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**SOUTH DOWNS NATIONAL PARK AUTHORITY  
PLANNING COMMITTEE**

A meeting of the Planning Committee will be held online at **10.00 am on Thursday, 10th September, 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 13 August 2020 (pages 1- 10)**  
To approve as a correct record the minutes of the Planning Committee meeting held on 13 August 2020.
- 4. Matters arising from the previous meeting minutes**  
To enable any matters arising from the 13 August 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/20/01237/CND - Swanborough Lodges (pages 11- 20)**  
**Local Authority:** Lewes District Council  
**Proposal:** Variation of Condition No.2 (Plans) of Planning Consent SDNP/16/06072/FUL - Change of use of land, erection of twelve holiday lodges and a reception lodge, construction of internal access paths and parking for guests.  
**Address:** Swanborough Lodges, The Droveway, Swanborough, East Sussex. BN7 3SL.  
To consider a report by the Director of Planning (Report PC20/21-12).
- 8. Application Number: SDNP/20/02065/HOUS - The Gate House, Poynings (pages 21 – 32)**  
**Local Authority:** Mid Sussex District Council  
**Proposal:** Provision of external cladding, insulation, flue and new roof to outbuilding (part retrospective), new wall to north of house (retrospective), retaining wall close to west boundary (retrospective), wall and entrance gates at south end of house (proposed), terracing of garden (part retrospective).  
**Address:** The Gate House, Poynings Road, Poynings. West Sussex. BN45 7AG  
To consider a report by the Director of Planning (Report PC20/21-13).

**9. Application Number: SDNP/19/05026/FUL - Westbury House Nursing Home, East Meon** (pages 33 – 54)

**Local Authority:** East Hampshire District Council & Winchester City Council

**Proposal:** Change of Use of a redundant care home and associated land to a residential use comprising 12 dwellings, access, parking, landscaping, repairs to heritage assets and associated works.

**Address:** Westbury House, West Meon Road, East Meon, Petersfield. Hampshire. GU32 1HY.

To consider a report by the Director of Planning (Report PC20/21-14)

**Members of the Planning Committee**

Alun Alesbury, Heather Baker, Janet Duncton, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Gary Marsh, William Meyer, Robert Mocatta, Vanessa Rowlands and Andrew Shaxson

Ex officio Members (may participate on Policy items but not vote): 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).

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**Public Participation**

Anyone wishing to speak at the meeting should register their request no later than 12 noon, 3 days before the meeting by e-mailing [public.speaking@southdowns.gov.uk](mailto:public.speaking@southdowns.gov.uk). The public participation protocol is available on our website [www.southdowns.gov.uk/](http://www.southdowns.gov.uk/)

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

### **SOUTH DOWNS NATIONAL PARK AUTHORITY**

#### **PLANNING COMMITTEE 13 August 2020**

Held: online via Zoom videoconferencing, at 10am.

Present: Alun Alesbury (Chair), Heather Baker, Janet Duncton, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Gary Marsh, William Meyer, Vanessa Rowlands and Andrew Shaxson

Officers: Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Mike Hughes (Major Planning Projects and Performance Manager), Lucy Howard (Planning Policy Manager), Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Jane Rarok (Development Management Officer), Stella New (Senior Development Management Officer), Kevin Wright (Planning Policy Officer), Mark Waller-Gutierrez (Specialist Lead).

#### **OPENING REMARKS**

53. The Chair welcomed new Members to the meeting and informed those present that:
- Due to the current Coronavirus pandemic full meetings were not able to be held at the Memorial Hall until further notice, hence the meeting of the South Downs National Park Authority was held using the Zoom Cloud Meetings software.
  - 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 purpose
54. The Senior Governance Officer confirmed the Members of the Planning Committee who were present, that the meeting was quorate and reminded Members of the protocol that would be followed during the online meeting.
55. The Chair reminded those present that:
- 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 would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

#### **ITEM 1: APOLOGIES FOR ABSENCE**

56. Apologies were received from Robert Mocatta.

#### **ITEM 2: DECLARATION OF INTERESTS**

57. Diana van der Klugt raised a non-prejudicial, public service interest in item 8 as she was the Councillor for the Pulborough, Coldwaltham and Amberley ward where the site was situated. She had attended meetings of the Amberley Parish Council but had not been to any planning meetings or been privy to discussions on planning items. One of the speakers was a Councillor for Amberley Parish Council and was known to her.
58. Alun Alesbury, Barbara Holyome and Andrew Shaxson declared a non-prejudicial interest in item 10 as one of the speakers, Jane Cecil, was known to them.

#### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 9 JULY 2020**

59. The minutes of the previous meeting held on 9 July 2020 were agreed as a correct record and signed by the Chair.

#### **ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES**

60. There were none.

**ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS**

61. Appeals for the following items had been submitted to Planning Inspectorate:

- SDNP/19/04720/FUL - Land rear 34 Lavant Street, Petersfield
- SDNP/19/01876/FUL - Soldiers Field House, Findon
- SDNP/18/05444/FUL - Garden Street Auction Rooms, Lewes
- SDNP/18/03162/FUL - Eastmead Industrial Estate, Lavant

**ITEM 6: URGENT ITEMS**

62. There were none.

**ITEM 7: SDNP/19/03366/OUT - Plumpton College.**

63. The Case Officer presented the application, referred to the update sheet and gave the following verbal update:

- One further letter had been received from a neighbour after the update sheet had been published, raising concerns about ecology and the impact on listed buildings. These concerns had been addressed in the Officer's report.

64. The following public speakers addressed the Committee:

- Mike Barber spoke in support of the application representing the applicant.

65. The Committee considered the report by the Director of Planning (Report PC20/21-06), the update sheet and the public speaker comments, and requested clarification as follows:

- What would be the colour scheme and nature of the roofs of the pig units? Would they be visible in the landscape and would there be any screening on the northern boundary?
- How prominent would the building on site 10 be in the landscape on the northern boundary?
- Where there were plans for extensions to buildings, could they be considered on their own merit in terms of achieving BREEAM Excellent, or would they have to be considered in the context of the whole building and therefore only achieve BREEAM Very Good, as stated in the report?
- Would the provision of staff accommodation be retained in perpetuity?
- The provision for student accommodation was considered small in relation to number of students at the college. Would more provision of accommodation be needed at a later stage?
- Clarification that the 'precedent' images in the Officer's presentation for later phases of the development were purely illustrative, and not definitive versions of what was proposed for these parts of the site?

66. In response to questions, Officers clarified:

- The pig units would be an extension of existing buildings and would square off the current site. They would be smaller than, and reflect the materials of, the current buildings on site, and conditions were in place to cover materials that could be used. They would be visible in the landscape but no more than the existing buildings currently were. Native hedges and tree planting were proposed to enclose the buildings of the pig unit.
- The buildings on site 10 would cover the same area as the existing footprint and be contained well within the northern perimeter road. Whilst it would be visible, it would not appear incongruous in its location and would be read as part of the campus development. Tree planting would be conditioned.

