-and-community/housing> for updates.

⁵ Current Local Housing Allowance rates can be viewed on the Directgov website at <https://lha-direct.voa.gov.uk/>

⁶ The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009, 2009 No. 2097 and The Housing (Right to Enfranchise) (Designated Protected Area) (England) Order 2009, 2009 No. 2098

‘run with the land’ such that if the house is sold on in future, the same level of discount will apply for future eligible buyers.

- Where the site relates to an endorsed Whole Estate Plan (WEP) and the landowner is looking to retain the housing themselves to deliver as affordable, the affordable housing must be provided in perpetuity, the tenures on which they are provided should aim to reflect an appropriate tenure split in line with the requirements of Policy SD28 and shall be secured by S106 Agreement.

2.13 The National Planning Policy Framework (NPPF) was revised in 2018 and again in 2019. The revised NPPF changed the definition of ‘affordable housing’ as applies to national policy, to include ‘starter homes’ and provide more detailed explanation of different forms of rented affordable housing and low-cost ownership. For avoidance of doubt, the definitions set out in the SDLP Glossary will apply in the National Park. Any additional definition contained in made NDPs will apply in the respective neighbourhood area. However it may be appropriate to refer to the national definitions, where these provide greater detail.

2.14 A legal agreement (‘Section 106 Agreement’) will set out the precise tenure restrictions applicable to a particular scheme.

Mix of dwelling sizes and tenures

2.15 Policy SD28 seeks to maximise delivery of affordable housing to meet local need, whilst providing a tenure mix that reflects the needs of the National Park as a whole. Paragraph 7.59 of the SDLP confirms that an alternative tenure mix to that set out in Policy SD28 may be proposed to reflect needs specific to the local community, provided this is robustly evidenced and supported by the relevant housing provider.

2.16 It is clear from evidence underpinning the SDLP that the overriding housing need in the National Park is for low-cost rented accommodation. Therefore any alternative tenure mix that reduces the rented element should be underpinned by an up-to-date local housing needs assessment. This should take account of evidence both from the Local Housing Register, and from a thorough analysis of locally expressed needs which has looked at future demographic change as well as the immediate existing need. This evidence should be based on recent data that is no more than 2 years old, and endorsed by the relevant local housing authority (generally this will be a local housing enabler employed by the relevant housing authority) or community led housing group. Consultation with the relevant parish council would be expected in the preparation of this evidence.

2.17 Affordable dwelling sizes should also reflect Policy SD27: Mix of Homes (part I(a)). This reflects evidence of most affordable housing need being for smaller dwellings. The tenure mix across dwelling sizes should be proportionate, to achieve an even spread of unit sizes for the different tenures. Regard should be had to any local housing needs evidence in achieving the broad mix required whilst also rounding to whole numbers.

2.18 **Figure I** provides a worked example to illustrate this.

FIGURE I: WORKED EXAMPLE OF HOUSING MIX FOR 10 AFFORDABLE HOMES AS PART OF A 20 DWELLING SCHEME

A scheme of 20 dwellings is proposed. 50% of these dwellings (10 dwellings) are provided as affordable homes in line with Policy SD28 1(a). A suitable mix of sizes and tenures may be as follows:				
Dwelling size (no. bedrooms)	Proportion of dwelling sizes (Policy SD27)	Rented (at least 75% of affordable units) (Policy SD28)	Intermediate (up to 25% of affordable units) (Policy SD28)	Total
1 bedroom	35%	2 (see Note 3)	1	3
2 bedrooms	35%	3 (see Notes 1 & 3)	1	4
3 bedrooms	25%	2	0	2
4 bedrooms	5%	1	0	1 (see Note 4)
Total		8 (see Note 2)	2	10
<p>It should be noted that, as the mix must be in whole numbers, it has been necessary to round figures up and down as appropriate:</p> <ol style="list-style-type: none"> 1. It is appropriate to provide more 2 bedroom dwellings as Policy SD27 states that 1 bedroom affordable dwellings may be substituted with 2 bedroom affordable dwellings. 2. It is appropriate to over-provide rented units against the 75% target overall. Therefore 8 of 10 units (80% of overall total) are provided as rented. 3. 5 of 7 units with 1 or 2 bedrooms are provided as rented, which is equivalent to 71%. However this slight undersupply is compensated for by 100% of the 3-bedroom units being provided as rented. 4. The 4-bedroom unit represents 10% of the total. An alternative acceptable approach may be to provide 3x3-bedroom rented affordable homes and no 4-bedroom unit, dependent on any local evidence which may provide a steer. 				

Applying occupancy restrictions and local connections criteria

2.19 Policy SD28 part 4 states that occupancy conditions and local connections criteria will be applied to affordable housing to ensure local needs are met. The SDLP in paragraph 7.61 states that local connections will be assessed in a cascade manner, as outlined in the SI06 agreement, to include the respective needs of:

- i) the relevant settlement, then
- ii) the parish, then
- iii) the wider area including nearby settlements and parishes within the National Park.

2.20 Therefore, in line with paragraph 7.61 of the SDLP, the following cascade will be followed when assessing local connections in relation to prioritising the allocation of homes to local people in need of affordable housing for all forms of affordable housing delivery:

- Priority 1: Local connection to the settlement where development is proposed;
- Priority 2: Local connection to the parish where development is proposed, and partly or wholly within the South Downs National Park;
- Priority 3: Local connection to the contiguous neighbouring parish, to the parish within which development is proposed, and partly or wholly within the South Downs National Park; and finally
- Priority 4: Local connection to another nearby parish partly or wholly within the South Downs National Park.

2.21 Paragraph 7.62 of the SDLP states that local connections will be determined primarily by the Authority, parish council and relevant housing authority. Paragraph 7.81, with respect to Rural Exception Sites, also cross-refers to the requirement for conditions to ensure the needs of local people are being met. For avoidance of doubt, such conditions and criteria will be set out in the Section 106 Agreement and/or in the planning permission conditions. The specific local connection criteria will depend on where the scheme is proposed. In addition, the local connection criteria applied to a specific site may reflect evidence provided by relevant community-led and legally constituted organisations or Community Land Trusts where applicable. Generally, the following will apply:

- a) Where there is a Neighbourhood Plan (NDP) which is 'made' or at an advanced stage of preparation, the relevant local connections policy will be used where included in the NDP.
- b) If the above does not apply, the starting point will be the most up-to-date housing allocations policy definition of 'local connection' that is applied by the relevant local housing authority, as applies in the South Downs National Park or in Designated Rural Areas⁷ where specified, provided this prioritises need within South Downs National Park settlements or parishes and follows the cascade set out in paragraph 7.61 of the SDLP and paragraph 2.19 of this SPD.
- c) Where neither a. nor b. apply, the following will define a person or household considered to have a local connection. The area to which this relates will be dependent on where has been reached in the cascade set out in paragraph 2.19 above.
 - i. Ordinarily resident in the National Park, or
 - ii. Previously ordinarily resident, or
 - iii. Currently employed by, or is due to take up permanent employment with, an established employer with a registered business premises based in the relevant area, or

⁷ Designated Rural Areas are defined in the NPPF 2018 as National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985. Therefore the whole of the South Downs National Park is a Designated Rural Area.

iv. Has demonstrated a need for essential support by a family member who is ordinarily resident.

- d) The cascade from settlement / parish / wider area within the South Downs National Park will be applied in accordance with the availability of prospective residents on the relevant housing register(s) within each of these respectively or any other locally up-to-date evidence such as a local housing needs assessment.
- e) Where alternative criteria are proposed, for example to respond to the particular needs of a rural estate, large farm, or as expressed in a Neighbourhood Development Plan, this should be clearly evidenced. Material weight will be given to this when evidenced in an endorsed Whole Estate Plan or as otherwise robustly evidenced in respect of the specific circumstances of the scheme.

2.22 Occupancy conditions will may be applied to limit future occupants to ensure the dwelling remains available to those with a local connection in perpetuity. Occupancy conditions may also be applied where there is a proven need for those with a particular work connection, in respect to maintaining the special qualities of the National Park. Regard will be had as appropriate to Development Management Policy SD32: New Agricultural and Forestry Workers' Dwellings.

Discount Market Sales

2.23 To ensure Discount Market Sales affordable housing meets local needs, occupancy conditions and local connections criteria will be applied as set out in Policy SD28 part 4. Marketing arrangements will be included in a S106 agreement and will include minimum marketing periods to ensure local needs are prioritised in line with the cascade set out in paragraph 7.61 of the SDLP and paragraph 2.19 of this SPD. Marketing will be targeted at those on the Help to Buy Register, a target market for discounted home ownership; with the Authority and relevant parish council being notified of the availability, asking price and intended start date for the marketing of any property prior to the commencement of marketing.

2.24 Discount Market Sales will only be sold to qualifying persons. In order to qualify for Discount Market Sale dwellings the following eligibility criteria, secured through a S106 Agreement, will apply:

- One member of the household must meet the local connection criteria as detailed in section 2.19
- The total household income must be less than £80k per annum (gross)
- A first time buyer meaning someone who does not own any other residential property either in whole or part

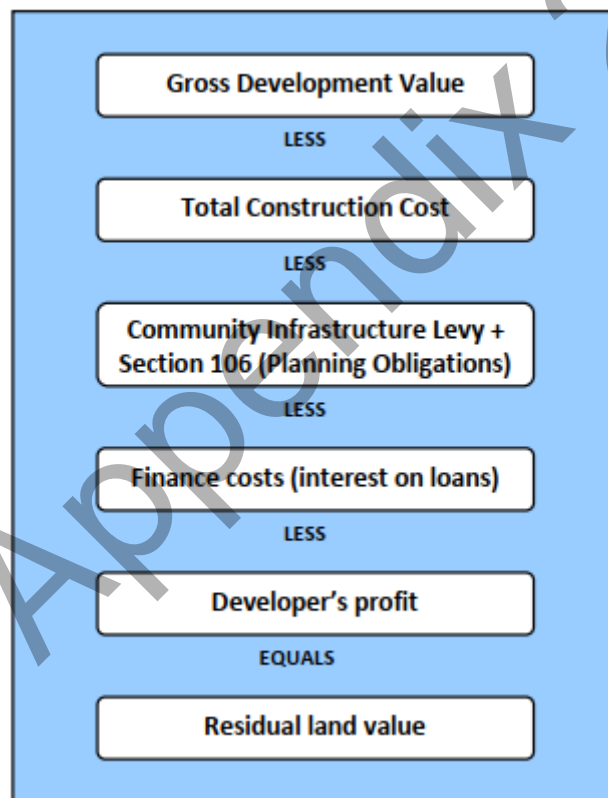
Viability appraisal

2.25 Policy SD28 part 2 recognises that, exceptionally, provision of affordable housing in a way that complies with the policy may render a development financially unviable. Paragraphs 7.64 to 7.68 of the SDLP set out the expectations of the SDNPA where this is considered to apply. A viability appraisal should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should

be made publicly available. Reference should be made to Planning Practice Guidance for further advice on public availability.⁸

- 2.26** The SDLP is in line with the more detailed Planning Practice Guidance (PPG) with respect to viability and decision-making.⁹ Applicants should have full regard to this advice, in addition to complying with the SDLP. PPG makes clear that under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan (Paragraph 011 Reference ID: 10-011-20180724).
- 2.27** The starting point for a viability appraisal is to establish the ‘residual land value’ (RLV) for the site being developed. This is the amount that the developer can afford to pay for the development site, once all reasonable costs have been met. It is the difference between the value of the completed development on the one hand, and the overall cost of the development on the other. **Figure 2** shows in a simplified form how this calculation works.

FIGURE 2: RESIDUAL LAND VALUE



- 2.28** To establish whether a scheme is viable, the residual land value is compared with a benchmark land value (BLV). This is defined as the value of the site in its existing use (the ‘existing use value’ or ‘EUV’), plus a ‘premium for the landowner’ which is the minimum return at which it is considered a reasonable landowner would sell their land for development. The guideline

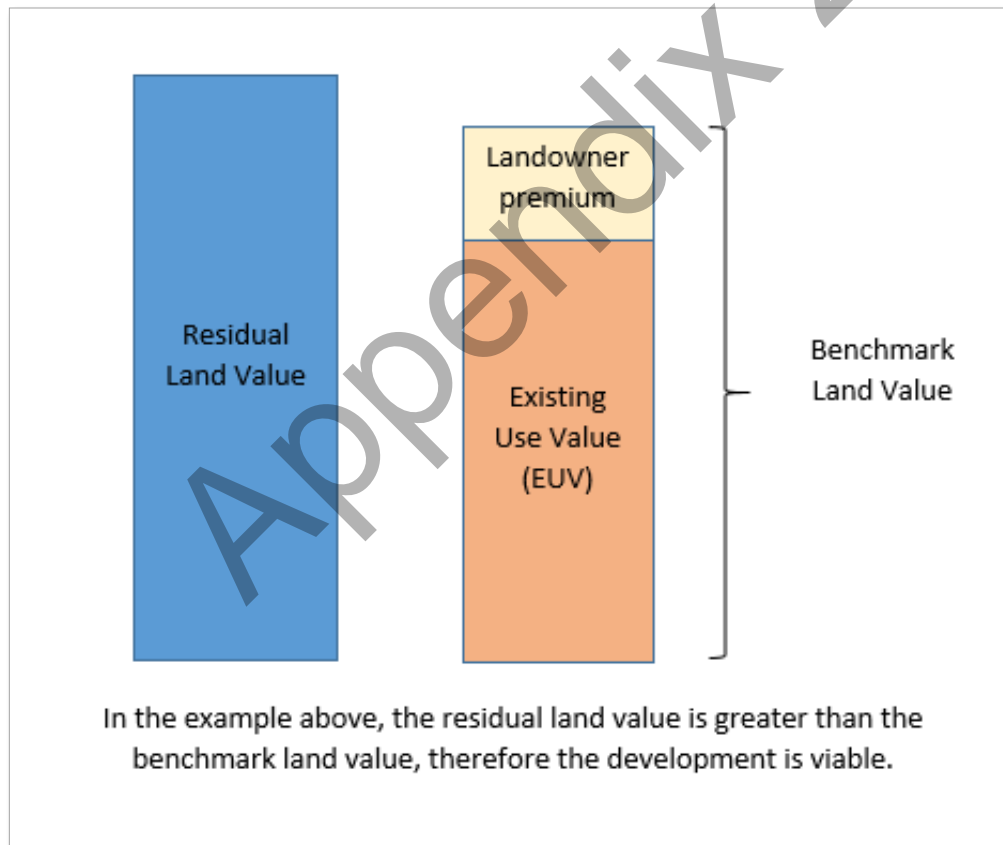
⁸ www.gov.uk/guidance/viability. See ‘Should a viability assessment be publicly available?’ Paragraph: 021 Reference ID: 10-021-20190509

⁹ www.gov.uk/guidance/viability. See Viability and decision taking, Paragraph: 007 to 021 Reference ID: 10-007-20180724 to 10-021-20180724

landowner premium for sites with a non-agricultural use is 10% of EUV.¹⁰ **Figure 3** illustrates the RLV approach.

- 2.29** When assessing the viability of a scheme, a number of key inputs are required. The minimum content for an applicant's viability appraisal is set out in **Appendix 3**. The Residual Land Value should be supported by evidence from comparable development land sales. (This can provide a sense check but should also consider adjustments to factor in newly adopted planning policies.) In addition, the SDNPA will expect confirmation of the price paid for the property/land or the price expected to be paid for the property/land on the grant of planning permission together with confirmation of the contractual terms relevant to the determination of the purchase price within any contingent sale agreement or option agreement including minimum price and overage provisions. Price paid is not allowable evidence for the assessment of BLV and cannot be used to justify failing to comply with policy. The SDNPA will ordinarily conduct an independent review of the elements of this supporting evidence, which would be required to be funded by the applicant.

FIGURE 3: BENCHMARK LAND VALUE



¹⁰ A commonly used range assumed for appropriate EUV for previously developed sites is 10%-30% of EUV. For example see paragraph 3.46 of the Mayor of London Affordable Housing and Viability Supplementary Planning Guidance 2017 (GLA, 2017) – see <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/affordable-housing-and-viability-supplementary-planning-guidance-spg>

Financial contributions in lieu of on-site provision

- 2.30** In accordance with Policy SD28, financial contributions towards affordable housing will be accepted on sites with a gross capacity of 3 homes. Exceptionally, financial contributions in lieu will also be accepted on proposals of 4 to 10 dwellings where robust evidence has been provided, analysed and agreed by the Authority that on-site provision of affordable housing is genuinely not feasible. On larger sites of 11 or more homes the expectation will be for on-site provision of affordable homes. All residential development (including self-build and custom housebuilding) is subject to Policy SD28.
- 2.31** Funds raised from such financial contributions will be used primarily to increase the overall number of affordable homes (including through supporting community led housing initiatives), or on occasion to achieve an optimum tenure mix to meet local need. For example, funds may be used to cross-subsidise delivery of rural exception sites to ensure that 100% affordable housing is achieved. A legal agreement will be required that sets out the terms of payment. The Authority will seek to use funds raised within the parish where they are collected where possible within a timely manner, but failing this the money will be used for affordable housing provision elsewhere in the National Park.
- 2.32** The Authority's approach to calculating the in lieu financial contribution, is to base the calculation on the cost of providing affordable housing on another site without subsidy. The financial contribution is based on the development cost (comprising build and land costs) minus the revenue that can be expected from selling to a Housing Association or other Registered Provider. The detailed methodology is set out in **Appendix 2** and in lieu financial contributions will be accepted in line with the amounts set out in **Figure 4** below. These figures will in future be altered on 1 April each year in line with the BCIS All-in Tender Price Indices rounded to the nearest whole pound. The in lieu financial contribution rate will be kept under review to reflect the changing cost of affordable housing provision.

FIGURE 4: AFFORDABLE HOUSING IN LIEU FINANCIAL CONTRIBUTION PAYMENT TABLE, 2019

Development size	Affordable housing requirement	In lieu financial contribution
3 homes	Meaningful financial contribution	£46,832 (which is equivalent to half of an affordable home, and subject to site specific circumstances)
4-5 homes	1 affordable home	£93,664
6-7 homes	2 affordable homes	£163,181
8 – 9 homes	3 affordable homes	£244,772
10 homes	4 affordable homes	£326,363
11+ homes	Minimum 50% of homes	£93,664 per affordable home necessary to meet the 50% minimum

Dealing with conversions

- 2.33** Policy SD28 applies to the gross site capacity. The policy equally applies to the conversion of an existing building to create or increase the number of C3 residential units, irrespective of the existing floorspace. So, for example, if a large dwelling is proposed to be converted into a total of 4 smaller dwellings (even with no net increase in floorspace), there would be a requirement to provide 1 affordable home in line with Policy SD28.
- 2.34** Vacant building credit may apply with respect to existing floorspace if the relevant tests are met. See section below on Vacant Building Credit.

Applying the Vacant Building Credit

- 2.35** The NPPF (paragraph 63) provides for a 'vacant building credit' (VBC), in effect reducing the requirement for affordable housing in some instances where a development is proposed on previously developed land that accommodates vacant buildings. National Planning Practice Guidance (NPPG) explains that the gross floorspace of vacant buildings being brought back into use or demolished will be 'netted off' from the total floorspace of the new development proposed. VBC does not apply to buildings that are either currently or have recently been in active use, or have been abandoned. If the building in question has been made vacant for the sole purpose of re-development, it is unlikely that the VBC will apply.¹¹
- 2.36** The NPPG, then sets out the types of issues to be assessed, on a case-by-case basis, in order to determine whether VBC will apply. If VBC is being sought within the National Park, then there are a number of key criteria that the Authority will use to assess whether it applies or not. The criteria, set out below, should be addressed in any relevant planning application submission.
- 2.37** For clarity, for any reference to 'building' for the purposes of VBC, the whole of a building will need to be deemed to be vacant to qualify for VBC.

FIGURE 5: CRITERIA USED IN THE ASSESSMENT OF APPLICATIONS FOR VACANT BUILDING CREDIT

Criteria	Reference	Assessment and Evidence Required
Is the application site a brownfield site?	NPPF paragraph 63 and Annex 2: Glossary	VBC is an incentive for the redevelopment of brownfield sites containing vacant buildings. Therefore, there is a need to demonstrate that the site meets the definition of 'previously developed land', as set out in the Glossary of the NPPF.
Has the building been abandoned?	NPPF paragraph 63 and NPPG Paragraph: 028 Reference ID: 23b-028-20190315	If a building has been abandoned (where a property has been disused to the extent that it has lost its existing use rights) then VBC will not apply. Therefore, following case law, the applicant will need to provide evidence relating to the factors below to demonstrate that the building has not been abandoned:

¹¹ Planning Practice Guidance on Planning Obligations, paragraphs 026-028. (Reference ID: 23b-025-20190315, 23b-026-20190315, 23b-027-20190315)

		<ul style="list-style-type: none"> • The physical condition of the building; • The length of time the building has not been used for its permitted purposes; • Whether it has been used for any other intervening purposes, and • The owner's intentions.
Has the building been made vacant for the sole purpose of redevelopment?	NPPG Paragraph: 028 Reference ID: 23b-028-20190315	Applicants will need to demonstrate through written records (such as Rates, Council Tax records and tenancy agreements) that the building has been vacant for continuous period of at least 3 years before the application was submitted.
Is the building covered by an extant or recently expired planning permission for the same or substantially the same development?	NPPG Paragraph: 028 Reference ID: 23b-028-20190315	The Authority will check the application site for planning permission for development of a similar basis or scale which are extant or have expired within the previous 12 months.
Is a claim being made that any part of the building(s) is 'in-use' for the purposes of the Community Infrastructure Levy (CIL)?	Community Infrastructure Levy Regulations 2010 (as amended), Schedule 1 (Regulations 40 and 50)	Under the CIL Regulations, the CIL Liability payable can be off-set when any part of a building has been 'in-use'. 'In-use' is defined as being in lawful use for a continuous period of at least 6 months within the period of 3 years ending on the day planning permission is granted.

2.38 For avoidance of doubt, the Authority is unlikely to accept a claim for VBC and a claim that any part of the building is 'in-use' for purposes of the CIL Regulations.¹²

2.39 As Policies SD28 and SD29 require provision of on-site affordable units, the following methodology will apply:

- i) Calculate affordable housing provision for the whole development, in line with Policy SD28 or SD29;
- ii) Calculate the existing floorspace of buildings that are 'vacant' (see paragraph 2.32 above) as a proportion of the floorspace of the whole proposed development – this gives the VBC discount as a percentage;
- iii) Subtract the percentage credit from 100% to give the percentage multiplier to apply to the affordable housing element;

¹² See Regulation 40 and Schedule 1 of the the Community Infrastructure Levy Regulations 2010 (as amended)

- iv) Apply the VBC discount as a percentage to the normal affordable housing requirement (as calculated in (i));
- v) If a fraction of a unit results (e.g. 3.2 units), the fraction will translate to a financial contribution as applies to the contribution that would normally be sought for one affordable unit (as set out in Figure 4 or subsequent updates), to be sought in addition to on-site provision¹³;
- vi) When Policy SD28 applies, the on-site affordable housing tenure should reflect as closely as possible the full quota of affordable rented, as required by Policy SD28 as applied to the whole development.

2.40 Figure 6 below sets out a worked example of how the VBC would be applied:

FIGURE 6: WORKED EXAMPLE OF HOW TO APPLY THE VACANT BUILDING CREDIT

A scheme of 9 dwellings is proposed with a total gross floorspace area of 800m² within a settlement boundary. However there exists on the site a vacant workshop building (which is eligible to trigger VBC) that has a gross floorspace of 160m².

The number of affordable units to actually be provided is worked out as follows:

- i) Calculate the affordable housing provision for the whole development in line with Policy SD28-
 - 3 affordable homes, at least 2 of which are rented affordable tenure
- ii) Divide the vacant building floorspace by the total floorspace-
 - $160 / 800 = 0.2$ or 20% 'credit'
- iii) Subtract the 'credit' from 100%-
 - $100\% - 20\% = 80\%$
- iv) Apply the VBC discount as a percentage to the normal affordable housing requirement-
 - $80\% \times 3 = 2.4$ units
- v) Translate the fraction of a unit to a financial contribution, with reference to Figure 5 or subsequent updates-
 - 0.4 of a unit \times £93,664 equals £37,465.60
- vi) Calculate unit tenure to as closely as possible reflect the Policy SD28 requirement for affordable rented tenure, as applies to the whole development-
 - 2 rented affordable units would normally be sought from a development of 9 dwellings therefore both on-site affordable units should be an affordable rented tenure.

In summary, the development should therefore provide:

- 2 rented affordable units, and
- a financial contribution of £37,465.60 (or the equivalent pro-rata amount arising from updates to Figure 5).

¹³ If applying VBC discount results in less than one whole affordable unit being required on a site, a financial contribution will be accepted in lieu of on-site provision.

- 2.41** If it has been agreed that a financial contribution in lieu of on-site affordable housing is appropriate, the amount should reflect the scale of provision set out in Figure 4, after the VBC has been applied using the methodology above. In the example above, the amount would be £200,646.60 (i.e. £163,181 plus £37,465.60) or the equivalent figure following annual review of Figure 5.

Agricultural forestry and estate workers

- 2.42** The SDLP recognises the importance of providing ‘tied’ dwellings for occupation by essential rural workers. Policy SD32: New Agricultural and Forestry Workers’ Dwellings seeks to protect such existing dwellings, and allows for new such dwellings in appropriate circumstances.

- 2.43** With respect to tenure, an occupational tie provides in effect a form of ‘key worker housing’. As there is no requirement for such a dwelling to provide a low-rent or intermediate tenure, it does not automatically make a dwelling affordable, and may not be available to all those who qualify as having a local connection. Such a dwelling can however be defined as ‘affordable’ for the purposes of Policy SD28 if the tenure provided is in line with the definitions given in the SDLP and in paragraph 2.12 of this SPD.

- 2.44** With respect to rural workers, it is recognised that large rural estates employ people who are seen as integral to the long term viability of the estate and the sustainability of the wider community to which it relates, but are not defined as agriculture or forestry workers. Nevertheless, they may still qualify as having a need for affordable housing, and be able to demonstrate a local connection as defined in the SDLP and in this SPD.

- 2.45** Paragraph 7.16 of the SDLP states:

Where new dwellings are proposed as part of a Whole Estate Plan, these should meet the priority housing needs of the local area, hence should be affordable homes, or accommodate full-time, rural workers as defined by Policy SD32 and its supporting text. An exception may be made where to do so would make the delivery of multiple benefits to ecosystem services and the special qualities of the park unviable, provided clear evidence is provided in the endorsed Estate or Farm Plan.

- 2.46** The exception described above may apply to a specific identified need for affordable accommodation that is not strictly within the definition of either ‘affordable housing’ or ‘agricultural worker or forestry worker’s dwelling’. If an applicant considers that an exception case can be made such that these definitions are ‘flexed’, whilst still meeting the core objective of meeting local affordable housing needs, this will be viewed in light of the following:

- Is there an endorsed Whole Estate Plan which provides robust evidence and justification for such a departure, including demonstration of the multifunctional benefits that could be delivered through the delivery of the housing?
- Does the proposed scheme provide for people or families in the local settlement or parish who are in need of affordable housing, but are not working for the estate or organisation who proposes development?

- 2.47** The existence of an endorsed Whole Estate Plan will potentially provide weight to any exception case made. Consideration of rural workers’ needs may also, however, be material when assessing proposals not covered by a Whole Estate Plan on a case by case basis.

Delivering affordable housing

- 2.48** Developers are responsible for delivering affordable housing in line with planning policy, or to comply with a legal agreement or condition. This means that the developer should partner with a registered or other reputable provider of affordable housing. Alternatively the developer must demonstrate that they are able to themselves provide and manage the affordable housing to the same quality and cost to the occupier as an RP. Whoever provides the affordable housing must be willing to enter into a nominations agreement with the relevant local housing authority.
- 2.49** The SDNPA strongly encourages the involvement of community-led housing organisations who are looking to create permanently affordable housing to meet local housing needs. Indeed, the SDNPA makes available financial grants toward the cost of affordable homes delivered via community led housing groups. Community-led housing comes in many different forms which includes Community Land Trusts (CLTs) and affordable housing provided by other charitable trusts. A CLT is set up by a local community, usually to build affordable housing, and then oversee the homes being built and maintain some degree of control over their management into the future. Some CLTs may choose to enter into partnerships with other organisations who can offer experience and/or capital, such as a Registered Provider (RP) (see below).
- 2.50** Registered Providers (RPs) are formally recognised providers of low-cost social housing for people in need. Most RPs are housing associations, although other organisations such as charities and not-for-profit private companies can also be RPs. It is RPs who are best placed to partner with developers tasked with delivering affordable housing, unless there is a CLT or CLT/RP partnership set up for the local area who can take on the affordable dwellings. Where a CLT will deliver the affordable homes, an appropriate legal agreement should be drawn up between the developer and CLT.
- 2.51** It is recognised that there are particular challenges associated with providing very small numbers of affordable dwellings on a site. Whilst options may be more limited compared with larger developments, there are specialist providers of affordable housing who can take on small numbers, or even individual units. Where discounted market housing is agreed as acceptable, it may be appropriate to deliver the affordable homes without a third party provider being involved at all (although the discount provided will need to run with the land in perpetuity).
- 2.52** Whichever delivery model is used, the advice of both the planning authority and a suitable housing enabler¹⁴ should be sought at an early stage. This will allow any practical barriers to delivery to be addressed, ensure that planning obligations are fulfilled, and maximise the benefits to the local community.

Lewes Low Cost Housing

- 2.53** The Lewes Neighbourhood Development Plan (LNDP) forms part of the development plan for Lewes town.¹⁵ It includes Policy PL1 A (part 3) which requires development to maximise the amount of Lewes Low Cost Housing (LLCH) to meet local housing need, unless proven to be undeliverable. LLCH is defined as:

¹⁴ Most local housing authorities covering the SDNP have a rural housing enabler, or work in partnership with others to provide support for rural affordable housing. Advice can also be sought from the housing authority itself. SDNPA can provide suitable contacts on request.

¹⁵ The Lewes Neighbourhood Plan is published on the SDNPA website at www.southdowns.gov.uk/planningpolicy, and also at www.lewes4all.uk

“the maximum cost affordable on the average Lewes salary whether for sale or rent. The Government’s definition of 80% of market value is not “affordable” on the average Lewes income of £23,000 or house-hold income of less than £30,000, and for that reason will not address the community’s housing need.”

- 2.54** In Lewes town, the LLCH model will apply. Rented affordable dwellings should be provided at a rent level based on income rather than market rents, to reflect the aims of the LLCH policy.¹⁶ Intermediate housing for sale should be capped at a level which is 5 times the average Lewes household income.
- 2.55** The requirement to maximise LLCH is important. Where viability is a genuine barrier to delivery of LLCH, the applicant will be required to demonstrate this by submitting a robust viability appraisal. If a policy-compliant provision of affordable housing which meets both the SDLP and LNDP is not deliverable, an appropriate balance between the requirements of the SDLP and provision of LLCH will be sought. Some rented affordable dwellings should in any case be provided. Therefore any viability appraisal should test appropriate scenarios that have been agreed with the Authority in advance.

3. USING POLICY SD29: RURAL EXCEPTION SITES

What is a Rural Exception Site?