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- In order for the extensions to the main building to respect the character of the building, and be of like material, it meant that they would not meet BREEAM Excellent rating but would achieve BREEAM Very Good status.
  - The staff accommodation would be retained in perpetuity and this would be secured by the S106 legal agreement.
  - There was a waiting list for student accommodation and 91 beds had been proposed based on the college's calculation of need over the 7 years of this proposal. Whilst it was not possible to say whether there would be future additional demand for accommodation, any future application would need to be judged on its merits.
  - The images provided for Phases 2, 3 and 4 were illustrative only. Details would come forward at the reserved matters stage.
67. The Committee discussed and debated the application, making the following comments:
- Members welcomed that all new build would attain the BREEAM excellent standard; that there would be a 66% biodiversity net gain; that thought had been put into lighting provision on the site; and that ducting would be put in place to future-proof for electric vehicle charging provision.
  - The scheme was considered to be a significant improvement on the site in general, and specifically an improvement to the existing car parking layout.
  - Securing the cycle path along the east of the site was welcomed but it was noted that much work would have to be done outside of this application for this to link right through to Plumpton Railway Station.
  - Members emphasised the need to ensure screening of the pig units and the use of appropriate colour schemes (with a dark coloured roof being preferred), which would be managed through the details of the conditions.
  - It was noted that, as the building on site 10 would be prominent in the landscape, its design should reflect the nature and traditions of buildings in the Sussex landscape.
68. It was proposed and seconded that the application be approved.
69. **RESOLVED:**
- 1) That planning permission be granted subject to:
    - The completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:
      - a) Staff accommodation occupation restrictions limiting the occupation of the dwellings to persons solely or mainly employed at the College
      - b) Provision of a Landscape & Ecological Management Plan (LEMP)
      - c) Secure the use of the existing cycle path along the eastern boundary for the future use of cyclists and equestrians
      - d) Travel plan & Travel Plan Audit Fee, and bus control measures for the Estate Road
      - e) Highways works in accordance with a Section 278 agreement (including bus stop and junction improvements)
      - f) The phasing of the development and associated studies
    - The completion of further ecological surveys regarding bats on site and provision of a suitable, policy compliant, mitigation and enhancement ecological strategy to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and

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- The conditions as set out in paragraph 10.2 of the Officer's report and any additional conditions, the form of which is delegated to the Director of Planning, to address any mitigation matters that arise from the completion of the further ecological surveys.
- 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 13 August 2020 Planning Committee meeting.
  - b) The additional ecological surveys and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 13 August 2020 Planning Committee meeting.
- 70. The meeting adjourned for a 5-minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

### **ITEM 8: SDNP/19/05270/OUT Pickwick, Amberley.**

- 71. The Case Officer presented the application, referred to the update sheet and gave the following verbal update:
  - One further request for clarification had been received from a Member asking whether the applicants were the same applicants for the approved application adjoining the site (SDNP/19/04886/FUL - Land adjacent to Strawberry Villas). The Officer confirmed that they were not the same applicant.
- 72. The following public speakers addressed the Committee:
  - Peter Cozens spoke against the application representing Amberley Parish Council.
  - James Thorns spoke in support of the application as the applicant
  - Robert Gifford von Schiller spoke in support of the application as the agent.
- 73. Members were reminded that as this was an outline application, they were not considering design or layout at this stage, but were considering the principle of 7 dwellings on this site. The design and layout of the housing would come before the Committee at the reserved matters stage.
- 74. The Committee considered the report by the Director of Planning (Report PC20/21-07), the update sheet and the public speaker comments, and requested clarification as follows:
  - What options were available for pedestrian connection from the site to the Millennium Fields and the rest of the village? Could access be provided via the as yet unbuilt Strawberry Villas development site, via the playing fields to the east of the site or to the west along the frontage onto the Turnpike Road?
  - What was the position in regard to settlement housing numbers required by the Local Plan, where these have already been met?
- 75. In response to questions, Officers clarified:
  - The site did not have a pedestrian link to the rest of the settlement, other than via the highway verge, however access would be determined at the reserved matters stage and the applicant would need to demonstrate that they could provide access to main village, millennium green and playing grounds. Condition 29 stipulated that no works could commence until a scheme of pedestrian access had been submitted and agreed.
  - The site was within the settlement boundary. Applications should still be considered whether or not a housing target had been reached, and this was not a reason to refuse dwellings coming forward.

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76. The Committee discussed and debated the application, making the following comments:
- Members recognised that whilst Amberley had met its allocations for housing in the South Downs Local Plan, this did not prevent further development proposals coming forward.
  - They further recognised that, as this was an outline application, they must be satisfied as to the in-principle acceptability of the amount and type of development proposed, the ability to mitigate any ecological impacts and whether safe access was achievable in principle.
  - The site was considered a key gateway site at the entrance to Amberley approaching from the East, and that it was visible from the South Downs Way, which ran along the Downs to the south of the site.
  - Concern was raised about safe vehicular access with a higher volume of traffic turning into and out of the site from the Turnpike Road. Traffic speed was a concern and Members questioned whether the speed limit could be moved further east along Turnpike Road to ensure a lower speed at the junction to the site. However, it was recognised that this was the domain of the Highways Authority, who had not objected to the proposal, subject to conditions.
  - Whilst Members raised concerns that the Landscape Officer had objected to the application, it was generally considered that up to 7 dwellings could be accommodated. An appropriate landscape led scheme at the reserved matters stage could be an improvement and enhancement of the current site.
  - However, it was considered that with a significant number of dwellings on the site, a scheme for pedestrian access to the village, and for safe vehicular access, would be important at the reserved matters stage.
  - Members were pleased that the outline planning permission included a legal agreement to ensure compliance with policy SD28 on affordable housing provision.
  - It was proposed to amend the wording of the second recommendation to clarify that the legal agreement relating to provision of affordable housing should not make sufficient progress within 6 months.
77. Gary Marsh left meeting due to technical issues and although he re-joined 5 minutes later, was unable to vote on this application.
78. It was proposed and seconded to vote on the officer's recommendations, subject to the amendment to condition 11 as set out in the Update Sheet, and subject to the following amendment to the second recommendation:
- That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement relating to the provision of affordable housing is not completed or sufficient progress made within 6 months of the Planning Committee meeting of 13 August 2020.
79. **RESOLVED:**
- 1) That planning permission be granted subject to the conditions set out in paragraph 10.1 of the Officer's report and the Update Sheet, and a legal agreement to secure two affordable dwellings;
  - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement relating to the provision of affordable housing is not completed or sufficient progress not made within 6 months of the Planning Committee meeting of 13 August 2020.

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80. The meeting adjourned for a 5-minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

### **ITEM 9: SDNP/20/01676/FUL - Ditchling Rugby Club.**

81. The Case Officer presented the application, referred to the update sheet and gave the following verbal update:
- One further point of clarification had been received regarding access via the Drove. The Officer responded that access via the Drove had been addressed in the previous application and no further objections had been received.
82. The following public speakers addressed the Committee:
- Donald McBeth spoke against the application representing Ditchling Parish Council.
83. The Committee considered the report by the Director of Planning (Report PC20/21-08), the update sheet and the public speaker comments, and requested clarification as follows:
- That the Member debate should focus on the reason for temporary permission and whether it could be made permanent and not on any conditions that may have led to permission being sought previously.
  - As there was a known archaeological monument on the site was the sustainable drainage solutions listed in condition 9iii sufficient or was there a need for an archaeological condition should more engineered draining works be required?
84. In response to questions, Officers clarified:
- Temporary permission had been granted, and the Application before Members was to discuss whether the temporary permission could be made permanent. If there were substantial issues of concern regarding the temporary permission, or any new issues that need to be addressed, Members could overturn a temporary permission but should have good reasons to do so.
  - Condition 9iii was considered appropriate in this case. Any sustainable drainage scheme that came forward should not require substantial excavation works and therefore an archaeological condition was not needed. However, archaeology could be addressed by an informative stating that, should physical works be required, a) it would need planning permission and b) given the archaeology on the site, archaeological mitigation measures would be required.
85. The Committee discussed and debated the application, making the following comments:
- Members discussed the suggestion from the Parish Council that the previous decision had been reached improperly. They concluded that the decision to grant temporary permission had been fairly reached and based on sound advice. It had not been taken to a Judicial Review and there had not been any contraventions of the conditions which could prevent the temporary condition being continued.
  - Members noted the concerns from the local Parish Council and Landscape Officer regarding the impact on the landscape and preserving the strategic gap between Ditchling and Keymer villages. However, whilst the Members had a duty to preserve and enhance the landscape, they also had a duty to promote understanding and enjoyment of the Park. It was agreed that, on-balance, there would not be significant harm to the area and there would be many benefits to the community.
  - It was commented that improvements could be made to the visual impact of the entrance and signage to car park from the main road.
86. It was proposed and seconded that the application be approved.