- 3.1** A Rural Exception Site (RES) provides 100% affordable housing in perpetuity to meet local needs, on land outside of any settlement boundary that would not normally be used for housing. SDLP Policy SD29 sets out criteria to be considered when assessing proposals for RESs:
- a) Affordable housing is provided in perpetuity;
 - b) The site selection process has considered all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability has been chosen;
 - c) The scale and location relates well to the existing settlement and landscape character;
 - d) It is shown that effective community engagement has fed into the design, layout and types of dwellings proposed.
- 3.2** An RES must provide affordable housing in perpetuity. Consequently, the homes must be secured through a Section 106 legal agreement with a clause to enable affordable homes to remain affordable indefinitely. This also relates to any intermediate housing, including shared ownership and discounted market sales housing. The Section 106 agreement will also ensure the homes will be for people in housing need and with a local connection to the community.

¹⁶ Social rented dwellings are defined in the South Downs Local Plan Glossary

- 3.3** As SDLP para 7.78 states the emphasis on rural exception sites in national parks should be on 100% affordable housing. If a viability appraisal demonstrates viability is a genuine barrier to delivering a RES, the Authority will work with the landowner, community and other stakeholders to establish the optimum alternative option which best meets the needs of the local community.

Evidencing local need

- 3.4** RESs must address the needs of the local community. The type and tenure of homes should be informed by the latest evidence of strategic and local needs, including the currently published Housing and Economic Development Needs Assessment (HEDNA) or future reviews as relevant. In addition, the RES should take into account the needs of the local community as expressed in the relevant Neighbourhood Development Plan or Parish Plan where these are supported by appropriate up-to-date evidence including local housing needs assessment and housing registers. Proposals for RES will be expected to provide an up-to-date local housing needs assessment as part of the evidence in support of the application. This should have been prepared or updated no more than 2 years before the planning application (or a fully worked-up pre-application scheme) is submitted. Consultation with the relevant parish council would be expected in the preparation of this evidence.

Site selection process

- 3.5** The selection of a site for an RES must be through a clear and evidenced selection process. This needs to have considered all reasonable available options. RES by their nature are an exception to Policy SD25 (which directs development to within existing settlement boundaries). The selection of the most suitable site needs to have taken into account which site is best related to the existing settlement, including providing best access to local services, which site fits best within the landscape, and which site offers the best opportunities to contribute to ecosystem services and can be delivered.
- 3.6** Some key considerations in assessing RES are, in brief:
- Relationship between the site and the existing settlement;
 - Contribution to ecosystem services, including in respect to the further points below;
 - Understanding the landscape character and its capacity to accommodate change;
 - Contribution to the natural environment and green infrastructure;
 - Vulnerability to flooding;
 - Impact on the historic environment, and
 - Physical access to local amenities, especially for pedestrians and cycles.
- 3.7** The relationship between a site and the existing settlement is the first consideration for the site selection process. The preferred site should fit well with the existing settlement pattern both in terms of location and by respecting the settlement character in terms of form and scale, whilst having regard to access and employment. In addition, all reasonably available sites should be evaluated in relation to their access to local amenities (in particular for pedestrians and cycles, but also for vehicles). Consideration should also be given to impact upon the historic environment, including conservation areas, individual buildings and archaeology.
- 3.8** In line with SDLP Policy SD4 all development proposals should conserve and enhance landscape character. A meaningful understanding of the landscape context and character should therefore inform the site selection process. The South Downs Integrated Landscape Character

Assessment, relevant community-led / local landscape character assessments and any bespoke assessment should be used to establish an understanding of the landscape context and character of the area and those positive characteristics which define local distinctiveness. The assessment should evaluate the capacity of each reasonably available site to accommodate change, and to conserve and enhance overall landscape character and settlement pattern. Landscape capacity will reflect the inherent sensitivity of the landscape and the value attached to the landscape, or to specific elements within it.

- 3.9** The site selection assessment should also consider the ability of each reasonably available site to have an overall positive impact on the natural environment, and to contribute to ecosystem services in accordance with SDLP Policy SD2: Ecosystem Services.¹⁷ To establish the baseline conditions of sites, a range of evidence base should be used including the Ecoserve GIS mapping (available on the South Downs Local Plan Policies Map webpage¹⁸). For each site, a baseline assessment should establish what characteristic assets exist such as trees, hedgerows and woodland, wildlife habitats, water or soils which are valuable for providing ecosystem service benefits. Once the assets present on each site have been established, these should be analysed to determine what opportunities exist to positively enhance the ability of the natural environment to contribute goods and services in line with the examples provided in SDLP Policy SD2.

Delivering rural exception sites

- 3.10** Due to their nature, RESs should be owned and managed by a Registered Provider (RP) or a constituted community led housing provider such as a Community Land Trust (CLT)¹⁹. Paragraph 7.82 of the SDLP explains that local partnership arrangements potentially involving an RP are an appropriate way to deliver a RES. Where an endorsed Whole Estate Plan (WEP) is in place, alternative options such as direct provision by the landowner may be appropriate, with the tenure mix being considered on a case-by-case basis.

4. LEGAL AGREEMENT FOR AFFORDABLE HOUSING

- 4.1** Affordable housing requirements will be secured by Section 106 legal agreement. An example S106 Agreement is provided on the SDNPA website and this template will be updated periodically as required.
- 4.2** All S106 Agreements related to affordable housing will:
- Detail the number and tenure of affordable housing to be provided on site (social rented, affordable rented, shared ownership etc.);

¹⁷ Policy SD2: Ecosystem Services – see South Downs Local Plan page 38

¹⁸ The interactive Policies Map is available at <http://www.southdowns.gov.uk/localplan>

¹⁹ Further information and advice is available on the National Community Land Trust Network – www.communitylandtrusts.org.uk

- Detail the assessment of local connection according to the following cascade; connection to the relevant settlement, then the parish, then the wider area including nearby settlements and parishes within the National Park;
- Detail the locations and number of bedrooms of the affordable dwellings;
- Contain formulas for calculating rent and service charge and/or sale value of units as relevant, and the initial equity for sale of shared ownership units to future occupiers;
- In the case of on-site affordable housing provision on a commercially-led scheme, state when the affordable housing will be provided (usually prior to occupation of a proportion of the open market units);
- Details of services and access roads that will be in place prior to disposal of the units to the affordable housing Provider or first occupation of the affordable housing units;
- Where relevant, specify the means by which the affordable units will remain as affordable for future occupiers in need of affordable housing;
- Include a requirement to notify the SDNPA of the development commencement and completion dates and the name, where applicable, of the Registered Provider for the Affordable Homes;
- In the case of financial contributions in lieu of on-site affordable housing, the legal agreement will include the amount payable to the SDNPA, the timing of that payment, and indexation and the interest chargeable in the case of late payment of the financial obligations;
- In circumstances where the full level of affordable housing has not been achieved as set out in Policy SD28, state whether there is to be an early review / late stage review or both, what the triggers will be, arrangements for covering the costs of the review, the detail of timings for the review, and how any surplus above target profit will be apportioned. It will also include a requirement to notify the SDNPA of when triggers are reached;
- The means of delivering the affordable units, i.e. whether through partnership with a Registered Provider or other specialist housing provider; through direct provision, and process of nominating occupiers of the affordable units
- Include a mortgagee in possession clause to provide for circumstances where a Registered Provider defaults on loan payments and a mortgagee takes control of the RP's interest in affordable housing units as assets against which the loan is secured. The clause will allow for another RP to purchase the affordable housing units within a specified timeframe.

4.3 Where reference is made to a specific Housing Authority, it should be acknowledged within the S106 Agreement that housing allocations will be, where necessary extended across the whole of the administrative area of the National Park in line with the cascade set out in paragraph 2.19 and 2.20 of this SPD.

4.4 Where the designated housing authority fails to nominate a person within 28 days of being notified of the availability of the affordable unit, or where a nominee fails to take up tenancy, the affordable housing provider shall be entitled to allocate such units to any person who is in need of an affordable home within the SDNP.

- 4.5** Housing Authority Nomination Agreements are to use the criteria and mechanisms for Affordable Housing detailed in the S106 Agreement.

Appendix 2

APPENDIX I: LOCAL PLAN POLICIES

Appendix 2

Strategic Policy SD27: Mix of Homes

Strategic Policy SD27: Mix of Homes

1. Planning permission will be granted for residential development that delivers a balanced mix of housing to meet projected future household needs for the local area. Proposals should provide numbers of dwellings of sizes to accord with the relevant broad mix.
 - a) Proposals for affordable housing delivered as part of a market housing scheme should provide the following approximate mix of units:
 - 1 bedroom dwellings: 35%*
 - 2 bedroom dwellings: 35%
 - 3 bedroom dwellings: 25%
 - 4 bedroom dwellings: 5%
 - b) Proposals for market housing should provide the following mix of units:
 - 1 bedroom dwellings: at least 10%
 - 2 bedroom dwellings: at least 40%
 - 3 bedroom dwellings: at least 40%
 - 4+ bedroom dwellings: up to 10%
2. Planning permission will be granted for an alternative mix provided that:
 - a) Robust evidence of local housing need demonstrates that a different mix of dwellings is required to meet local needs; or
 - b) It is shown that site-specific considerations necessitate a different mix to ensure National Park Purpose 1 is met.
3. Development proposals will be permitted for residential development that provides flexible and adaptable accommodation to meet the needs of people who are less mobile, or have adult homecare requirements. Development proposals of 5 or more homes will be permitted where it is clearly demonstrated that evidence of local need for older people's or specialist housing is reflected in the types of homes proposed.

*1 bedroom affordable dwellings may be substituted with 2 bedroom affordable dwellings

Meeting the needs of local households

- 7.33** The purpose of this policy is to ensure that development proposals provide a mix of homes that reflects the need and community aspiration for small and medium-sized homes.
- 7.34** The precise mix of homes within each proposal should be informed by the latest evidence of strategic and local needs, including the currently published *HEDNA* or future reviews as relevant. However, given clear evidence in the *HEDNA* of future household needs, it is important that new housing development focuses on providing smaller and medium size dwellings, to reflect the National Park duty to foster the well-being of the local communities.
- 7.35** The mix of dwellings set out in Policy SD27 is in line with the recommendations of the *SHMA* (and confirmed by the *HEDNA*), which is based on detailed modelling of housing market trends up until 2033. The *SHMA* and *HEDNA* recommend that market housing, in particular, should

be explicitly focused on delivering smaller family housing for younger households. This approach also complements Policies SD30: Replacement Dwellings and SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuildings, which similarly seek to retain smaller dwellings.

- 7.36** It is recognised that many housing sites are small and in such instances it may not be possible to achieve the exact proportions set out in Policy SD27. Nevertheless the requirements should be broadly met. For all proposals for standard occupancy housing, the onus will be on providing smaller homes, some of which should be suitable for families with children.
- 7.37** Affordable 1 bedroom dwellings may be substituted with 2 bedroom dwellings, in recognition that 2 bedroom dwellings are more adaptable to changing needs, for example, where a couple have children whilst living there.
- 7.38** For avoidance of doubt, any room in a proposed dwelling that is not a main reception room, kitchen, bathroom or WC, and has dimensions that allow for a single bed, will be counted as a bedroom. This will include studies and additional reception rooms.

Alternative mix of homes

- 7.39** The Authority recognises that future development will need to respond appropriately to local needs. Policy SD27 therefore allows for regard to be had to bespoke local housing need evidence relating to the parish. This would normally be in the form of a local (parish) housing needs assessment. Such evidence should be robustly and independently prepared, and agreed in writing with the Authority as an appropriate evidence base for informing new residential development. Where a made Neighbourhood Plan (NDP) proposes an alternative housing mix based on robust local evidence, this should be used in place of the mix proposed in Policy SD27.
- 7.40** Exceptionally, the effect of unit types and sizes on a scheme's financial viability may be a material consideration, where this has been clearly evidenced through independent viability appraisal. For avoidance of doubt, the overall proportion of affordable housing with tenure mix to reflect Policy SD28: Affordable Homes will be prioritised, if exceptionally necessary, over the normal mix of market housing.
- 7.41** The delivery of each element of supply will be subject to ongoing monitoring.

Older people's housing

- 7.42** The evidence from the *SHMA*, and confirmed by the *HEDNA*, demonstrates the importance of making provision for older people's housing. Furthermore, providing smaller homes suitable for older people encourages 'downsizing' which in turn frees up larger dwellings more suited to larger households.
- 7.43** The National Park has a higher than average proportion of its population within the 'older person' category of 55 years old or over, with further growth in this age demographic predicted. In particular, there is predicted to be strong growth in the 85+ age category.
- 7.44** The *HEDNA* identifies an indicative demand for some 90 homes per annum suitable to meet the needs of older people. This represents some 20% of the total objectively assessed housing need. Figure 7.3 indicates the different types of older people's housing need. There is a particular need for more sheltered housing in future.

FIGURE 7.3: ESTIMATED NEED FOR SPECIALIST HOUSING FOR OLDER PEOPLE, 2014 – 33

	Affordable		Market		Total	
	2014-33	Per annum	2014-33	Per annum	2014-33	Per annum*
Sheltered	506	27	758	40	1,264	67
Enhanced sheltered	81	4	121	6	202	11
Extra-care	101	5	152	8	253	13
Total	688	36	1,031	54	1,719	90

*Note total differs from sum of rows due to rounding

Source: *South Downs Housing & Economic Development Needs Assessment (GL Hearne, Sep 2017)*

- 7.45** All proposals for new residential development should include smaller homes that are designed to meet the living requirements of older people, for example, allowing step-free access to and within the home. Proposals of 5 or more dwellings are considered most likely to provide opportunity to achieve this. Sites that can reasonably accommodate a comprehensive mix of housing types should demonstrate that opportunities for specialist older people's accommodation have been fully investigated and, where appropriate, incorporated into the development. This should be of a type which reflects local or strategic needs, including affordability.

Other housing needs

- 7.46** The National Park Authority recognises that there are other specialist housing needs that exist in local communities. People with disabilities may have particular requirements in respect of how their homes are designed to function, that is, the need for 'accessible and adaptable homes'.
- 7.47** The national requirements and advice in respect of addressing such needs are set out in *statutory building regulations (Approved Document Part M)*. The Authority is supportive of proposals that go beyond meeting the statutory minimum standards.

Strategic Policy SD28: Affordable Homes

Strategic Policy SD28: Affordable Homes

- I. Development proposals for new residential development will be permitted that maximise the delivery of affordable housing to meet local need, and provided that, as a minimum, the following are met:
 - a) On sites with gross capacity to provide 11 or more homes, a minimum of 50% of new homes created will be provided as affordable homes on-site, of which a minimum 75% will provide a rented affordable tenure.
 - b) On sites with gross capacity to provide between 3 and 10 homes, a proportion of affordable homes will be provided in accordance with the following sliding scale, applied to new homes created:

3 homes	Meaningful financial contribution, to be negotiated case-by-case
4 – 5 homes	1 affordable home
6 – 7 homes	2 affordable homes, at least 1 of which is a rented affordable tenure
8 homes	3 affordable homes, at least 1 of which is a rented affordable tenure
9 homes	3 affordable homes, at least 2 of which is a rented affordable tenure
10 homes	4 affordable homes, at least 2 of which is a rented affordable tenure

Development proposals of 4 to 10 net dwellings will provide affordable housing on-site. Exceptionally, at the discretion of the Authority, financial contributions in lieu will be accepted.

2. Where, exceptionally, provision of affordable housing which complies with Part I of this policy is robustly shown to be financially unviable, priority will be given to achieving the target number of on-site affordable homes over other requirements set out in this policy.
3. Development proposals will be permitted provided that affordable housing units are integrated throughout the development, are indistinguishable in design and materials from the market housing on the site, and, where feasible, will remain affordable in perpetuity.
4. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.
5. Developers may not circumvent this policy by artificially subdividing sites.

Applying Policy SD28 to residential development

- 7.55** The purpose of Policy SD28 is to maximise the delivery of affordable homes across the National Park as part of market-led housing schemes.
- 7.56** All development falling within Use Class C3 is subject to Policy SD28, including any retirement or assisted living accommodation within this use class. The policy applies to all developments of 3 or more new homes, and applies to all residential units on the site that have been created by building new structures or converting existing structures.

Amount of affordable housing

- 7.57** Policy SD28 sets out a sliding scale of requirement for developments to provide affordable housing. This recognises the greater challenges that exist for small site developers in making such provision. These requirements have been tested for viability, taking account of the different market circumstances across the National Park. 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 should present robust evidence to demonstrate constrained viability or other exceptional circumstances.

Mix of affordable housing tenures

- 7.58** The *SHMA*, as confirmed by the *HEDNA* recommends that 75% of new affordable homes should be either social rented or affordable rented tenure to reflect evidence of need, with the remaining 25% being provided as intermediate forms of housing, such as shared or low-cost ownership. However the *SHMA* also recognises that different communities within the National Park have different needs and aspirations.
- 7.59** Policy SD28 reflects the *SHMA* strategic tenure mix (as confirmed by the *HEDNA*) as a requirement for new housing development, whilst allowing flexibility to reflect local need. Evidence of local need can include, but is not limited to: local (parish) housing needs assessment, relevant housing market assessment published by a local authority, and housing registers (waiting lists). If a tenure mix is proposed which departs from the strategic tenure mix set out in Policy SD28, robust evidence must be provided, which is supported by the relevant housing enabler.
- 7.60** The National Park Authority considers that social rent tenures are the most affordable to those in greatest need, and should be prioritised over other forms of rented tenure. Levels of rent for affordable rented homes must be genuinely affordable, and must not exceed the relevant Local Housing Allowance.

Local connections

- 7.61** Local connections will be assessed in a cascade manner: to include the needs of the relevant settlement; then the parish; and then the wider area including nearby settlements and parishes within the National Park, as necessary. Rural local connection criteria, which is linked to parishes, will take precedent over other needs.

- 7.62** Local connections will be determined by the Authority, parish council and relevant housing authority, having primary regard to the relevant housing register allocations policy. Where a CLT is to be the managing body for the homes provided, regard will be given to the CLT's objectives and strategy. The Authority will also have regard to evidence of local need which is specific to a rural estate or large farm, particularly where this is set out in a Whole Estate Plan that has been endorsed by the National Park Authority.

Viability

- 7.63** The *South Downs Whole Plan and Affordable Housing Viability Study*²⁰ demonstrates that for the great majority of sites, the requirements of Policy SD28 can be achieved. The *Vision and Circular on English National Parks and the Broads*²¹ states that new housing should be focused on affordable housing requirements, and support local employment opportunities and key services. Insufficient affordable housing provision which runs contrary to Policy SD28 will be a significant factor weighing against approval, irrespective of any viability barriers.
- 7.64** In exceptional cases where viability is a genuine barrier to delivery, the Authority will require the applicant to demonstrate this by submitting a robust viability appraisal. This should show that the cost of land reflects the existing value of land in its current use, plus a reasonable, but not excessive, uplift which provides an incentive for the land to be sold. The Authority will not accept a land cost assumption that factors in 'hope' value. It will expect also that land purchase/sale negotiations have ensured due diligence, and have fully taken into account the whole cost of development, including all adopted and emerging development plan policies, CIL, and any abnormal costs reasonably identifiable ahead of development, as a prerequisite for development potential. Affordable housing provision and other planning obligations should therefore result in reduced residential land values which reflect these factors.
- 7.65** In cases where viability is, having had regard to the above, still an issue, developers will be expected to contribute as fully as possible to mixed and balanced communities, by assessing development options in accordance with the following cascade:
- i) Firstly, reduce the proportion of rented affordable tenure homes in favour of intermediate housing that best reflect local need;
 - ii) Secondly, reduce the overall percentage of housing provided as affordable units; and
 - iii) Thirdly, provide a financial contribution for affordable housing to be delivered off-site.
- 7.66** The viability appraisal must be done on an independent and open-book basis, and must be undertaken by a professionally qualified member of the Royal Institution of Chartered Surveyors (RICS) to establish the appropriate form and level of contribution. Where the Authority does not agree that the appraisal has been undertaken robustly and fairly, it must be independently audited at the cost of the developer and subsequently reviewed if necessary.
- 7.67** Where a lower proportion of affordable housing is accepted by the Authority as an exception, a clawback clause will be included in the Section 106 Agreement to secure higher affordable housing contributions, up to the requirement in Policy SD28, if market conditions improve before the completion of development.

²⁰ South Downs Whole Plan and Affordable Housing Viability Study (BNP Paribas, 2017)

²¹ Vision and Circular on English National Parks and the Broads (DEFRA, 2010)

7.68 The National Park Authority will publish guidance on viability matters in due course.

Providing for affordable housing on-site

7.69 Affordable homes should be provided on-site. The options for achieving this should be discussed in full with both the Authority and the relevant housing enabler.

7.70 Exceptionally, off-site provision or a financial contribution of broadly equivalent value to the normal on-site provision may be justified. Only when all options for on-site provision are shown to have been reasonably explored, without success, will a financial contribution to provide affordable housing off-site be accepted. On larger sites of 11 or more homes, this will usually be due to a lack of financial viability, ascertained by working through the cascade set out under 'Viability' above. On smaller sites of 10 or fewer homes, there may on occasion be other site-specific practical constraints that make on-site provision of a policy-compliant mix of housing tenures unfeasible.

7.71 Financial contributions secured in lieu of affordable housing must directly address local needs within the National Park, and support achievement of mixed and balanced communities. In such cases, a legal agreement will be required that sets out the terms of payment, and that limits its spending to relate only to schemes that address local needs. The calculation of financial contributions will be based on the most up-to-date policy or guidance published or used by the local housing authority within which the site is located. The National Park Authority will publish its own guidance on this matter in due course, which will supersede other guidance.

7.72 In some cases, the Authority may be willing to accept serviced plots as payment-in-kind, either on the application site, or on an equivalent site that equally addresses local need and is in other respects suitable and deliverable. This, together with any additional payment necessary, should represent a value equivalent to the financial contribution which would otherwise be calculated and paid to the Authority in the absence of acceptance of the serviced plot.

Design and mix

7.73 Affordable homes must be integrated throughout the development and be of visually indistinguishable design. They should be located throughout the site in a manner that supports integration but can also be managed efficiently by the relevant housing association. The mix of dwelling types and standards of design for affordable housing are considered under other development management policies alongside all other types of housing.

Artificial subdivision of sites

7.74 The Authority will not accept the artificial subdivision of sites where an obvious consequence of doing so would be to fall under the relevant policy threshold requiring either on-site provision of affordable housing, or a financial contribution proportionate to the total sum of development. For the purposes of housing provision, the Authority will consider a site to be a single site if the current arrangements, in either functional and/or legal land ownership terms, can be considered part of a wider whole.

Affordable housing delivery

7.75 Affordable housing provision will be secured at the granting of planning permission by a Section 106 legal agreement. The National Park Authority will work in close partnership with the relevant Local Housing Authority to ensure that affordable housing is delivered effectively. Affordable housing should remain as such in perpetuity.

- 7.76** CLTs provide an opportunity for local community ownership of land for long-term affordable housing provision. Affordable housing provided by CLTs and most housing associations are exempt from the “Right to Buy”, allowing affordable housing to remain affordable in perpetuity.

Strategic Policy SD29: Rural Exception Sites

Strategic Policy SD29: Rural Exception Sites

1. Proposals for new residential development of 100 per cent affordable housing outside of settlement boundaries as shown on the Policies Map will be permitted, provided that the following are met:
 - a) Affordable housing is provided in perpetuity;
 - b) The site selection process has considered all reasonable options, and the most suitable available site in terms of landscape, ecosystem services and overall sustainability has been chosen;
 - c) The scale and location relates well to the existing settlement and landscape character; and
 - d) It is shown that effective community engagement has fed into the design, layout and types of dwellings proposed.
2. The size (number of bedrooms), type and tenure, (for example, social and affordable rented, intermediate, shared ownership or older people’s housing) of affordable homes for each proposal will be based on robust and up-to-date evidence of local community need.
3. Occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. Specific criteria will be determined by the Authority, in close partnership with established community-led and legally constituted organisations or CLTs where applicable.

- 7.77** The purpose of Policy SD29 is to encourage the delivery of rural exception sites. These sites provide a critical source of affordable housing in perpetuity to meet local needs, which are not served by the market, on land that would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

Mix of tenures

- 7.78** The National Park Authority believes that a policy of allowing market housing would reduce the number of affordable homes coming forward and may reduce the willingness of communities to support the principle of rural exception sites. The emphasis on rural exception sites in national parks should be on 100 per cent affordable housing. If a viability appraisal has robustly demonstrated that viability genuinely risks preventing a rural exception site from coming forward, and there are no alternative, more viable, sites, the Authority will work with the landowner, community and other stakeholders to establish the optimum alternative option which best meets the local need.

Site selection, scale and location

- 7.79** Policy SD29 (I) (b) requires the most sustainable, available site to be chosen. It is important to ensure that locations which have an overall positive impact on the ability of the natural environment to contribute to ecosystem services, work best within the landscape and settlement form, allow better access to local services, and are most suitable in other respects, are preferred.

Community and stakeholder engagement

- 7.80** “Effective community engagement” should be demonstrated by the applicant in both the site selection and application design processes. This can include liaison with the relevant parish council(s), community groups and neighbours. It is also essential that the advice of the relevant Rural Housing Enabler feeds into these processes, so that any practical difficulties regarding management issues are identified and overcome at an early stage of design.

Local need and local connection

- 7.81** Occupation of affordable housing brought forward on both rural exception sites and market-led sites is subject to conditions to ensure the needs of local people are being met. The meanings of “local need” and “local connection” are set out in the supporting text to Policy SD28: Affordable Homes. Rural exception sites should also take into account the aspirations of the local community, for example, as expressed in the relevant Neighbourhood Plan (NDP), Parish Plan or Village Design Statement. The type and tenure of dwellings on rural exception sites will need to balance the provision of local needs with the character of the existing settlement and the landscape within which it is located.

Delivery of rural exception sites

- 7.82** The Authority will expect all rural exception sites to reflect local needs and aspirations. An effective way to achieve this is through establishing CLTs to drive the delivery of sites. Local partnership arrangements will generally be appropriate for delivering on sites, for example, between CLTs, Parish or Town Councils, Specialist Housing Associations and/or Rural Housing Enablers (RHEs). Whichever delivery model is used, the Authority will seek to ensure that affordable housing remains affordable in perpetuity.

APPENDIX 2: FINANCIAL CONTRIBUTIONS CALCULATION METHODOLOGY

Appendix 2

1. This technical note provides the detailed workings behind the standard financial contributions set out in **Figure 5** of the Affordable Housing SPD. The figures in Figure 5 and Table D below will in future be altered on 1 April each year in line with the BCIS All-in Tender Price Indices rounded to the nearest whole pound. The in lieu financial contribution rate will be kept under review to reflect the changing cost of affordable housing provision.
2. In accordance with Policy SD28, a meaningful financial contribution is sought from residential developments of 3 homes. Residential development proposals of 4 or more dwellings will be expected to provide affordable housing on-site. Exceptionally, and where it has been robustly demonstrated that on-site provision is unviable, financial contributions in lieu of on-site affordable housing will be accepted in line with paragraph 7.70 of the SDLP.
3. A financial contribution will only be applicable to developments of 3 homes or where delivery onsite is demonstrated to be unviable and/or is agreed by the Authority. The Authority's approach to calculating an offsite financial contribution, also known as a 'commuted sum', is to base the calculation on the cost of providing affordable housing on another site without additional subsidy. The Authority will use the following methodology to calculate the commuted sum payments:

$$\mathbf{A} \text{ [Cost of land + Build Cost]} - \mathbf{B} \text{ [Revenue of Selling to Housing Association or other Registered Provider]} = \text{Off site financial contribution}$$

4. The assumptions and figures used in this methodology reflect the Local Plan and Affordable Housing Viability Assessment (the 'Viability Report').²² This was prepared in 2017 by BNP Paribas Real Estate, on behalf of the SDNPA, as evidence to support the Local Plan.

A) Cost to build affordable housing offsite

5. The cost of land is based on a benchmark greenfield land value. Most sites coming forward for development in the National Park will be greenfield sites on the edge of settlements. It is therefore considered appropriate to assume offsite affordable housing would be delivered on a greenfield site. The Viability Report adopted a greenfield benchmark land value of £300,000 per gross hectare. This figure is adopted for the purposes of the financial contribution methodology. Greenfield development is assumed to comprise houses at a density of 15 dwellings per hectare. This reflects the requirements for landscape-led development, ecosystem services and on-site green infrastructure (including public open space) which typically means that a significant portion of a site won't be used for built development.
6. **Table A** sets out the component parts of the total build cost. The build cost is based on costs sourced from the RICS Building Cost Information Service (BCIS) as reported in the SDNPA Viability Report. Upper quartile BCIS costs are used to reflect the high benchmark set by policies such as Local Plan Policy SD5. Separate BCIS costs are used for flats and semi-detached dwellings to reflect the higher build cost of flats. The Viability Report also applied a local adjustment factor of 120 (i.e. 20% uplift on nationally derived base build costs) which is used in this methodology. A further 23% uplift on base build costs is applied to account for external works, landscaping and climate change mitigation measures. As with the Viability Report, an additional allowance of £15,000 per unit is made for the provision of utilities infrastructure on greenfield sites.

²² Local Plan and Affordable Housing Viability Assessment (BNP Paribas Real Estate, August 2017). See Local Plan Evidence pages at www.southdowns.gov.uk/localplan

7. BCIS figures are periodically updated to reflect changes to build costs as a result of inflation. These updates may feed into an annual review of standard financial contributions as set out in paragraph 2.29 of the Affordable Housing SPD.

Table A: Build Cost of affordable housing units

Cost component	Notes	Cost per unit
Cost of land	Using benchmark land value of £300k and benchmark density of 15dph. Applies to all unit types.	£20,000
BCIS upper quartile base build cost (as of May 2017)	Flats Houses – semi detached	£1,454 per m ² £1,397 per m ²
Local adjustment factor of 120 applied to base build costs	Flats Houses – semi detached	£1,745 per m ² £1,676 per m ²
23% uplift allowance for external works, landscaping and climate change mitigation	Flats Houses – semi detached	£2,146 per m ² £2,061 per m ²
Installation of utilities infrastructure	On greenfield sites allowance is made for site roads, ground works and other associated costs. Applies to all unit types.	£15,000

8. A figure for gross internal floor area is needed to calculate the build cost by unit size. This is taken from the Government's published 'Technical housing standards – nationally described space standard' (DCLG, March 2015), which sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy and is set out in **Table B**.

Table B: Nationally described space standards

Unit size	1 bed flat	2 bed house	3 bed house	4/5 bed house
Gross internal floor area (sqm)	58	79	102	128

9. In calculating floor area, account is taken of the strategic mix of homes specified in Local Plan Policy SD27: Mix of Homes. The unit mix for affordable homes is used. This unit mix is then multiplied by the unit sizes shown in Table 2. For example a notional floor area for a 1 unit scheme is calculated as follows:

$$\text{Floor area for 1 unit} = [0.35 \times 58] + [0.35 \times 79] + [0.25 \times 102] + [0.05 \times 128] = 79.85$$

10. **Table C** gives the cost/ m² to build new homes by dwelling size. This cost/ m² incorporates the land cost and build costs detailed above. It is assumed a 1 bed unit would be built as a flat and the

build cost for flats are used accordingly. The build costs for semi-detached houses are used for 2 – 4/5 bed units.