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87. **RESOLVED:** That permission be granted, subject to the conditions set out at paragraph 10.1 of the Officer's report.
88. The meeting adjourned for a 5-minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

### **ITEM 10: SDNP/19/06071/FUL - The Old Pub Car Park, Slindon.**

89. The Case Officer presented the application and referred to the update sheet.
90. The following public speakers addressed the Committee:
- Jane Cecil spoke against the application representing The National Trust.
  - Mr Charles Fuente spoke in support of the application as the applicant.
91. The Committee considered the report by the Director of Planning (Report PC20/21-09), the update sheet and the public speaker comments, and requested clarification as follows:
- Should this application be considered alongside the approved and built out scheme for Leigh Cottage and the Old Stables? The Affordable Housing Supplementary Planning Document (SPD) stated that 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.
  - Were any of the properties in the vicinity of this scheme owned by the National Trust?
  - Were the objections from the Historic Buildings and Landscape Officer as a result of the scheme not being demonstratively informed by a landscape led approach?
92. In response to questions, Officers clarified:
- The application for Leigh Cottage and the Old Stables was approved over 5 years previously and so did not need to be considered as a single scheme.
  - The National Trust owned Vine Cottage and 32 & 33 Lodge Road.
  - Insufficient landscape evidence and analysis had led to the concerns raised by the Historic Buildings and Landscape Officers. However, whilst the scheme did not demonstrate a landscape-led approach, the scheme had been assessed by the Case Officer on its own merits, and the proposal was considered, on balance, to be acceptable from design, landscape and heritage perspectives.
93. The Committee discussed and debated the application, making the following comments:
- Members acknowledged that there was a need for 2-bedroom houses across the country, and that 2-bedroom cottages would be an asset to the village.
  - There was concern that both the Historic Buildings and Landscape Officers had objected to the application, and specifically the Landscape Officer's comments that the building bore no relationship to the access route. Some Members felt that the scheme could be improved with a different layout.
  - However, it was noted that, on balance, officers had discussed the layout and orientation with developers, and were satisfied that this scheme put forward the best placement for the dwellings in facing them out onto the Recreation Ground and was in accordance with the development plan.
  - The proposal was considered an improvement to the carpark that currently existed.
94. It was proposed and seconded that the application be approved.

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

95. **RESOLVED:** That planning permission be granted subject to the conditions set out in paragraph 10.1 of the officer's report.
96. The meeting adjourned for a 5-minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.
97. Ian Phillips joined the meeting and William Meyer left the meeting.

### **ITEM 11: Parking Supplementary Planning Document (SPD) consultation**

98. The Planning Policy Officer reminded Members of the report content and referred to the update sheet.
99. The Committee considered the report by the Director of Planning (Report PC20/21-10) and requested clarification as follows:
- Would a 12-week consultation be more acceptable, in light of covid-19 emergency?
  - Could a garage in a proposed dwelling be considered a habitable room and be counted in the parking calculator?
  - Using the parking calculator, would a development in a town not be allowed as many parking spaces as a similar, rural development?
  - Could the Parking SPD be considered in conflict with Policy SD22 in the South Downs Local Plan, which covered Parking Provision?
  - Whilst the Parking SPD made it clear that all parking must be landscape led, could wording to be added to ensure that parking should also enhance and make a positive contribution to the wider landscape?
100. In response to questions, Officers clarified:
- Officers had considered extending the length of the consultation but had not been convinced that any benefit would be gained by extending it to 12 weeks.
  - A garage would be counted as a habitable area as it could be converted to a room without further planning permission. A small garage was not included as an allocated parking space. Parking provision should always be considered in the context of the wider landscape.
  - The parking calculator made an allowance for the type of area the development was situated because research showed that parking need was different depending on where people lived. Therefore, it was possible that a development in a town did not need as many parking spaces as a similar, rural development.
  - The South Downs Local Plan provided a policy hook for the SPD by referring to parking standards for the locality. The number of spaces required for a development was calculated when an application was being decided. The Parking SPD would make it easier to work out how many spaces were needed.
  - The design of parking provision, and whether it would make a positive contribution to the wider landscape, was to be covered in a 'Design SPD' which would come before the Committee at a later date.
101. The Committee discussed and debated the SPD, making the following comments:
- Members welcomed this document and noted that the Parking Calculator would be a useful tool.
102. It was proposed to extend the consultation from 8 to 12 weeks, but Members agreed it should remain an 8-week consultation.
103. It was proposed and seconded to vote on the Officer's recommendation.

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104. **RESOLVED:** The Committee:

- 1) Approved the draft Guidance on Parking for Residential and Non-Residential Development Supplementary Planning Document for public consultation
- 2) Delegated to the Director of Planning, in consultation with the Planning Committee Chair, authority to make further minor changes to the SPD prior to public consultation.

105. Gary Marsh left the meeting.

### **ITEM 12: Adoption of the Sustainable Construction Supplementary Planning Document (SPD)**

106. The Specialist Lead reminded Members of the report content.

107. The Committee considered the report by the Director of Planning (Report PC20/21-11) and requested clarification as follows:

- That Members were voting to adopt the Sustainable Construction SPD as it was without proposing further amendments?
- Did the SPD set the highest standards, as far as it was able to within constraints set by the Government?
- Would this document be reviewed and updated at regular intervals?
- How many Electric Vehicle (EV) charging points were required per dwelling?

108. In response to questions, Officers clarified:

- Members could either adopt or reject the SPD before them, or suggest amendments. Any consequential amendments to the SPD would mean that it would need to go out for further consultation.
- Whilst certain targets were constricted by Government Guidance, where there was flexibility the highest possible, evidence-based standards had been set.
- The SPD could be reviewed at any point to enable it to reflect any subsequent Government changes. Additionally, the South Downs Local Plan and its policies would be reviewed within 5 years from adoption
- All new residential dwellings, where feasible, should have 1 electric vehicle charging point.

109. Ian Phillips left the meeting due to technical difficulties and re-joined 5 minutes later.

110. The Committee discussed and debated the SPD, making the following comments:

- Members welcomed this document and congratulated the team on producing a well presented and accessible document.
- Members asked for more clarity and consistency on the number of Electric Vehicle charging points needed per development type listed on the Summary of Requirements table.
- The following typographical errors were noted:
  - Page 288-289 (Single Dwelling Sustainability Chart): Errors were noted in the numbering of the footnotes (1-4);
  - Page 306 (Glossary): in the listing for 'BRE' the word 'with' should state 'which' to read "The Building Research Establishment (BRE) is a multi-disciplinary, building science centre **which** is focussed on how to improve buildings and infrastructure..."

111. It was proposed and seconded to note the content of the Consultation Statement and adopt the Sustainable Construction SPD, subject to the typographical amendments noted above.

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112. **RESOLVED:** The Committee:

- 1) Noted the content of the Consultation Statement (Appendix 1 of the Officer's report);  
and
- 2) Adopted the revised Sustainable Construction SPD (Appendix 2 of the Officer's report).