Table C: Total Build Cost by Unit size

Unit size	Build cost/ m ²
1 bed	£2,750
2 bed	£2,504
3 bed	£2,404
4/5 bed	£2,334

B) Gross development value of affordable units

11. The Gross Development Value (GDV) of the affordable units is the amount it is assumed would be paid for the affordable units by a housing association or other Registered Provider. To calculate this, Land Registry sales data is used to establish the median per square metre Open Market Sales Value (OMV). Table 5.7.1 of the Viability Report gives sales data by settlement and house type. The median figure for flats (£3,460 per m²) is used for 1 bed units and the median figure for semi-detached houses (£3,838 per sqm) is used for 2-5 bed units. This figure is multiplied by the floor space as shown in **Table B** according to the mix of units required by Policy SD27.
12. The next step in establishing the GDV is to factor in the amount a housing association or other Registered Provider (RP) will pay for the affordable units as a proportion of the OMV. It is expected that any offsite affordable housing would be delivered on a relatively small site given the availability of sites within the National Park. The SDLP sets a strategic tenure mix which favours social rented or affordable rented tenure, reflecting evidence of need. In addition, smaller sites can be more challenging for a housing association or RP with a higher associated risk. This additional risk is likely to be factored into the amount offered by an RP for affordable housing units. The Viability Report (paragraph 5.17) found that RPs would pay an average of £1,475 per sqm to acquire completed affordable rented units, which is equivalent to 42% or 38% of the typical median open market value of a flat or house respectively. It is therefore assumed that an RP would pay 40% of the market value for all affordable units, and a multiplier of 0.4 is therefore used to calculate the expected revenue for the affordable units.
13. The methodology as set out above and detailed in the worked example in **Box I** is repeated to calculate the in lieu financial contribution for 2 , 3 or 4 affordable homes as set out in **Table D**. In the case of 2 or more affordable homes, the median open market sale value for semi-detached dwellings is used as it is assumed 2 or more affordable homes would be delivered as semi-detached dwellings.

Table D: Affordable housing in lieu financial contribution payment table

Development size	Affordable housing requirement	Off-site financial contribution
3 homes	Meaningful financial contribution	£46,832 (which is equivalent to half of an affordable home, and subject to site specific circumstances)
4-5 homes	1 affordable home	£93,664
6-7 homes	2 affordable homes	£163,181
8 – 9 homes	3 affordable homes	£244,772
10 homes	4 affordable homes	£326,363

Box 1: Worked example calculating the in lieu financial contribution for 1 affordable home

A proposal consists of 4 units – it has been demonstrated that there are exceptional circumstances such that onsite affordable housing cannot be delivered. A financial contribution equivalent to the delivery of 1 affordable unit offsite is calculated as follows.

A) Cost to build 1 affordable unit

Step 1 – Calculate the floor area

The floor area is calculated according to mix of units required by SD27 and using **Table A: Nationally described space standards**

$$\text{Floor area} = [0.35 \times 58] + [0.35 \times 79] + [0.25 \times 102] + [0.05 \times 128] = 79.85$$

Step 2 – Calculate the build cost

As with floor area, the strategic mix of homes is factored into build cost and using **Table B: Build Cost by Unit Size**

$$\text{Build Cost} = [0.35 \times 2750] + [0.35 \times 2504] + [0.25 \times 2404] + [0.05 \times 2334] = 2557 \text{ per m}^2$$

Step 3 – Calculate total build cost

The notional floor area for one unit is multiplied by the build cost, i.e. 79.85×2557 :

$$\text{Total build cost} = \boxed{\pounds 204,176}$$

B) Gross Development Value

Step 4 Calculate the Open Market Sales Value

Multiply median sales figure for flats by floor area (incorporating policy SD27 mix):

$$\text{OMSV} = 3,460^{\dagger} \times ([0.35 \times 58] + [0.35 \times 79] + [0.25 \times 102] + [0.05 \times 128]) = \pounds 276,281$$

[†]see paragraph 11 of this Appendix

Step 5 Calculate revenue from Registered Provider

RP expected to pay 40% of open market value

$$\text{RP revenue} = \boxed{\pounds 110,512} \text{ (i.e. } \pounds 276,281 \times 0.4)$$

Off site Financial Contribution

Step 6 Calculate cost of development

A [Cost of land + Build Cost] – **B** [Revenue of Selling to Housing Association or other Registered Provider]

$$204,176 - 110,512 = \pounds 93,664$$

APPENDIX 3: MINIMUM CONTENT FOR AN APPLICANT'S VIABILITY APPRAISAL

Appendix 2

I. Residual Land Value:

- a) Gross Development Value supported by:
 - i. Comparable market evidence for the Market Housing / Commercial floorspace confirming address of comparable, sale price, date of sale, analysis of comparable and how applied to proposed development.
 - ii. Accommodation schedule confirming:
 - Unit type, tenure, Gross Internal Area and as relevant Net Internal Area and/or Net Sales Area of the units.
 - Unit values for Market Housing and Affordable Housing and offers from Registered Provider if available
 - Ground Rents as appropriate
 - Unit values for any non-residential element (rent and yield or capital values comparables)
 - Assumptions made in relation to Affordable Housing units and values
- b) Cost Plan based upon BCIS data or Quantity Surveyor/Cost Consultant/Technical report(s) confirming:
 - i. Base build cost of the proposed development;
 - ii. Contingency
 - iii. Professional fees
 - iv. Abnormal development costs including for example:
 - Contamination remediation
 - Adverse ground conditions and specialist foundation types
 - Archaeology
 - Access and site servicing
 - Ecology
- c) Development Programme confirming periods for:
 - i. Pre-commencement
 - ii. Build
 - iii. Sales (overlap)
 - iv. Affordable Housing phased payment assumptions
- d) Section 106 and CIL assumptions including for example:
 - i. CIL assumptions
 - ii. SANGS and SAMM
 - iii. Site specific Section 106 contributions

- e) Other variables including for example:
 - i. Agent and legal fees on purchase and sale
 - ii. Marketing costs
 - iii. Finance costs
 - iv. Developer's profit assumptions (Market Housing, Affordable Housing, commercial parts etc)
 - 2. Residual Land Value to be supported by evidence from comparable development land sales.
 - 3. Confirmation of the price paid for the property or the price expected to be paid for the property on the grant of planning permission together with confirmation of the contractual terms relevant to the determination of the purchase price within any contingent sale agreement or option agreement including minimum price and overage provisions.
 - 4. Benchmark Land Value
 - a) Confirmation of existing use
 - b) Confirmation of Existing Use Value supported by comparable market and supported by an accommodation schedule confirming:
 - i. Gross Internal Area and as relevant Net Internal Area and/or Net Sales Area and unit values
 - c) Confirmation of premium adopted and justification for the premium
- or
- d) Confirmation of Alternative Use and planning permission for the Alternative Use
 - e) Confirmation of Alternative Use Value supported by relevant information (see Residual Land Value above).
5. Confirmation that the mandatory requirements of the RICS Professional Statement Financial viability in planning: conduct and reporting 1st Edition May 2019 have been satisfied.
6. Confirmation that the assessment of the Residual Land Value has been prepared in accordance with RICS Guidance Note Valuation of development property 1st Edition October 2019.



Affordable Housing Supplementary Planning Document

**Strategic Environmental Assessment (SEA) –
Screening Statement**

**Habitats Regulations Assessment (HRA) –
Screening Statement**

Determination Statement

I. INTRODUCTION

- I.1** This statement sets out the Authority's determination under Regulation 9 (1) of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the consultation draft Affordable Housing Supplementary Planning Document (SPD).
- I.2** This statement also sets out the Authority's determination as to whether Appropriate Assessment is required under the Conservation of Habitats & Species Regulations 2017.

Strategic Environmental Assessment

- I.3** Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set out the framework for future development consent of projects must be subject to an environmental assessment.
- I.4** There are exceptions to this requirement for plans that determine the use of a small area at a local level and for minor modifications if it has been determined that the plan is unlikely to have significant environmental effects.
- I.5** In accordance with the provisions of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations (2004) (Regulation 9(1)), the Authority must determine if a plan requires an environmental assessment. Where the Authority determines that SEA is not required then under Regulation 9(3) the Authority must prepare a statement setting out the reasons for this determination. The need for SEA is considered under Section 3 of this report.

Sustainability Appraisal

- I.6** Under separate legislation (the Planning and Compulsory Purchase Act 2004 and associated Regulations), the Authority is required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents. This considers the social and economic impacts of a plan as well as the environmental impacts.
- I.7** In accordance with current Regulations (Town & Country Planning (Local Development) (England) (Amendment) Regulations 2012) SA is not required to be carried out for SPD. However, despite this, it is still necessary to determine the need for SEA.

Habitats Regulations Assessment

- I.8** Habitats Regulations Assessment is required to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The need for HRA is set out within the EC Habitats Directive 92/43/EC and transposed into British Law by the Conservation of Habitats and Species Regulations 2017. Section 4 of this report deals with the need for Habitats Regulation Assessment.

2. SCOPE OF THE AFFORDABLE HOUSING SPD

2.1 The scope of the SPD is to provide further guidance to support the implementation of affordable housing policies of the South Downs Local Plan (SDLP). The SPD will elaborate upon policies SD28: Affordable Homes and SD29: Rural Exception Sites of the SDLP (adopted July 2019) and applies to the whole of the South Downs National Park. The SPD provides further detail on the following matters:

- How to assess 'gross site capacity' and subdivision of sites;
- The development uses to which the affordable housing policies would apply (particularly how to distinguish between C2 and C3 uses);
- Clarification on affordable housing tenures;
- How the mix of dwelling sizes and tenures should be calculated;
- Applying occupancy conditions and local connections criteria;
- Viability appraisal and other exceptional justification for a reduced affordable housing provision;
- Calculating a financial contribution where provision cannot be made on-site;
- Conversions and affordable housing;
- Vacant Building Credit;
- Agriculture and forestry workers' accommodation;
- Community Land Trusts and Registered Providers;
- Defining a Rural Exception Site;
- Evidencing 'local need';
- Selecting the most appropriate Rural Exception Site;
- Delivering Rural Exception Sites; and
- Review mechanisms where viability has reduced the affordable housing being delivered on a site.

3. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

The SEA Screening Process

2.1 The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. Table I sets out the Authority's screening for the Affordable Housing SPD using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.

2.2 Within 28 days of making its determination the authority must publish a statement such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.

SEA Determination and Reasons for Determination

2.3 Before making a determination, the three statutory consultation bodies were consulted. The responses received are set out in Table I below:

Table I – Comments received by Consultation bodies

Consultation Body	Comments
Environment Agency Date responded 8 th July 2017	<p>Thank you for consulting the Environment Agency on the SDNPA's SEA/HRA Screening Statement for the Affordable Housing SPD.</p> <p>We appreciate that an SPD may require an SEA under the Directive and early SEA screening is advised. The Environment Agency may be able to assist the Local Planning Authority at this stage by advising on whether the plan will result in significant environmental impacts within our remit. However please note that we do not advise on whether the plan falls under the requirements of the SEA Directive.</p> <p>Based on the scope of the SPD, we do not feel that the plan has the potential to give rise to significant environmental effects for areas within our remit.</p>
Historic England	No response provided.
Natural England	No response provided.

Table 2 – SEA Screening for the Affordable Housing SPD

Criteria (from Annex II) of the SEA Directive and Schedule I of the Regulations	SDNPA Comments
Characteristics of the plan or programme	
a) The degree to which the plan or programme sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources.	The Affordable Housing SPD sits at the lowest tier of the development plan system. It offers specific guidance to implement policies SD28: Affordable Homes and SD29: Rural Exception Sites of the South Downs Local Plan.
b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The SPD is an implementation tool for delivering already adopted development plan policies at a higher tier (the South Downs Local Plan) which have already been subject to SA/SEA. It is influenced by other higher tier plans rather than influencing other plans itself.
c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	The SPD provides further guidance to support the implementation of affordable housing policies of the South Downs Local Plan (SDLP) which have already been subject to SA/SEA and therefore does not have a significant environmental impact on environmental considerations. As the SPD is an implementation tool for the SDLP affordable housing policies it does have social and economic considerations in respect to sustainable development by providing clear and consistent guidance on the provision of affordable housing.
d) Environmental problems relevant to the plan or programme.	The SPD is an implementation tool for delivering already adopted development plan policies at a higher tier which have already been subject to SA/SEA. The SPD expands on higher level policy requirements (SD29) that affordable housing is appropriately located to minimise landscape impact and maximise ecosystem services.
e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example	The nature of the Affordable Housing SPD has no direct impact on the implementation of Community legislation. The principle of

plans and programmes linked to waste management or water protection).	development is considered through the SDLP which has been subject to SA/SEA and HRA.
Characteristics of the effects and of the area likely to be affected	
a) The probability, duration, frequency and reversibility of the effects.	<p>The SPD will not in itself set out or bring forward development plans or projects. It sets out guidance for how the Authority will interpret aspects of its strategic policies in the SDLP: policies SD28 and SD29.</p> <p>The SPD should provide positive effects in regards to social and economic considerations.</p>
b) The cumulative nature of the effects	The SPD is not anticipated to have any significant cumulative effects. Cumulative effects are addressed in the SDLP SA/SEA and HRA.
c) The transboundary nature of the effects	The SPD applies within the South Downs National Park area only. It is not expected to have any negative effects outside of the SDNP. Transboundary effects have been addressed in the SDLP SA/SEA and HRA.
d) The risks to human health or the environment (for example, due to accidents)	The SPD presents no direct risks to human health or the environment. It is considered there may be improvements to human health and environment due to affordable housing being developed to meet local needs, including being of the appropriate size, location and quality. This could indirectly support improved health outcomes and reduced health inequalities
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the whole of the South Downs National Park area.
<p>f) The value and vulnerability of the area likely to be affected due to:</p> <p>i) Special natural characteristics or cultural heritage;</p> <p>ii) Exceeding environmental quality standards or limit values;</p> <p>ii) Intensive land-use</p>	<p>The South Downs National Park covers an area with a wide variety of characteristics. The SPD itself does not direct or establish the principle of development. This is covered by higher tier policies in the SDLP which have been subject to SA/SEA. In any case, development proposals will need to be consistent with SDLP policy SD9 Biodiversity and Geodiversity and where appropriate tested through the Habitats Regulations</p>

<p>g) The effects on areas or landscapes which have recognised national, community or international protection status.</p>	<p>The SPD will cover the whole of the South Downs National Park which has been designated for its special landscape, wildlife and cultural value. The SPD should provide positive effects by promoting the provision of affordable housing in the National Park.</p> <p>In line with SD9 of the SDLP, development proposals will need to be tested through the Habitats Regulations where appropriate.</p>
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Other Considerations

2.4 In reviewing these criteria and coming to a conclusion, the Authority has also had regard to the following:

- The SPD does not present new policies but seeks to clarify the Authority's approach to implementing the SDLP affordable housing policies.

SEA Conclusion

2.5 Having regard to the considerations above, the Authority considers that the Affordable Housing SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment.

2.6 This determination was made on 28th August 2019.

4. HABITATS REGULATIONS ASSESSMENT SCREENING STATEMENT

2.7 This part of the report seeks to determine whether the Authority's policies and proposals set out in the Affordable Housing SPD will have any significant impacts on Natura 2000 sites.

2.8 This SPD will support policies SD28: Affordable Housing and SD29: Rural Exception Sites in the adopted South Downs Local Plan (SDLP). The SDLP was subject to a Habitats Regulation Assessment which was prepared in consultation with Natural England. The purpose of HRA is to assess the impacts of plans and/or projects against the conservation objectives of a European protected site. The assessment must determine whether the plan and/ or project would adversely affect the integrity of the site in terms of its conservation objectives. Where adverse effects are identified these effects should be avoided or mitigated.

2.9 The Appropriate Assessment stage of HRA is only required should the preliminary screening assessment not be able to rule out likely significant effects.

2.10 The Directive states that any plan or project not connected to or necessary for a sites management, but likely to have significant effect thereon shall be subject to appropriate assessment. There are 4 distinct stages in HRA namely:

- Step 1: Screening - Identification of likely impacts on a European site either alone or in combination with other plans/projects and consideration of whether these are significant.
- Step 2: Appropriate Assessment - consideration of the impact on the integrity of the European Site whether alone or in combination with other plans or projects with respect to the sites structure, function and conservation objectives. Where there are significant effects, step 2 should consider potential mitigation measures.
- Step 3: Assessment of Alternative Solutions - Assessing alternative ways of achieving the objectives of the plan/project which avoid impacts; and
- Step 4: Assessment of Compensatory Measures - Identification of compensatory measures should impact not be avoided and no alternative solutions exist and an assessment of imperative reasons of overriding public interest (IROPI) deems that a project should proceed.

2.11 Should screening (step 1) reveal that significant effects are likely or effect cannot be discounted because of uncertainty, then it is necessary to move onto step 2: Appropriate Assessment. If step 2 cannot rule out significant effect even with mitigation, then the process moves onto step 3 and finally step 4 if no alternative solutions arise.

Step 1 - Screening

2.12 There are four stages to consider in a screening exercise:

Stage 1: Determining whether the plan/project is directly connected with or necessary to the management of the site;

Stage 2: Describing the plan/project and description of other plan/projects that have the potential for in-combination impacts;

Stage 3: Identifying potential effects on the European site(s); and

Stage 4: Assessing the significance of any effects

- 2.13** It can be determined that the Affordable Housing SPD is not directly connected with, or necessary to the management of a site.

Stage 2 to 4

- 2.14** Information about the scope of the SPD can be found in Section 2 of this document. The SPD supports SDLP policies, which are already subject to a full HRA, including of any in-combination effects with other plans and / or project. The SDLP HRA considered the potential effects on the following European sites:

- Calcareous grassland sites: Lewes Downs SAC, Castle Hill SAC and Butser Hill SAC
- Woodland sites: Duncton to Bignor Escarpment SAC, Kingley Vale SAC, East Hampshire Hangers SAC and Rook Cliff SAC
- Heathland bog sites: Thursley, Ash, Pirbright and Chobham SAC, Woolmer Forest SAC, Ashdown Forest and Shortheath Common SAC
- Bat sites: The Mens SAC, Singleton and Cocking Tunnels SAC, and Ebernoe Common SAC
- Heathland bird sites: Wealden Heaths Phase II SPA, Ashdown Forest SPA and Woolmer Forest SAC
- Riverine sites: River Itchen SAC, Arun Valley SAC/SPA/Ramsar
- Estuarine sites: Chichester and Langstone Harbours SPA / Ramsar, Solent Maritime SAC, Dorest and Solent potential SPA
- Wetland sites: Pevensey Levels SAC/ Ramsar site

- 2.15** The following impact pathways were identified as relevant to the SDLP HRA:

- Recreation pressure
- Air Quality
- Water quantity and changes in hydrological cycles
- Water quality
- Loss of supporting habitat
- Urbanisation

- 2.16** The SDLP HRA undertook a test of likely significant effects for policies and site allocations contained in the Local Plan. Policies / allocations assessed as having no potential impact pathways linking to European Designated Sites were screened out from further consideration. The following assessment was made of SDLP policies SD28 and SD29:

Policy	Description	HRA Implications
SD28 Affordable Homes	SD28 seeks to maximise the delivery of affordable homes across the National Park as part of market-led housing schemes. The policy sets out a sliding scale of requirement for developments to provide affordable housing.	<p>“No HRA implications.</p> <p>This is a development management policy relating to the provision of affordable housing.</p> <p>There are no linking impact pathways present.”</p>
SD29 Rural Exception Site	SD29 seeks to encourage the delivery of rural exception sites. These are sites which provide a critical source of affordable housing in perpetuity to meet local needs, which are not served by the market, on land that would not normally be used for housing.	<p>“No HRA implications.</p> <p>This is a policy that seeks to manage development rather than allocating development. Whilst it encourages new residential development, there are no specific locations or quantities mentioned. As such there are no linking impact pathways present.”</p>

HRA screening conclusion

2.17 The Affordable Housing SPD provides further guidance to support the implementation of policies SD28 and SD29. The SPD does not set the principle of development nor does it direct development to a specific location. Therefore, as with the assessment of SD28 and SD29 there are no linking impact pathways present and there are no HRA implications. A full appropriate assessment is not required.

2.18 This determination was made on 28th August 2019.

Agenda Item 12

Report 19/20-62

Report to	Planning Committee
Date	11 June 2020
By	Director of Planning
Title of Report	Enforcement Update
Purpose of Report	To update SDNPA Members on planning enforcement workload statistics including notices served

Recommendation: To note the update on enforcement action.

1. Overview

- 1.1 The SDNPA planning enforcement team investigates alleged breaches of planning control within the recovered areas of the National Park: Adur & Worthing, Arun, Brighton & Hove, Eastbourne, Mid-Sussex, & Wealden. They also investigate any alleged breaches where the SDNPA “called-in” any original planning application post-October 2017 or any other investigations that we wish to “call-in”, plus any breaches relating to Minerals & Waste for the entirety of the Park. We also monitor the host authorities’ response to investigating enforcement for the non-recovered areas (Chichester, East Hampshire, Horsham, Lewes, & Winchester) with the SDNPA Link Officers.
- 1.2 The purpose of this report is to highlight the amount of investigations carried-out. This does not include the host authorities’ figures. The team is comprised of: DM Lead (Heather Lealan), Enforcement Officers (Andy George & Jack Trevelyan), & Monitoring & Compliance Officer (Sabrina Robinson).

2. Figures

	2018/19	2019/20	2020/21 (so far)
Current investigations	-	-	81
Cases Closed:	251	194	16
• Compliance	33	27	2
• Not Expedient	53	23	2
• No Breach	124	122	11
• Retrospective Application Approved	41	22	1
Enforcement Notices	9	6	0
Stop Notices (excluding Temporary Stop Notices)	1	2	0
Breach of Condition Notices	3	2	0
Tree Preservation Orders (TPOs)	2	2	0
Article 4 Directions	1	0	0

TIM SLANEY
Director of Planning
South Downs National Park Authority

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Appendices:	None
SDNPA Consultees:	Director of Planning, Legal Services

Report to	Planning Committee
Date	11 June 2020
Title of Report	Summary of appeal decisions received from 28 January 2020 – 27 May 2020
Purpose of Report	To update SDNPA Members on appeal decisions received

Recommendation: To note the outcome of appeal decisions.

I. Overview

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers both those appeals dealt with by the host authorities and directly by the South Downs National Park Authority.
- I.2 From the 28 January to 27 May:
 - 20 appeal decisions (some dealt with concurrently) were received, 13 of which were dismissed and 7 of which were allowed.
 - Two applications were made by appellants for an award of costs, both were refused.
 - There were no judicial review judgements.
- I.3 The Authority's appeal performance in the last financial year (2019/20) had 69% of appeals being dismissed. This is a good performance in and of itself but especially so given that for the first quarter of the financial year the Local Plan had not been adopted and Inspectors were applying varying weight to its policies.
- I.4 All appeal decisions are individually important but one appeal of particular interest relates to Iford Farm, Iford and the continued use of the land for a shoot. The Inspector found that in this case the shoot would conserve tranquillity but not enhance it as required by Local Plan Policy SD7 and dismissed the appeal given this and the conflict with the first purpose of the National Park.

TIM SLANEY
Director of Planning
South Downs National Park Authority

Contact Officer: Mike Hughes
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Appendices: I. Summary of Appeal Decisions
SDNPA Consultees: Director of Planning, Legal Services

Key to Appeals Reporting

Method of decision

All are delegated decisions unless otherwise specified

Allowed A

Appeal method

All are determined via written representations unless otherwise specified

Dismissed D

Planning Appeals				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00564/HOUS APP/Y9507/D/19/3233129	East Hants	South Lodge, Annexe, Blackmoor Road, Blackmoor, Liss GU33 6BJ	The erection of a hobbies room and store	D 31 January 2020
Inspector's Reasoning <ul style="list-style-type: none"> The proposed single-storey side extension would be attached to the south-east elevation of an annexe. Taking into account the scale and subordinate design of the extension and the set-back position of the annexe from the road compared to the adjoining South Lodge (a Grade II listed building), the development was not considered by the Inspector to significantly change the visual relationship between South Lodge and its annexe in local views from Blackmoor Road. The annexe would remain broadly subservient to South Lodge and for these reasons the Inspector considered that the setting of the listed building would be preserved. The Inspector noted that there was no compelling evidence that the proposed single storey extension would result in a new self-contained dwelling in the countryside. The property was granted permission (which had been implemented) to extend its floorspace by 48% in 2007. The proposal to extend the property even further would therefore not be in accordance with Local Plan Policy SD31 which applies to extensions to existing dwellings and which seeks to resist the increase in floorspace of existing dwellings by more than approximately 30% unless there are exceptional circumstances. The Inspector held that no exceptional circumstances had been presented to permit a greater increase in floorspace. Whilst the Inspector considered the proposal to preserve the setting of the listed building he noted it did not accord with the Authority's strategy for the extension of residential accommodation in the National Park, was contrary to the development plan and dismissed the appeal. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00007/LDP APP/Y9507/X/19/3227482	SDNPA	Newtimber Place, Stables Cottage, Newtimber Place Lane, Newtimber, BN6 9BU	The development for which a certificate of lawful use or development is sought is alterations and additions to roof (ref: SDNP/18/04919/HOUS)	A 12 February 2020
Inspector's Reasoning <ul style="list-style-type: none"> The application sought to establish that it was lawful to carry out alterations and additions to the roof for which planning permission was granted, without any further consent. The Authority refused the application on the basis that the building is within the curtilage of a listed building and therefore listed building consent would be required for the work quoting the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (LBCA) in the reason for refusal. The Inspector stated that the grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements, such as the LBCA. As a result, the Inspector said that whether or not the building is a curtilage listed building is not a question that stands to be answered. Since planning permission had been granted for the alterations and additions to the roof, it would clearly have been lawful at the date of the application, hence a certificate can be granted. The Inspector concluded, on the evidence available, that the Authority's refusal to grant a certificate of lawful use or development in respect of alterations and additions to roof in accordance with planning permission reference SDNP/18/04919/HOUS was not well-founded and that the appeal should succeed. Costs Decision: Refused <ul style="list-style-type: none"> In approving the original planning application (reference SDNP/18/04919/HOUS), the SDNPA added an informative note advising the appellant that listed building consent was required. The appellant stated that this informative note lacked any explanation or justification, and was tantamount to a pre-commencement condition. However, as it was not a condition, the appellant did not have the opportunity to lodge an appeal against it. Planning Practice Guidance advises that the use of informatives to remind applicants to obtain other consents may be appropriate. As the Authority followed this advice, they did not behave in a manner that caused the applicant to incur unnecessary or wasted expense and the application for costs was refused. 				
Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06579/HOUS Appeal A: APP/Y9507/W/19/3233350 SDNP/18/06580/LIS Appeal B: APP/Y9507/Y/19/3233355	Winchester (Planning Committee Decision)	Ivy Cottage, Avington Road, Avington SO21 1DD	Extension to the rear of the site	D 12 February 2020

Inspector's Reasoning

- Appeal A relates to the refusal of planning permission whilst Appeal B relates to the refusal of listed building consent.
- The main issue was whether the proposed development would preserve the special architectural or historic interest of Ivy Cottage, a grade II listed building; and whether it would preserve or enhance the character or appearance of the Avington Conservation Area.
- The Inspector noted that the appeal site includes a small 18th century detached cottage. The property's simple form, detailing, historic fabric and internal arrangement, along with its relationship with the outbuildings to the rear, all contribute to its significance as a listed building.
- The appeal property is close to open fields, trees and planting and has a large garden. Those matters contribute to its rural and spacious setting. It is located within the Avington Conservation Area and significantly contributes to the character and appearance of the Conservation Area.
- The proposal would include an enlarged building, roughly in the place of the existing small outbuilding, along with a link to the main house. The resultant built form would be very large in relation to the existing building, such that it would appear out of scale with it. Even though the appeal proposal would be cut into the slope of the garden, it would still appear visually dominant in relation to the main house. When viewed from the side, it would represent a significant increase in bulk, such that it would compromise the simple compact form of the historic core. Further, by linking on to the main house in the manner proposed, its complex, linear form would fail to integrate successfully with the existing simple, compact form, including catslide roof, of the main house, particularly when viewed from the side.
- The proposed use of a mixture of materials, the Inspector held, would appear particularly out of place.
- The Inspector dismissed the appeals noting that the proposal would fail to preserve the special architectural and historic interest of this listed building and would fail to preserve or enhance the character or appearance of the Conservation Area.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/04837/HOUS APP/L3815/D/20/3245825	Chichester	Yew Tree Cottage, Fernhurst Road, Milland, Liphook GU30 7LU	Two storey side extension including new front dormer.	A 17 March 2020

Inspector's Reasoning

- The Authority was concerned that the proposed extension would dominate the existing building and negatively erode the space around the building, particularly the gap to the western boundary. However, the Inspector considered that the proposed increase of floor space of 28% does not suggest 'domination'.
- The Inspector set out that the width of the extended building, when seen from Fernhurst Road, would still be far less than the width of properties to the west and east. Any perception of additional mass and bulk would be reduced by the articulation of the extended front elevation and by the hipped roof. The legibility and functionality of the building would be enhanced through the creation of a new front entrance and porch. The extensions would result in the building being an improved architectural composition with enhanced family accommodation.
- The Inspector understood the Authority's point in respect of reducing the gap between Yew Tree Cottage and Durrants Cottages to the west. However the Inspector noted that between 2m and 2.5m would remain between the boundary and the side gable of the nearest of the pair of Durrants Cottages. Given this separation, and taking into account the fact that Yew Tree Cottage is positioned further back from the road than its

neighbours, and because the south and east of the house is a considerable distance from the site's boundaries it was determined that the proposal would not materially affect the spaciousness of the plot. The spaciousness of the plot would remain 'appropriate' and the rural character and appearance of the area would not be adversely affected.

- The proposal was not considered a contravention of Policy H.1 of the Milland Neighbourhood Plan which seeks to retain small dwellings as the Inspector determined that, at 145 sq m, the house is a large dwelling. The extension would be within the 30% limit set out in Local Plan Policy SD31.
- The Inspector concluded that the appeal scheme would not harm the existing building and its setting, or the rural character and appearance of the area and allowed the appeal.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02284/FUL APP/Y9507/W/19/3243542	SDNPA	Admiral's Knock, Mill Lane, Rodmell, BN7 3HS	Replacement of existing dwelling.	D 20 March 2020

Inspector's Reasoning

- The appeal site is around 4 hectares in size and contains a modest one-and-a-half storey dwelling positioned roughly in the centre. As a result of the size of the site and the position of the proposed replacement dwelling within it, the development would not conflict with Local Plan Policy SD30 part b) which requires that the replacement dwelling is not detrimental to the amenity of nearby residents.
- The proposal would result in a net increase of considerably more than 30% compared with the gross internal area of the existing dwelling that existed in 2002. Thus, in the context of the purpose of Policy SD30, the proposal would result in the loss of the existing dwelling and replace it with one substantially larger.
- The Inspector noted that the site benefits from an extant planning permission for a replacement dwelling. The appellant set out that the extant planning permission negates the primary purpose of Policy SD30, in that the existing smaller home on the site is effectively lost, and that in their view this is a material consideration that outweighs this aspect of the policy. However, the extant planning permission allows a replacement dwelling to be positioned on the site with a gross internal floor area of 411 square metres. Consequently, whilst it would result in a dwelling with a gross internal floor area appreciably greater (by considerably more than 30%) than the existing dwelling, it would not result in a replacement dwelling with a gross internal floor area as large as the appeal proposal. Therefore, the Inspector considered that although the fallback position would result in a dwelling significantly larger than that permitted by policy, this would not amount to sufficient justification for a proposal substantially larger again.
- The appeal site is outside any settlement boundary and within the countryside. Within the vicinity are dispersed mainly detached properties of varying sizes set within mostly substantial plots with mature planting. The architectural characteristics of properties vary, however most are of traditional understated design.
- The appeal proposal was for a new dwelling in the style of a 'fortified house'. One half of the proposed building would be single storey and of relatively unassuming design; the other half of the building would be very different in design terms by virtue of its style as a 'fortified house'. It would be constructed using different materials, including large rubble stone and flint rubble walls, and would include a tower and parapet wall akin to a historic castle. Consequently, the Inspector considered that the design of the development would appear disjointed, resulting in overly complicated

elevations that would result in a visually jarring building within the landscape.