113. The Chair closed the meeting at 4.30pm.

### **CHAIR**

Signed: \_\_\_\_\_

Report to	<b>Planning Committee</b>
Date	<b>10 September 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Lewes District Council</b>
Application Number	<b>SDNP/20/01237/CND</b>
Applicant	<b>Mr B Taylor</b>
Application	<b>Variation of Condition No.2 (Plans) of Planning Consent SDNP/16/06072/FUL - Change of use of land, erection of twelve holiday lodges and a reception lodge, construction of internal access paths and parking for guests.</b>
Address	<b>Swanborough Lodges, The Droveway, Swanborough, East Sussex</b>

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**Recommendation:**

- 1) That planning permission be refused for the reason outlined in Paragraph 10.1 of this report.**
  - 2) That a Breach of Condition Notice is served in regard to the failure of the applicant to install the green roofs as required by condition 2 of SDNP/16/06072/FUL.**
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**Executive Summary**

This application proposes amendments to a previously approved scheme that consisted of a change of use of land, erection of twelve holiday lodges and a reception lodge, construction of internal access paths and parking for guests. The proposals involve a re-design of the approved lodges in terms of layout and configuration and in addition seeks consent to not install the previously agreed wildflower green roofs.

In the context of the development as a whole, the proposed revised layouts and changes to roofs are of a scale and nature to be considered as a variation of planning condition no.2 (approved plans) of the original planning permission.

Officer concerns are raised regarding the impact of the proposal to leave the units as erected without wildflower green roofs. It is concluded that the applicants have not satisfactorily addressed the impact of the lack of green roofs with regard to the harm caused to the immediate visual impact, the impact on surface water management and impact on biodiversity.

Taking into account the extant planning permission, the relevant policy, and the merits of the proposals, the application the subject of this report is recommended for refusal. It is also requested that Members approve the serving of a Breach of Condition Notice of condition 2 of SDNP/16/06072/FUL but only insofar as the non-compliance with the installation of the wildflower green roofs is concerned. It is recommended to Members that the SDNPA under enforce on the matter of the revised layout as this amendment is considered, on balance, to be acceptable in planning terms.

The application is placed before Members due to Members' previous consideration of earlier schemes and the planning history of the site.

## **I. Site Description**

- I.1 The site comprises an irregularly-shaped, sloping field of approximately 2ha, located 2km to the south of Lewes. It is set among arable farmland which occupies the land above and the flood-plain of the River Ouse to the east of the C7 Kingston Road and Kingston and Swanborough villages.
- I.2 Access is via, 'The Drove' some 300m in length, which proceeds eastward from a T-junction with Kingston Road. This serves the application site as well as Swanborough Fishing Lake approximately 50m to the east and a water treatment plant to the north. To the north of The Drove is Owlswick School set among its gardens, but this is accessed via a separate driveway onto Kingston Road, 80m to the north. To the south is arable land which includes a grass airstrip; a barn immediately outside the southern boundary which serves as a hangar for this.
- I.3 The site is roughly 300m long (its axis running north-west to south-east), and between 80 – 120m in width, although this narrows to a throat of 6-12m width, at the north west corner through the southern bank of The Drove.
- I.4 Planning permission SDNP/16/06072/FUL has been implemented, however the 12 lodges have not been built in accordance with the approved scheme and this application seeks to regularise the planning breaches on site.
- I.5 Site levels range between 5m (Above Ordnance Datum) in the east and the 18m (AOD) in the west, so that there is a height difference of 13m across the width of the site. Within this are three roughly distinguishable natural terraces that have been utilised to construct the holiday lodges in sympathy with the site's natural contours.
- I.6 A public footpath crosses the north-western tip of the site and The Drove. This continues northwards to Lewes and southwards across the adjoining field, where it divides; southward to Iford village and westward to Newhaven Road and Swanborough Village. Beyond Swanborough it continues as a bridleway, linking to the South Downs Way. Roadside cycle paths extend from Lewes along Kingston Road to its junction with Well Green Lane and the Wyevale Garden Centre, approximately 300m north of The Drove. The previous scheme required a cycle path to be introduced across the site to link the PROW's through the site and this has been provided and is found to be in accordance with the planning consent, albeit that cycle way signs are yet to be erected as part of a scheme approved and being pursued outside planning legislation.

### Surrounding Landscape

- I.7 The wider landscape within which the site is located is described in the Landscape Character Assessment (SDILCA), as landscape type: 'Major Valley Sides'. This is characterised by valley sides of varying steepness and defined changes in slope at the edge of the floodplain and at the crests of the slopes above. Woodlands along the lower slope form a particularly distinctive edge to the floodplain, forming a tranquil, rural setting. Villages are surrounded by a field pattern of early enclosures.
- I.8 The site is immediately above the floodplain and below the crest of the slope. The woodland to its north and eastern sides provides a screen but there are some gaps and thinning through which are views towards Lewes town and Mount Caburn, although variously filtered and framed by trees and bushes. To the west, the site is substantially below and screened by the crest of the slope, but with a line of sight to the South Downs Way to the north-west. At its southern end is the edge of the woodland boundary but with a gap through which the rolling, open arable land beyond are including an informal grassed airstrip close to the site edge. This view also contains a modern barn which is used as a hangar, immediately outside the site boundary.
- I.9 The views of the lodges are predominately from within the site boundaries but glimpses are afforded of the lodge roofs from wider public access points outside of the site.

## 2. Relevant Planning History

2.1 The following planning history is relevant to the application site:

- SDNP/16/06072/FUL. Change of use of land, erection of twelve holiday lodges and a reception lodge, construction of internal access paths and parking for guests – Approved 23/12/2018.
- SDNP/17/03167/FUL. Improvement to the C7 Junction and footpath/cycle access to the South Downs Way and upgrade part of Footpath KI to a Bridleway and formation of foot and cycle-link to the Egrets Way – Approved 20/6/2018

## 3. Proposal

3.1 The application proposes a minor material amendment to re-design the previously approved 12 holiday lodges. It proposes to vary condition no.2 of planning permission SDNP/16/06072/FUL which relates to the development being carried out in accordance with the approved plans and states: “The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of these Applications'. Reason: For the avoidance of doubt and in the interests of proper planning.”

3.2 The scheme has been amended in terms of the layout of each unit and internal configurations. The two tables below detail the configuration and Gross Internal Area, (GIA) of the consented scheme and the configuration and GIA of the lodges as constructed. They detail the changes in the bedroom mix and the overall increase in floorspace.

### Original GIA

Size	GIA sq.m	No. proposed	Total sq.m
One Bed	47.36	2	94.72
Two Bed	60.41	7	422.87
Three Bed	66.26	3	198.6
<b>Grand Total</b>			<b>716.19</b>

### New GIA

Size	GIA sq.m	No. proposed	Total sq.m
One Bed	57.36	5	286.80
Two Bed	73.17	7	512.19
<b>Grand Total</b>			<b>798.99</b>

Total Net increase – 82.80sqm

3.3 The second aspect of non-compliance with the consented scheme that this application seeks to regularise, is that the wildflower green roofs have not been installed on the lodges. The applicant instead proposes to leave the roofs as currently completed with a plasticised membrane in a light grey colour.

## 4. Consultations

4.1 **Iford Parish Meeting: No comments.**

4.2 **Design: Objection:**

- Suspect that green roofs were chosen as they contributed a number of important benefits to the overall design and its acceptance, in planning terms. (1) The material was used to soften the appearance of the buildings; in the local context and also when viewed in the wider landscape (2) The material was used to improve the thermal efficiency of the building (3) the material was used to slow down surface water run-off (from the roof) (4) the material was used to introduce a new habitat.
- The variation of roof material, therefore, significantly changes the appearance of the building and the technical performance of the roof design.