- The evidence indicates that the landscape at this location is not characterised by a long history of settlement. Hence, the proposal for a new dwelling in the style of a 'fortified house' within this context, notwithstanding the medieval origins of Rodmell, would not respect the local character nor adopt a landscape-led approach.
- The Inspector stated that the relatively limited views of the proposal from the public domain did not obviate the need to achieve good design.
- The Inspector concluded that the proposed development would be significantly harmful to the character and appearance of the area and dismissed the appeal.

Planning Application No	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/19/3220029	Chichester	Land at Lithersgate Common, Bedham Lane, Fittleworth,	The breach of planning control as alleged in the enforcement notice is: Without planning permission, change of use of the land to a BMX cycle track.	D 23 March 2020

Inspector's Reasoning

- The appellant stated that no material change of use had occurred and described the use as the private riding of BMX bikes on 10 – 15 days a year by a small group of riders. However, the Inspector noted that there is permanent operational development facilitating the change of use, in particular the presence of earth mounds.
- The enforcement notice identifies that the use and the scale and extent of engineering work (the tracks and jumps) results in unacceptable impacts on the landscape and its relative tranquillity. The Inspector found that a material change of use had occurred with a significant difference in planning terms in the character of the land and the activity now on it.
- The General Permitted Development Order grants planning permission for the use of any land for any purpose for not more than 28 days in total in any calendar year. However, the Inspector stated that it is clear that operational development which constitutes part of the use alleged is not moveable. Therefore, the use is not permitted development.
- The enforcement notice in this case requires the use to cease as well as the removal of the operational development which facilitates the use. The appellant considers that the notice should only require the use to cease as it is only the use which is identified in the breach of planning control. The Inspector disagreed noting that if removal of the operational development had not been required, the land would be left with unauthorised development on it.
- The notice requires removal of the earth mounds by hand tools. The Authority stated this was to prevent damage to trees and their roots as well as to ecology and wildlife in this location. The Inspector was satisfied that this did not exceed what was necessary.
- The appellant sought a period of 12 months to comply with the requirements of the enforcement notice. The Inspector considered that the 6 months specified in the notice is adequate to cease the use of the land and remove the wooded structures and plastic sheeting. However, given the constrained and wooded nature of the site and the requirement for the earth mounds to be removed by hand tools, the Inspector varied the enforcement notice to allow for 12 months to comply with this aspect.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/06553/FUL W/4000237	SDNPA (Planning Committee decision)	The Beacon Nurseries, Ditchling, BN6 8XB	Demolition of existing stables and erection of new single storey dwelling with associated landscaping.	D 25 March 2020

Inspector's Reasoning

- The appeal site is outside of the defined settlement boundary of Ditchling. It is a paddock with a stable type building located within a cluster of residential dwellings that are generally set within spacious grounds and are interspersed with open or undeveloped equestrian land. The appeal site contributes to this rural character by providing a significant break in residential development and reinforces the openness and undeveloped nature of the wider national park.
- The proposal would replace the existing stable block with a single storey dwelling. The size of the proposed dwelling would be significant in comparison to the existing structure, the erection of which would not only drastically increase the level of built form on the site, but also introduce a more formal residential character to the lane. The Inspector considered that this would severely diminish the current rural qualities and be harmful to the sporadic and open character of the wider area.
- It was considered that the scheme cannot be made acceptable through the use of landscape mitigation as identified in the LVIA submitted by the appellant. Whilst long reaching views of the proposal would be minimal, the very character and nature of site and the specific quality that it contributes to as a rural environment would be extinguished, and this would result in considerable harm to the immediate environment.
- It was acknowledged that care had been taken in designing the proposal but this did not overcome the fact that the significant increase in development on the plot and the associated residential paraphernalia would be harmful to the character of the area and would fail to conserve the landscape character.
- The appeal site is not located within a settlement. Both the Local Plan and the Neighbourhood Plan identify that development outside of the settlement, on previously developed land, is only acceptable in exceptional circumstances and in cases where the development is demonstrably necessary to meet the wider objectives of the Local Plan. The stables appear to be a permanent structure that have been on the site for a considerable period of time. Equestrian uses are not excluded from the definition of previously developed land and the Inspector considered that the site would fall within previously developed land as set out in the NPPF. However, the fact that there has been an historic use of the site is not in itself an exceptional circumstance. The wider objectives of the Local Plan are to direct housing towards defined settlements to cater for a medium level of dispersed growth. A single open market dwelling in this location would not be necessary to meet these wider objectives and, further, the site is not easily accessible other than by private vehicle.
- The proposal would not result in harm to living conditions of neighbouring occupiers, it would provide adequate off street parking and would not have a detrimental impact on highway safety. It would preserve dark skies and would not result in harm to biodiversity. The use of an integrated eco-system approach to green roof and rain water harvesting would also be a benefit of the scheme. However, the Inspector judged that these considerations did not outweigh the fundamental conflict and harm identified and the appeal was dismissed.

Appeal Reference	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/19/3227436	Chichester	Land north west of Upton Farm House, Chilgrove Road, West Dean, Chichester, PO18 9JA	The breach of planning control as alleged in the notice is: The engineering of an inert material bund with imported materials around three sides of a field.	D 27 March 2020
Inspector's Reasoning <ul style="list-style-type: none"> The Inspector noted that the bund is a lengthy U-shaped feature, bounding the field and with its main stretch running parallel to the roadside. Its height fluctuates between 1.6m and 2m along this section which covers a significant expanse. The appellant stated that it was built up over a period of some 9 months. The bund is largely covered in vegetation. It is in the main positioned behind trees which run along the boundary with the road beyond. However, no form of landscape appraisal has been submitted and the proposed retention of the bund does not address the nature of its constituent materials, for which the appellant has submitted no evidence. Photographs provided by the Authority show a significant amount of hard-core deposited, and the Inspector considered the term "earth bund", as used by the appellant, something of a misnomer. The Authority noted that, as the constituent materials had not been verified, a risk of contaminants was possible. The Authority also had concerns that it had not been demonstrated that the "waste" cannot practicably be reused, recycled or recovered, nor had it been demonstrated that there were no adverse impacts on the immediate area's biodiversity. These concerns were shared by the Inspector. The Inspector stated that whilst the visual impact of the development may have been tempered due to its vegetative covering, the bund is not a naturally formed feature and its height and extent cannot be considered as insignificant in the contextual setting. The Inspector concluded that the development is harmful to the character and appearance of the area, and is in conflict with the aims and requirements of Local Plan policies. The notice requires that the material is removed from the site. The appellant considered that this exceeds what is necessary and that it could be redistributed across agricultural land. However, the Inspector did not agree considering that there is no evidence providing certainty as to the type of materials deposited at the site and that a proper assessment was not possible in this regard. The appellant considered the three month period specified in the enforcement notice to remove the bund to be insufficient. Under normal conditions the Inspector found it to be adequate. However the Inspector determined, in relation to the Covid 19 outbreak, that there was consequent uncertainty as to when normal business might resume. The Inspector adjudged that rather than him speculate as to when it might be practicably possible for the remedial works to be undertaken the period of compliance remain as stated in the enforcement notice and that, instead, the Authority used its legislative powers to extend the period of compliance as it sees fit, depending on how matters develop. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/04431/HOUS APP/Y9507/W/19/3224690	East Hants	22A Stable Cottage, High Street, Petersfield GU32 3JL	Extension to existing outbuilding to form a single garage	D 02 April 2020
Inspector's Reasoning <ul style="list-style-type: none"> Located to the rear of 22 High Street within Petersfield town centre, the appeal site comprises part of an outbuilding, Stable Cottage, and part of a 12th Century burgage plot. No.22 is a Grade II Listed building and Stable Cottage is a curtilage listed building which has been converted to a dwelling. The appeal site is also within the Petersfield Conservation Area. The Authority's Conservation Area Character Appraisal and Management Plan identifies the historic layout of the 12th century burgage plots as a key positive feature of the Conservation Area. The appeal site is part of one of the last two such plots in the area. Due to the projecting nature of the garage extension and its higher eaves height than the host outbuilding, the Inspector held that it would appear incongruous in views from the burgage plot. This would be compounded by the proposed Hazel Coppice fencing which would contrast starkly with the traditional walled enclosure of the burgage plot. Together these elements would detract from the appearance of the existing outbuildings to the rear of No 22. The combination of an additional physical structure and associated fencing would result in the permanent erosion and subdivision of the burgage plot whilst the installation of the proposed clay brick paving would contrast with the existing gravelled surface, thereby further highlighting the subdivision. The Inspector considered that the proposal represented poor quality design which would be harmful to the setting of the listed buildings and the historical significance of the burgage plot. It would also fail to preserve or enhance the character and appearance of the Conservation Area. The appellant stated that there is currently an unsightly prefabricated garage building on site so the proposed building would not only provide secure garaging but there would remain less scope for further unsightly paraphernalia within the garden area. However, the Inspector referenced paragraph 191 of the NPPF and that the deteriorated state of a heritage asset should not be taken into account in any decision. Meanwhile the provision of covered parking for Stable Cottage would be a personal benefit. Consequently, the Inspector considered that there were no public benefits which outweighed the harm identified and dismissed the appeal. 				

Planning Application No	Authority	Site	Enforcement Appeal	Decision
SDNP/18/04431/HOUS SDNP/19/02605/FUL Appeal A Ref: APP/Y9507/C/19/3228664 Appeal B Ref: APP/Y9507/C/19/3228665 Appeal C Ref: APP/Y9507/W/19/3237085	SDNPA	Appeals A and B: Land to the South of the A27 known as The Ranch, Water Lane, Angmering Appeal C: Fairhaven, Water Lane, Angmering	Appeals A and B: The breach of planning control as alleged in the enforcement notice is: Without planning permission and within the last 10 years the material change of use of Land to residential and the construction of a structure for the purposes of human habitation. Appeal C: The replacement of a mobile home consented under SDNP/14/06164/FUL. The applicant is replacing the development with a mobile home with an agricultural occupancy restriction.	D 07 April 2020
<ul style="list-style-type: none"> Based on the information provided, the Inspector was not satisfied that the development on site complies with the definition of a mobile home, set out in section 13 of the Caravan Sites Act 1968. Therefore, it cannot be a 'like for like' replacement of a mobile home which previously existed on site with planning permission. The appeal site is outside of any settlement boundary and is therefore within open countryside where development is only acceptable in the exceptional circumstances specified in Local Plan Policy SD25. With reference to paragraph 79 of the NPPF the Inspector considered that the appeal development was an isolated home in the countryside. The appellant stated that the appeal development is for a rural workers dwelling and that they are happy to have an agricultural occupancy restriction placed on the property. Local Plan Policy SD32 contains a number of tests which must be met, in addition to requiring a demonstration that the nature and demand of agricultural work make it essential for the worker to live at or close to the site of their work. Of particular relevance to this case SD32 e) requires the proposed agricultural or forestry dwelling to be well-related in terms of siting to existing buildings or dwellings within the enterprise, result in and remain as a total habitable floor space not exceeding 120m² (gross internal area) and be sensitively designed. The Inspector stated that no evidence had been provided which satisfied them that all of the tests in Policy SD32 had been met, particularly given the scale of the structure which has been built and which is proposed in Appeal C. The Inspector was not satisfied that it was necessary for the appellant to live in the structure which has been erected on the appeal site nor the development proposed in Appeal C and that the appeals failed to comply with development plan requirements and the NPPF. The Inspector noted that at the time of their visit the structure on site was not complete but that regardless its scale was obvious. The structure on site is clearly seen when travelling west on the A280 Water Lane from its nearby junction with the A27. In this open and otherwise undeveloped countryside location, it was considered that the structure appears as a substantial and incongruous feature within the National Park landscape. The appellant said that they will plant trees and hedges and let roadside hedges grow to block views of the development from the A280, but no further detail was provided. Based on the information available, the Inspector was not satisfied the plant growth proposals described by the 				

appellant would mitigate the effect of the development on the character and appearance of the area.

- The Inspector concluded that the development would harm the character and appearance of the area, contrary to Local Plan and Neighbourhood Plan Policy and contrary to paragraph 172 of the NPPF which gives great weight to conserving and enhancing landscape and scenic beauty in National Parks.
- Were the development to have been acceptable the Inspector stated that a planning condition could ensure the proposal would be sustainable in respect of climate change mitigation and adaptation and water and energy efficiency to comply with policy SD48 of the Local Plan. But in the absence of a response to the specific requirements of Policy SD2 the proposal would not be sustainable in respect of ecosystem services and would not comply with Policy SD2 of the Local Plan in this regard.
- The enforcement notice was issued on 9 May 2019 and gave a period for compliance of 2 months. Given the Covid 19 public health emergency the Authority stated that 6 months was reasonable. The Inspector agreed and amended the period for compliance accordingly.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/18/03009/FUL APP/Y9507/W/19/3235127	East Hants	Blacknest Golf and Country Club, Frith End Road, Blacknest, Alton, GU34 4QL	Erection of 3 linked tipis, associated facilities building and pavilion, change of use and conversion of first floor gym, function room and multi-use rooms in clubhouse to 7 hotel rooms, alterations to first floor gym changing room to form open plan gym, conversion of first floor offices over pro-shop into security staff flat associated with proposed hotel rooms, change of use and conversion of part of driving range to 3 hotel rooms (2 x Part M compliant) with associated raised access path.	A 15 April 2020

Inspector's Reasoning

- The permanent tipis, along with an associated facilities building, would enable events such as weddings to be carried out on this part of the golf course.
- The Inspector considered that the proposal would increase the spread of built form across the golf course but that the proposed development is of modest size, rising only to a single storey in height. The development would be set well away from the external boundaries of the golf course and in a setting which is heavily obscured by mature trees. The function of the tipis would be consistent with the existing longstanding use of this land as an area for recreation and leisure. The Inspector considered the appearance of the tipis would be similar to that of a marquee, a feature often found in the English countryside. It was found that the proposal would complement the landscape and would not detract from its character.
- Conditions were imposed to ensure that the new buildings remain ancillary to the golf course and do not become a destination or attraction in their own right.
- In relation to noise and impact on neighbouring residents the Inspector set out the importance of the sound system within the tipis having a limit on the noise emitted. A noise management plan, required by condition, would set out these limits together with measures to ensure that they were adhered to.