#### 4.3 **Landscape: Objection**

- The Design & Access Statement of the original application refers to green roofs as performing 3 important functions: Reduction in visual impact, Surface water management and Biodiversity opportunities.
- The application proposes no alternatives to address/mitigate for these 3 points. It is considered their loss would be detrimental to the overall scheme, indeed based upon the original submission, the replacement grey roofs would generate negative visual effects, reduce the scheme's ability to manage flood risk through surface water management and prevent the scheme from maximising multiple benefits.

#### 4.4 **Ranger: Objection:**

- The green roof aspect of the lodges is a very important part of the design of these lodges and enhances the development enormously. Strongly recommend this is kept as a requirement for the application. The lodges blend into the landscape with the green roof and it also adds biodiversity, considerate is considered to be an integral part of the original application

### 5. **Representations**

#### 5.1 **Kingston Parish Council – Objection:**

- The purpose of the condition was to mitigate the visual impact of the new lodges on the landscape of the South Downs National Park.
- The council has received complaints from parishioners that the proposed variation would detract from their enjoyment of the landscape and as such would be in contravention of Strategic Policy SD6.
- The proposed variation would also affect detrimentally the landscape character and biodiversity benefits the green roofs were designed to support.

#### 5.2 **Letter of objection from Friends of the South Downs Society- Objection:**

- The green roofs for the lodges were a very strong element to the original application both to limit the impact on the surrounding landscape and promote biodiversity:
- A key element of the primary application for the building of twelve holiday lodges within the South Downs National Park was the positive benefits for visitors to the Park, the local environment and ecology.
- The wild flower roofs planning condition were to (1) aid the biodiversity of the site, (2) to offset the ecological impact of the building development and (3) lessen the impact of the holiday lodges on the wider landscape views.
- By agreeing to not to have green roofs would be in conflict with Strategic Policy SD6: Safeguarding Views: "Item 2 c) Views from public rights of way".

### 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 should be given greater weight. There is also a duty in pursuance of the Purposes 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.

### Major Development

- 6.5 Officers are of the view that the proposal does not constitute major development for the purposes of paragraph 172 of the NPPF (2019). Accompanying footnote 55 advises that 'major development' in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

### The South Downs National Park Partnership Management Plan

- 6.6 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:
- Policy 1 seeks to 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.
  - Policy 28 seeks to improve rights of way to provide a better connected and accessible network for a range of abilities and users, and to reduce conflict where it occurs.

## **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
  - SD4: Landscape Character
  - SD5: Design
  - SD6: Safeguarding Views
  - SD9: Biodiversity and Geodiversity
  - SD23: Sustainable Tourism
  - SD40: Farm and Forestry Diversification
  - SD48: Climate Change and Sustainable Use of Resources

- SD50: Sustainable Drainage Systems

## 8. Planning Assessment

- 8.1 Assessment of the acceptability or otherwise of the proposed changes to the approved scheme.
- 8.2 This application has two main elements to be considered; the changes to the layout and internal configuration that lead to an increase in floorspace of the lodges and the proposal not to install the wildflower green roofs.
- 8.3 With regard to the first element of the scheme, the elevations have altered to some extent because of the changes to the internal configuration and the addition of larger terraces to each lodge. However, the increase in floorspace is minimal and the design ethos as approved is maintained to this regard, as is the pallet of materials.
- 8.4 Furthermore, the general layout of the lodges and associated hardstanding within the site has not altered to a substantial extent from the approved scheme. There has been an overall increase of floorspace of the lodges of 82.80sqm, this is down to modification in internal configuration and the inclusion of larger terraces. On balance, it is concluded that these changes can be considered as minor non material amendments and a refusal of the application would not be warranted on the grounds of these changes due to the minimal impact caused.
- 8.5 The second issue of non-compliance with planning consent SDNP/16/06072/FUL is the matter of the required wildflower green roofs not being installed. Within their submission, the applicant has not provided sufficient details to satisfy Officers that the non-installation of the green roofs would not detrimentally impact the surface water drainage of the site. Therefore, it has not been demonstrated that the scheme would accord with policy SD50 of the South Downs Local Plan.
- 8.6 Furthermore, the applicant has not provided any tangible direct mitigation for the loss of the wildflower green roofs. This would result in a net loss of an area of approximately 850m<sup>2</sup> wildflower habitat. Both the Landscape Officer and SDNPA Ranger agree that the biodiversity value of wildflower green roofs can be considered of higher value than similar provision on the ground, as they are not disturbed and therefore offer more continuity and longevity not only for plant species but also invertebrates. As such, the scheme fails to meet South Down Local Plan Policies, SD2 (Ecosystem Services) and SD09 (Biodiversity and Geodiversity).
- 8.7 The third impact of the lack of wildflower green roofs to the lodges is that of design. It is considered that the wildflower green roof design was intrinsic to the appearance of the lodges and how they could successfully integrate into the immediate landscape of the site. The applicant has sought to demonstrate that wider views of the roofs are not readily available, however, it is predominately the impact on the visual amenities of the site itself as part of the National Park that is unacceptable. The matter that the applicant relies on the fact that the lodges are not prominent in the wider public realm, the intrinsic landscape character within which they sit is just as important to conserve and enhance. The roofs as constructed sit starkly within the immediate landscape, at odds with the otherwise sensitively positioned lodges that follow the natural contours of the site. It is concluded that the revised scheme would not adequately conserve and enhance this site within the National Park and as such would not be in accordance with policies SD4 (Landscape) and SD5 (design), SD6 (Safeguarding Views) of the South Downs Local Plan.
- 8.8 If Members determine that the application should be refused in line with the officer's recommendation and, subsequent to that decision the Applicant confirms that they will install the green roofs within a reasonable timeframe, Officers would then look to work with the applicant to agree a suitable timeframe for installation. Failing such an agreement, Officers would directly proceed to issue a Breach of Condition Notice that will require the green roofs to be implemented as per the previous consent within a prescribed timeframe.

## **9. Conclusion**

- 9.1 In light of the above considerations, and recognising the policies of the adopted South Downs Local Plan, it is not considered that the proposal would conserve and enhance the National Park. It is concluded that the failure of the applicant to install the wildflower green roofs is a retrograde step in terms of design and therefore the visual amenity of the site. It has also not been demonstrated by the applicant that the surface water drainage on the site will not be impacted and no alternative provision has been made for the unique biodiversity that would have been provided by the wildflower green roofs. It is not considered that the changes in layout and internal configuration of the units would, on balance, warrant a reason for refusal of the scheme on that particular element.

For these reasons, the application is recommended for refusal.

## **10. Reason for Recommendation**

- 10.1 It is recommended that planning permission be refused for the following reason. Following this officers would serve a Breach of Condition Notice in regard to the failure of the applicant to install the green roofs as required by condition 2 of SDNP/16/06072/FUL, as would usually be the case under delegated authority.
1. The proposed changes to the roof design of the lodges would have an unacceptable visual impact on the character of the landscape by virtue of the omission of the wildflower green roofs and as such would fail conserve or enhance the National Park. The proposals are therefore contrary to adopted policies SD4, SD5 and SD6 of the South Downs Local Plan 2014-2033, National Park Purposes, and the National Planning Policy Framework 2019.
  2. It has not been demonstrated on the basis of the information submitted that the proposed changes to the roof design of the lodges would not detrimentally impact surface water management and biodiversity opportunities of the site. The proposals are therefore contrary to adopted policies SD2, SD9 and SD50 of the South Downs Local Plan 2014-2033, National Park Purposes, and the National Planning Policy Framework 2019.