- Several residential properties have reported noise disturbance from similar, temporary structures on site. The Inspector considered that if the appeal fails it is likely that the temporary structures would continue to be erected with continued noise disturbance.
- The zone array sound system that would be installed within the venue directs music from the ceiling to the dancefloor, rather than conventional amplification systems which are less directional. This would be subject to strict noise limits, enforced through a noise management plan. The exact noise limits for different times of the day would be subject to the agreement of the Authority, this would ensure that noise does not unreasonably impact on neighbouring residents the Inspector stated.
- Whilst noting the appeal proposal is a permanent form of development, it was found by the Inspector likely to represent a significant improvement over the existing situation in terms of the local noise environment, at the times when the venue is in use. In conclusion the Inspector judged that the evidence before him indicated that noise could be limited to acceptable levels through the use of planning conditions.
- In respect of tranquillity the appeal site's location, whilst being predominantly rural, was proximate to housing and traffic along the Frith End Road giving it, in the Inspector's opinion, a medium level of tranquillity. There were concerns that the approval of a permanent structure could result in regular events occurring at the site. This, the Inspector agreed, would have the potential to lead to an urbanising effect and in response to this a condition was imposed limiting the use of amplified sound at the venue to 30 days within each calendar year. Subject to this limitation, additional noise arising from the tipis would occur on such an infrequent basis that it would not materially affect the prevailing relative tranquillity of this area.
- The Inspector considered that the modest works to this existing rural business were likely to support its ongoing viability as a sports venue and community meeting place.
- Dark night skies matters were addressed by planning condition.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/17/04166/LDE APP/Y9507/X/18/3200665	Chichester	Buriton Barn, Buriton Farm Lane, Treyford GU29 0LF	The use for which a certificate of lawful use or development was sought is C3 residential use for the site area and buildings	A In part 17 April 2020 (public inquiry)

Inspector's Reasoning

- The main issues in the case were what the planning unit was and how the land has been used, including considering occupation of the land, physical separation and functional use of the land, past and present, and also the effect of previous planning permissions. To be lawful the residential use had to have been used as such for more than 4 years before the application date. This is determined on the balance of probability.
- In the appeal the Inspector gave little weight to the intentions of the Authority to limit the area of land for curtilage in previous applications, or to the appellant's reliance on the red line of the previous permissions. The Inspector noted that the appeal does not relate to planning impacts, but rather what has occurred in terms of the use.
- Subsequent to the inquiry the Authority had agreed on information provided by the appellant that the residential use of the buildings is lawful and on the lawful development certificate had drawn the red line closely around the group of buildings. This appeal therefore concentrates on the land beyond the buildings. The Inspector considered the use of the disputed land in three parts; i) the land to the front of the dwelling, ii) the hardstanding immediately to the rear of the dwelling and, iii) the land to the rear of the site.

- It was noted that the land to the front of the building has always been directly associated with the dwelling. When it was constructed it had the drainage and septic tank for the dwelling installed in the land and doors from the dwelling open directly out to the land. The previous owner notes that he maintained the land. The drainage and door way do not necessarily mean that the land is used in association with the house, but given that the land is intimate to the door way and that the septic tank will need maintenance and the land is in the appellant's ownership, the Inspector concluded on the balance of probability that it was so used (for residential use).
- The hard standing land to the rear of the garage had the hard standing added at an early date after the land had the underground array of pipework serving the heating system installed for the house. The area of hard standing has been used for parking by the occupants of the house and this is clear in the photographs provided by the Authority. On the balance of probability the parking use has continued as has the use of heat array pipes. It has continued to be used by the appellant in association with his house and has been in that use for in excess of 4 years (and thus was lawful).
- With regard to the land to the rear of the site the Inspector accepted that any agricultural use had ceased for quite some time but that the land is more akin to a meadow than residential use. The heaps of stored materials are relatively small and not a residential use. The small shed is de minimis and again not sufficient to establish a residential use. The aerial photographs provided by the Authority suggest that there has been no specific use of the land. In the Inspector's view, at present, and on the balance of probability the land is in a nil use. It is not in the same planning unit as the residential use.
- For these reasons the appeal was allowed in part and a certificate of lawfulness issued for residential use that included the dwelling, the land to the front of the dwelling and for the hardstanding immediately to the rear of the dwelling. The certificate of lawfulness for residential use did not include the land to the rear of the site as its use for residential purposes for more than 4 years before the application date had not been established.

Costs Decision: Refused

- The Inspector considered that the Authority had acted in a reasonable manner in relation to this appeal. It had provided relevant information at the appropriate times, including its statement and proofs of evidence and agreed the statement of common ground. It had considered the use of the house and with the later submission of appropriate additional material had confirmed the use of the house ensuring that matter did not have to be considered in this appeal. There had not been a lack of cooperation, but a disagreement.
- The Inspector noted that it is up to the appellant to produce the evidence of a use (it is for the appellant to prove their case) and not for the planning authority to direct what is required.
- It was accepted by the Inspector that there had been some interchangeable use of terminology in relation to curtilage and use by the Authority but that it had not made a material difference in relation to the case and in any case did not amount to unreasonable behaviour. The application for an award of costs was refused.

Planning Application No	Authority	Site	Enforcement Appeal	Decision
SDNP/18/00679/FUL Appeal A Ref: APP/Y9507/C/19/3237773 SDNP/19/01331/CND Appeal B Ref: APP/Y9507/W/19/3232344	Winchester	Land at Abbots Worth House, Abbots Worthy, Winchester SO21 1DR	<p>Appeal A</p> <p>The breach of planning control as alleged in the enforcement notice is the failure to comply with Condition 2 of planning permission SDNP/18/00679/FUL by failing to carry out the development in accordance with the approved plans by: Increasing the height of the roof; Relocating and resizing of the second floor windows to the north elevation; Inserting a window to the second floor east elevation and extending the roof; Relocation of the skylights; The relocation and resizing of the second floor windows to the south elevation; and Insertion of doors to the main dormer to south elevation.</p> <p>Appeal B</p> <p>The application sought planning permission for the partial change of nursery (Use Class D1) at Abbots Worthy House back to residential dwelling (Use Class C3) and extension to the roof to create additional habitable accommodation, without complying with condition 2 attached to planning permission Ref SDNP/18/00679/FUL, dated 18 April 2018.</p>	<p>A</p> <p>24 April 2020</p>
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> The two appeals were dealt with by the Inspector together. In these combined appeals, the common main issue was the effect of the development on the architectural character of the existing building. The roof of the building has been increased in height by 0.4 metres and this has resulted in an increase in both the height of the roof and the roof pitch and that this results in the building being slightly more visible from outside the site. The overall design of the roof was considered to remain similar to that previously approved. The additional height and pitch is different, but the roof is set back behind a low parapet wall and roof walkway, which reduces the overall scale and visual impact of the roof. When viewed in the context of the scale and design of the existing building, the roof as built, was considered to remain subservient to the building as a whole. Consequently, the small increase in the pitch and height of the roof was not held by the Inspector to cause any discernible visual harm to the proportions and architectural design of the existing building. Changes to the windows in the front elevation and the enlargement and repositioning of the dormer window were considered to overall enhance the symmetry of this elevation. The other changes in fenestration detail were considered to be minor and to have no adverse impact on the original building, when viewed as a whole. In conclusion the Inspector determined that the changes were respectful of the design proportions and architectural character of the host building and the appeal was allowed. 				

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/00334/FUL APP/Y9507/W/19/3239742	East Hants	71A Station Road, Liss GU33 7AD	Retrospective change of use from retail A1 use to 1 bed residential flat.	D 27 April 2020
Inspector's Reasoning <ul style="list-style-type: none"> The appeal property is wholly located within Flood Zone 3a and as such has a high probability of flooding. The Inspector noted that the appeal development introduces a more vulnerable use within this flood zone. The Flood Risk Assessment (FRA) accompanying the application identified that both the finished floor level of the appeal site and the access fall below the Environment Agency's 1 in 100 year modelled flood event plus climate change. Accordingly, the Inspector determined, the occupants of the appeal development would be at demonstrably unacceptable risk during the modelled flood event with no flood free or safe access from the site. The single storey nature of the development also provides no opportunity for safe on-site refuge. The appellant had erected a permanent wall (1.2m in height) within the rear courtyard, outside of the identified appeal site, to serve as a flood barrier along the boundary adjoining the River Rother. This wall was not identified as a recommended mitigation measure within the submitted FRA. As such the FRA did not assess the consequence that this wall would have upon flood storage capacity and the residual flood risk to other properties in the catchment. Significantly, the height of the constructed wall would still be below the 1:100 year modelled flood event plus climate change, and as such could potentially introduce a dangerous surge of flood water from overtopping of this wall and result in prolonged flooding of the property. Conversely, the erected wall could also have a negative effect on the natural function of the River Rother as a watercourse and ecosystem service. The Inspector noted that the appellant had attempted to occupy the appeal site as a retail and office use with little long term success but that this did not justify the introduction of a more vulnerable land use within an area at high probability of flood risk. Whilst the FRA includes a list of generalised mitigation measures, it is unclear how these physical design measures can be practically implemented given the retrospective nature of the development, and whether the suggested flood warning and evacuation plans are appropriate. Furthermore, the erection of a rear boundary wall to serve as a flood barrier potentially introduces greater risk to both occupants and the property, as well as potentially effecting flood storage capacity, other properties in the catchment and the natural characteristics of the watercourse. The Inspector judged that the appeal development would be at an unacceptable risk of flooding. In relation to living conditions the London to Portsmouth railway line is closely located to the appeal site. Nonetheless that Inspector noted that it was clear the Authority had approved other residential development in similar proximity to the railway line and that the Authority had not provided any substantive evidence or cogent reasoning as to why this appeal development differs to those approved schemes. Consequently the Inspector determined that it had not been adequately demonstrated that the railway line would harm the living conditions of occupiers. 				

Planning Application No	Authority	Site	Enforcement Appeal	Decision
APP/Y9507/C/18/3209964	Lewes	Land at Iford Farm, The Street, Iford BN7 3EU	<p>The breach of planning control as alleged in the enforcement notice is without planning permission, the material change of use of the Land from agriculture to a mixed use of the land for agriculture and for the shooting of game birds (including partridge and pheasant) for sport in the shooting season (1 September – 1 February), with the shooting of game birds for sport in the shooting season taking place in excess of that permitted under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This order permits the temporary use of Land for no more than 28 days in total in any calendar year.</p> <p>The requirements of the notice are to cease the use of the Land or any part of the Land for the shooting of game birds for sporting purposes in excess of that permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p> <p>The period for compliance with the requirements is two months.</p>	<p>D</p> <p>29 April 2020</p> <p>(Informal hearing)</p>
<p>Inspector's Reasoning</p> <ul style="list-style-type: none"> Shooting occurred at the Iford Downs Shoot on either 52 or 57 days in the 2017-18 season and has been operating commercially since 2010. It generally consists of 4 drives of up to around 30 minutes over a 6 hour day. The shooting season is from 1 September to 1 February. No shooting currently takes place on a Sunday. The South Downs Way crosses the area of the Shoot whilst a bridleway forms the boundary of the area use for shooting and there is nearby open access land. As a result, walkers, horse riders and other users of the South Downs Way, bridleway and open access land could be in close proximity to the shoot while it is operating. The number of people involved in a shoot, including guns, beaters and shoot staff, can be substantial. According to the Noise Impact Assessment, the sound of guns raises the ambient noise at locations around the shooting areas while it is taking place. The shoot could affect a substantial number of people on the paths through and around the shoot were it to operate on an unrestricted basis through the shooting season, albeit it was accepted that the open access land is rarely used by the public. Some representations suggested that members of the public have found operation of the shoot intimidating when using the public footpaths and bridleway around the area but the Inspector noted that shooting is a traditional pastime in the countryside such that the noise of guns would not be 				

unusual in an area such as this.

- Conditions to mitigate the effects of the shoot were discussed during the hearing and included:
 - Limiting the number of guns on the shoot to 9
 - Limiting the hours of operation of the shoot
 - A Management Plan for the shoot with regard to other users of the National Park
 - No shooting or beating over public rights of way
 - Limiting the number of days shooting per year
- The Inspector noted that to comply with Local Plan SD7 development needs to *positively* enhance tranquillity. The Inspector was satisfied that the suggested conditions would reduce the amount of noise and disturbance on days when the shoot operates and that they would also significantly limit the effect on other users of public rights of way, such that the shoot would not have a material effect on the behaviour or attitude of users of public rights of way in the area. Nevertheless whilst the Inspector considered that overall the shoot would *conserve* the relative tranquillity of the area there would not be an *enhancement* of the conditions of users of the public rights of way relating to noise and disturbance as required by Policy SD7 and would therefore be contrary to development plan policy. On this issue the Inspector concluded that the use does not conserve and enhance the natural beauty of the SDNP, with particular regard to the tranquillity of the area.
- Turning to ecology and biodiversity part of the site is within a SSSI. On the basis of the evidence submitted the Inspector considered that the shoot does not affect protected species nor the condition of the SSSI. In terms of bird species the Inspector considered the shoot to enhance biodiversity but noted that there may be negative impacts on the natural environment such as through the disturbance of flora and fauna, deposition of lead shot and displacement of native bird species. However, it was noted that these were presented as assertions with limited evidence to back them up and therefore there was a lack of certainty as to the nature and extent of these effects on biodiversity. On balance, and on the basis of the evidence available, the Inspector considered that the shoot conserved and enhanced ecology and biodiversity.
- The Inspector noted that the Estate had an endorsed Whole Estate Plan that provided details of the activities undertaken on the Estate, including the shoot. The shoot contributes toward the income of the Estate and toward the vision for the estate set out in the Whole Estate Plan. As a result, the mixed use for agriculture and for shooting of game birds complies with Local Plan Policy SD40 that supports farm diversification.
- The Inspector also noted that the shoot provides open air recreation and that is also provides employment. These factors carried moderate weight the Inspector determined.
- The appeal was dismissed as the Inspector judged the use, with particular regard to the tranquillity of the area, would not enhance the natural beauty of the SDNP, contrary to Local Plan Policy SD7 and conflicting with the first purpose of the SDNP to which the Inspector attached great weight in the planning balance.

Planning Application No	Authority	Site	Description of Development	Decision
SDNP/19/02109/FUL APP/Y9507/W/19/3239471	Chichester	Arundel House, Rumbolds Hill, Midhurst GU29 9ND	Conversion of two upper floors to two flats (1x1 bed and 1x2bed). Minor external works at ground floor level to facilitate access to the proposed residential flats.	A 7 May 2020

Inspector's Reasoning

- The appeal site is a three storey building wholly used for retail purposes and comprised of two retail units which are separated at ground floor level. The retail unit subject of the appeal occupies part of the ground floor and the full extent of the first and second floors of the building. The appeal site is in Midhurst Town Centre and within a Primary Shopping Frontage defined by the Local Plan.
- Local Plan Policy SD37 seeks to support the vitality and viability of the retail function of market towns. The policy emphasises that development proposals within the town centre must not harm the retail function of the town centre and that the loss of retail units within the Primary Shopping Frontage will not be permitted.
- The Inspector noted that the appeal proposal sought to convert the first and second floors of the appeal site to residential flats, with a reconfigured retail unit retained at ground floor level. Policy SD37 explicitly describes the loss of a retail unit as not being permissible, so although the retail unit would be of a reduced size it would not equate to the complete loss of a retail unit and would therefore satisfy this clause of the policy, provided it remains viable for retail purposes.
- It was considered that the appeal proposal would maintain the predominantly retail interface at ground floor level whilst facilitating residential development on the floors above, which it was noted was characteristic of the mix of uses along this part of Rumbold Hill. The introduction of a residential use would support the vitality and retail function of the centre, it was considered, by providing greater access to local businesses and services as recognised by Paragraph 85 of the NPPF.
- The Authority had expressed concerns about the significant reduction in size of the retail unit, reduced shop front width, irregular configuration and lack of staff facilities (i.e. toilet and kitchenette). In response the Inspector considered that the size of the retail unit remaining was similar to other retail units in the town centre and that it would remain a viable prospect for both the short and long term prosperity of the town centre. In relation to staff facilities the Inspector noted that there are public conveniences and food outlets within walking distance if no onsite facilities are provided.
- The minor nature of the external works were considered to have a neutral impact on the Conservation Area and the appeal was allowed.