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

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

## **12. Human Rights Implications**

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

## **13. Equality Act 2010**

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

## **14. Proactive Working**

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

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices	I. Site Location Map
SDNPA Consultees	Legal Services, Development Manager
Background Documents	<a href="https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a> <a href="#">National Planning Policy Framework (2019)</a> <a href="#">South Downs Local Plan (2014-33)</a> <a href="#">South Downs National Park Partnership Management Plan 2014</a> <a href="#">South Downs Integrated Landscape Character Assessment 2005 and 2011</a>

Site Location Map



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Report to	<b>Planning Committee</b>
Date	<b>10 September 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Mid Sussex District Council</b>
Application Number	<b>SDNP/20/02065/HOUS</b>
Applicant	<b>Mrs Fariba Taheri-Westwood and Mr Mark Westwood</b>
Application	<b>Provision of external cladding, insulation, flue and new roof to outbuilding (part retrospective), new wall to north of house (retrospective), retaining wall close to west boundary (retrospective), wall and entrance gates at south end of house (proposed), terracing of garden (part retrospective).</b>
Address	<b>The Gate House, Poynings Road, Poynings. West Sussex. BN45 7AG</b>

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**Recommendation:**

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

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**Executive Summary**

The applicant seeks part retrospective permission for changes to an outbuilding, revisions and additions to the boundary treatments including a new gate and access point and the terracing of the rear garden of this residential property.

Elements of the scheme are part retrospective as the applicant considered that they were undertaking work in accordance with permitted development rights. However, it has been concluded by Officers that a planning application should be submitted so that the retrospective element can be considered alongside the proposed development pertaining to new entrance gates and walls.

It is concluded that the works are acceptable and conserve the character of the area subject to appropriately worded planning conditions.

The application is placed before Members due to the planning history of the site.

**I. Site Description**

- I.1 The Gatehouse is located within the settlement boundary to the north of Poynings, adjacent to the countryside area of Poynings, and some distance outside of Poynings Conservation Area to the south. It is set to the west of Poynings Road, which is a designated classified road.
- I.2 The Gatehouse is a characterful building with a large courtyard style. It was originally an outbuilding, containing stables and storage, for the large detached building known as Downmere to the south of the application site. The Gatehouse is considered to date from the 1920s and it was thought to have once contained a theatre. The Gatehouse's primary elevation contains a distinctive clock tower, and the timber framed windows with leaded lights have timber shutters. The Gatehouse is considered to be a non-designated heritage asset and is not a listed building.

- 1.3 The main building within the site has been refurbished and extended under recent planning consent. Construction is still ongoing and, whilst the main building is not yet complete internally, it is substantially complete externally.

## **2. Relevant Planning History**

- 2.1 The following planning history is relevant to the application site:

- SDNP/18/01971/HOUS - Refurbishment and extension of the existing ancillary building to provide a 5-bedroom family dwelling with the erection of a 2 bay garage with bin and cycle storage adjacent - Approved - 17th August 2018.
- SDNP/19/02968/NMA - New internal configuration/layout of spaces. New glazing layout and specification throughout including new oak frame courtyard glazing design. Revised entrance design to south elevation with oak frame pitched roof overhang. Increase width of proposed extension. Inclusion of conservation style rooflights to main roof. Relocation of chimney. Proposed wood burner flue. Relocation of 2 dormers to suit internal layout - Withdrawn - 11th July 2019
- SDNP/19/04391/HOUS - New internal configuration/layout of spaces. New glazing layout and specification throughout including new oak frame courtyard glazing design. Revised entrance design to south elevation with oak frame pitched roof overhang. Increase width of proposed extension. Inclusion of conservation style rooflights to main roof. Relocation off chimney. Relocation of 2 dormers to suit internal layout – Approved 20 December 2019

## **3. Proposal**

- 3.1 This application does not concern the main building within the site, the adaption and renovation of this non-designated locally listed asset has full planning consent and is being undertaken in accordance with the extant planning permissions.

The application the subject of this report is partly retrospective and relates to an outbuilding, boundary treatments and the terracing of the rear garden. The works comprise:

### Outbuilding

- External insulating blocks (retrospective)
- New roof covering (felt) to outbuilding (retrospective)
- New cladding to outbuilding (proposed)
- External flue on outbuilding (proposed)
- Replacement windows (proposed)

### Boundary treatments

- Retaining wall along south western boundary of the site (retrospective)
- New wall (up to one metre) at front (north end) of house (part retrospective)
- New wall and gates to eastern boundary (proposed)

### Works to garden area

- Terracing of garden (part retrospective)

## **4. Consultations**

### **4.1 Poynings Parish Council: Objection**

- Outbuilding has been massively increased in size
- Whilst there is no suggestion that they plan to make a habitable room, a restriction should be included that this cannot be allowed.
- Structure is now visible from the scenic public footpath, when it wasn't before
- Impact on dark skies area from windows within outbuilding.
- Detrimental overbearing impact to users of adjacent PROW



- The retaining wall has changed the level of the land and is now much higher and built with no foundations.
- Potential flooding of PROW created by retaining wall.
- Impact of boundary walls on highway safety
- The terracing is much higher than before and is now near the top of the new wall and would need a barrier for safety reasons, thus eventually making the wall even higher.
- The 'Wildflower Meadow' does not have suitable medium for cultivation. A full biodiversity survey should be carried out.
- References to 'Modest changes' are not modest in a sensitive National Park.
- Incomplete application, errors and information
- The proposals do not respect the integrity of the original design structure and SD30 and SD31.

#### 4.2 **Conservation Officer:** Comments:

- There is no conservation objection to the addition of the new vehicular and pedestrian gates to the roadside, so long as height is restricted to 1.8 metres and the walls and secondary piers are constructed in Horsham stone. The primary gate piers should probably be provided in brick with stone copings.
- The curved frontage walls are slightly taller than permitted; this is not considered harmful to the setting of the asset.
- The block wall constructed along the causeway is a tall, clumsy feature. If functionally necessary for reasons of levels, it would have been much better constructed in brickwork or stone. Rendering or cladding the 'public' side of the wall is unlikely to be satisfactory in the longer term, though would probably prove harmless and more likely to be maintained on the private, garden side.
- The enlarged outbuilding has little or no bearing on heritage settings and none on that of the Conservation Area as the current boundary is some considerable distance away. The Draft of the Poynings Conservation Area and Management Plan, currently under public consultation, does present an option of extending the Conservation Area boundary to bring in the curtilage of the two Downmere properties. At present, however, this is only an option and no weight can be given to this consideration at the current juncture.

#### 4.3 **Ecology:** Comments;

- Recommend condition requiring a minimum of two bat roosting features such as bat access tiles or equivalent, and a single bird feature such as a sparrow terrace.

#### 4.4 **Highways:** Objection subject to additional information:

- The applicant has not demonstrated visibility for the proposed access. The LHA requests the applicant to provide maximum achievable visibility splays for the proposed access. If splays of 43m are not achievable, the applicant can support a reduction in splays with a seven-day speed survey. The LHA also requests the applicant to demonstrate maximum achievable visibility splays at the existing point of access. Effectively, this is the baseline position from which the proposed access can be assessed against, should visibility splays in accordance with current guidance and standards not be achievable.

**Officer Comment:** The applicant has been working with the Highway Authority and has progressed matters. Members will be updated by way of addendum to committee.

### 5. **Representations**

- 5.1 A total of 15 representations were received for this application, fourteen objecting to the scheme and one in support. The comments are summarised as follows:

#### Objection

- Impact of boundary walls on highway safety

- New wall around the previous gate entrance is not in the correct position
- Impact of increase in living space within outbuilding on highway safety
- Impact of southern structural wall on drainage of the adjacent PROW and enjoyment of users of the footpath
- The wall to the main entrance detracts from the character of the main building
- The outbuilding has been significantly increased in size to detriment to visual amenities of area and to users of the adjacent PROW
- Submitted ecology report is unclear and it is impossible to conclude if there will be an ecological enhancement
- Conditions required so that the outbuilding cannot become a habitable room.

#### Support

- Renovation is a vast improvement to the previously dilapidated site.

## **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 should be given greater weight. There is also a duty, in pursuance of the purposes 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;

## **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
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD15: Conservation Areas
- SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuilding
- SD20: Walking, Cycling and Equestrian Routes
- SD49: Flood Risk Management

## **8. Planning Assessment**

8.1 The main considerations are:

- a) Principle of Development
- b) The impact of Design and Landscape Impact
- c) Impact on Historic Environment
- d) Drainage
- 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

8.2 The proposal is for changes to a derelict residential outbuilding, new boundary treatment and terracing of the rear garden. This principle of this proposal is considered acceptable. Material considerations such as design, landscape impact, historic environment, Ecosystem Service, Highways and Dark Night Skies will be assessed below.

### The impact of Design and Landscape impact

#### Outbuilding

8.3 This structure, located to the rear boundary of the site, has been subject to an enforcement investigation and much controversy amongst local residents. The applicant claims that the structure was existing and that the works undertaken were done to refurbish the building under permitted development rights. A letter submitted by the builder of the original structure seeks to confirm this fact. The local residents state that the original structure was

much smaller and that the amendments to the structure therefore do not benefit from planning consent as permitted development rights for garden structures were removed by the previous planning consent.

- 8.4 To resolve this matter, the outbuilding has been included within this application so that it can be considered on its planning merits alone. If this application were to be refused, it would open to the applicant to submit a Lawful Development Certificate to seek to prove that the building accords with permitted development rights.
- 8.5 However, for the purposes of the scheme submitted, the planning merits of the outbuilding are being considered. To this regard it is concluded that the outbuilding is acceptable in terms of its siting and design. Whilst, it is visible from the adjacent PROW, it is not detrimentally so, thus not causing visual harm. Once clad in timber it will sit acceptably within the context of a rear garden outbuilding and adjacent to a similar building on the adjacent site, albeit that the application site outbuilding is higher. Furthermore, the boundary to the PROW is well screened with mature vegetation and the outbuilding sits behind this partial screen.
- 8.6 One matter of residents concern that can be addressed through a planning application is the use of the building. It is considered that an unacceptable relationship would be created if the outbuilding were to be occupied separately of The Gatehouse, both in terms of the host dwelling and for the occupiers of the adjacent neighbouring properties. For this reason, it is suggested that a planning condition be applied to limit the use to being incidental to the main dwelling house.
- 8.7 The outbuilding also incorporates a flue for a log burning stove. The applicant states that they intend to use the building as a hobby room and that this will ensure that the building can be utilised through the winter months. It is considered that the external flue is acceptable. The proposed position of the flue has been moved centrally within the roof of the outbuilding through the submission of amended plans, such that it is further away from the adjacent PROW and trees.

#### Boundary Walls

- 8.8 There are three aspects to this part of the planning application. First the new gate and walls to the south of the dwelling and to the eastern site boundary, no design concern is raised with regard to the proposal pending final submission of materials.
- 8.9 Secondly, the front dwarf wall to the north side of the house has been built in general accordance with the scheme as previously approved, except in that it has increased in height at some points from the permitted maximum 0.75 to 1m. This is considered acceptable in design terms as the wall follows the contours of the land. This wall is not considered to be overbearing or an obtrusive element within the streetscene.
- 8.10 The final aspect of the boundary treatment to be considered is the retaining wall to the south west. This wall sits on the application boundary and is up to of two metres in height. A PROW runs past this boundary of the site and concerns have been raised by local residents that the wall is overbearing to users of this footpath. For safety purposes the applicant had intended to raise the height of the wall by a further 1 metre, as the ground level created by structural terracing on the application site is approximately 1 to 1.5 metres higher than the level of the footpath.
- 8.11 It is considered that if the wall were to have been constructed as the applicant had wished, with a further 1 metre above the existing, then this would have formed an unacceptable and overbearing structure for users of the footpath. Alternatively, the Officer has advised the applicant that the wall not be increased in height and accordingly the applicant is intending to provide a permanent planter set back from the boundary wall, within the application site. This is in order to ensure the safety of users of the terrace through the maintenance of a safe distance from the boundary wall.
- 8.12 The wall, as constructed in breeze block, is an unattractive feature in the streetscene. It had been the applicant's intention to render the wall to match the main dwelling house. However, as the wall requires planning permission the applicant has ceased all work on it

and, following advice from Officers, has submitted this application for consideration. To this regard, it is considered that the existing structural wall is of a reasonable height and should not be made higher. Also that it is acceptable to render or clad the wall in so long as it is maintained in good order thereafter.

- 8.13 The third aspect of the scheme is the terracing of the garden. This was undertaken to provide structural support for the approved extension to the main dwelling as the ground conditions were such that additional engineering works were required. The applicant was unaware that planning permission was required for these works. However, it is Officer's consideration that these works do constitute an engineering operation and so it is correct that this application includes this work for consideration.
- 8.14 It is considered that the terrace is acceptable in terms of the visual amenity of the site and that it does not impede the stream that transverses the site. It is concluded that all the application proposals are in accordance with the South Downs Local Plan policies SD4 (Landscape), SD5 (Design) and SD20 (Walking, Cycling and Equestrian Routes)

#### Impact on Historic Environment

- 8.15 The Gatehouse to Downmere is well beyond the current boundaries of Poynings Conservation Area. The building dates to the 1920s, is constructed in a late Arts and Crafts idiom. It is not formally listed but it has, however, been regarded as a non-designated heritage asset.
- 8.16 The Conservation Officer has been consulted extensively throughout the conversion and restoration of the building and raises no objection to the works now proposed except with regard to the south western retaining wall. The Conservation Officer considers that the wall is a tall and clumsy feature that would have been better constructed of brick or stone and has concerns with regard to longer term maintenance of render or cladding. These concerns have been weighed into the planning balance. The wall does not sit within a conservation area or is it visible from it and it is an important supporting structure to the development already constructed under previous planning consent. It is considered that it would be visually acceptable if rendered, and that a condition to require it to be rendered/clad is appropriate. The condition should include an element to require the wall to maintained in a state of good repair. It is considered that such a condition is acceptable and enforceable, particular as it concerns a private dwelling with clear responsibility of the up keep of the wall. The owner has also stated that they would be happy to clad the wall in brick slips if it is considered that this a better finish for the wall than render and the suggested planning condition has been worded such to allow for further negotiation and approval of finishes.
- 8.17 Therefore, it is considered that this proposal adheres to policies SD12 and SD15 of the South Downs Local Plan.

#### Drainage

- 8.18 Submitted representations have raised concerns with regard to the south western structural wall and possible impact to the current drainage of surface water from the footpath into the stream that transverses the application site. The applicant has shown that drainage into the stream has not been impaired and it is considered that an appropriate planning condition will ensure that the drainage pipe is maintained in an effective state thereafter. As such, it is considered that the scheme will accord with Policy SD49, (Flood Risk Management), of the South Downs Local Plan.

#### Biodiversity, Ecology and Ecosystem Services

- 8.19 SD2 of the South Downs Local Plan supports development proposals which provide an overall positive impact on the ability of the natural environment to contribute goods and services. As part of the previous approvals for this site, the applicant provided an ecosystem services statement which proposed the creation of a wildflower meadow within the south west of the garden, a new hedgerow to the southern boundary of the site, 2 bird boxes within the trees in the grounds of the properties on the east face and 1 'sparrow terrace' box placed upon the wall of the property on the eastern face. The applicant has also installed 2 bat boxes on trees located within the south western boundary of the property.

Ecology consultation comments concluded that the measures as submitted were satisfactory.

- 8.20 In order that the current proposals are acceptable, the Ecologist requires that the applicant provides a further minimum of two bat roosting features such as bat access tiles or equivalent, and a single bird feature such as a sparrow terrace. This requirement should form a planning condition.
- 8.21 Therefore, it is considered that the proposal adheres to policy SD2 and SD9 of the South Downs Local Plan and the mitigation measures are considered acceptable.

#### Impact on Surrounding Residential Amenities

- 8.22 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.
- 8.23 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

- 8.24 The Highway Authority has raised concerns about the visibility splays of the new gates and walls to the vehicular access into the site. The applicant has advised that they have been in discussion with the Highway Authority and consider that matters have progressed. It is intended that Members be updated on this aspect by addendum to committee. However, if it cannot be resolved prior to the committee date, it is requested that this element is delegated to Officers to conclude given the nature of the site as a single dwelling house.

#### Public Rights of Way

- 8.25 Policy SD20, (Walking, Cycling and Equestrian Routes) of the South Downs Local Plan, 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 runs adjacent to the southern boundary of the site and the impact on this PROW has been considered earlier within this report. It is concluded that the impact of the proposals upon the right of way can be made acceptable through accordance with planning conditions and that the scheme is in accordance with the requirements of policy SD20 of the South Downs Local Plan.

#### Dark night skies

- 8.26 The site is within Dark Night Sky Transition Zone EI(b), however it is in a relatively dark location. As such it is important that the new lights proposed to the gate pillars are low wattage and PIR sensors. An appropriate condition requiring full details of the lights prior to their installation should be imposed. It is considered that the scheme will then adhere to policy SD8 of the South Downs Local Plan.

### **9. Conclusion**

- 9.1 Given the above, and subject to the highway position being resolved 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.

### **10. Reason for Recommendation**

- 10.1 The application is recommended for approval subject to the following conditions and subject to a legal agreement the final form of which is to be delegated to the director of planning;

#### Timescale

- I. 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. Notwithstanding the permitted details, no further development shall commence on site until a schedule and samples of external materials and finishes to be used in the completion of the outbuilding and boundary treatments, 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 visual amenity of the area

#### Maintenance of south western boundary wall

4. Within 6 months of the date of this planning consent;
  - (i) the south western boundary wall shall be rendered/clad in accordance with the details submitted and approved to discharge condition 3;
  - (ii) a scheme shall have been submitted and approved in writing by the Local Planning Authority detailing how the future maintenance of the wall will be undertaken.

Reason: To ensure that the wall is maintained in good order in the interests of visual amenity of the area

#### Ecosystem Services

5. A minimum of two bat roosting features such as bat access tiles or equivalent, and a single bird feature such as a sparrow terrace, shall be incorporated into the design of the refurbished outbuilding. Thereafter, the bat and bird features shall be permanently maintained and retained, with a photographic evidence of this feature submitted to the LPA for approval. The bat boxes installed on the site and all mitigation measures and/or works shall be carried out in accordance with the details contained in the submitted and hereby approved Ecosystem Services statement within this planning application.

Reason: To ensure that the measures detailed within the Ecosystems Service Statement are carried out as specified that the development has an overall positive impact on the ability of the natural environment to contribute to goods and services

#### Use of Outbuilding

6. The outbuilding hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the dwelling known as The Gate House and shall not be used or occupied separately thereafter

Reason: To safeguard the amenities of the area and to ensure the building is only occupied in connection with the existing dwelling.

#### External Lighting

7. Full details of lighting proposed to the eastern wall boundary pillars shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any lighting to the southern boundary wall and gate pillars. No additional external lighting shall be installed on the building or within the site 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 interests of night time amenity, tranquillity and protect and conserve the International Dark Night Skies.

#### Drainage Maintenance

8. The drainage pipe through the south western boundary wall shall be maintained at all times in a clear and effective condition.

Reason: To ensure that that the boundary wall does not adversely impact on the current drainage of the footpath.

Informative

- I. Due to the presence of a waterbody along the southern boundary of the site, it is also recommended that the works associated with the construction of the new wall are carried out in line with the current pollution prevention measures and measures to control surface water run-off and the emission of dust.

**11. Crime and Disorder Implication**

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

**12. Human Rights Implications**

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

**13. Equality Act 2010**

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

**14. Proactive Working**

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

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices I. Site Location Map

SDNPA Consultees Legal Services, Development Manager

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

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

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

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



Site Location Map



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Report to	<b>Planning Committee</b>
Date	<b>10 September 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council &amp; Winchester City Council</b>
Application Number	<b>SDNP/19/05026/FUL</b>
Applicant	<b>Dr Naqvi</b>
Application	<b>Change of use of redundant care home and associated land to a residential use comprising 12 dwellings, access, parking, landscaping, repairs to heritage assets and associated works.</b>
Address	<b>Westbury House, West Meon Road, East Meon, Petersfield, Hampshire, GU32 1HY.</b>

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**Recommendation: That planning permission be granted 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:**
    - a) 6 dwellings of an affordable housing (intermediate) tenure with an appropriate mix of properties;**
    - b) A phased programme of works to restore the heritage assets on site; and**
    - c) Secure the permissive path through the site.**
      - The completion of a further bat survey and provision of a suitable policy compliant mitigation and enhancement strategy, to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and**
      - The submission of a revised car parking layout, to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning.**
      - 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 a bat survey and strategy and revised car parking layout.**
  - 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 10<sup>th</sup> September 2020 Planning Committee meeting.**
    - b) A further bat survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 10 September 2020 Planning Committee meeting.**
-

## Executive Summary

Westbury House is a large vacant property set within a parkland estate. It is an un-designated heritage asset and was previously used as a care home, which closed in 2016. Since then, it has been subject to thefts and vandalism which has led to significant water ingress and internal damage. The building is at a 'tipping point' in terms of its condition and whilst it is understood to be structurally sound much of its heritage value is in its internal fabric which has been compromised.

The application proposes its conversion into 12 dwellings, comprising of 2-5 bedroom properties. The smaller properties and 50% of the overall scheme would be affordable housing of an intermediate tenure. A new car parking area (on land previously used for informal parking) is proposed on the eastern side of the house.

There is a wealth of heritage and environmental assets within the grounds which are arguably more important than the house itself. The designated heritage assets have however fallen into disrepair with the ruins of a chapel included in the Heritage at Risk Register. Environmentally, the parkland has suffered from not being sufficiently maintained and there is the potential for it to be restored and enhanced. The proposal includes a package of proposals to conserve and enhance these assets.

The site is within designated countryside whereby the weight of planning policy is restrictive towards new open market dwellings. An exception to this would be where proposals conserve and enhance heritage assets through appropriate uses. In this instance a residential use would be an acceptable use for the building. The scale and design of the proposals are considered acceptable having had regard to the heritage significance of the building and its context.

The application is placed before the Planning Committee to consider the merits of this scheme in relation to the landscape and cultural heritage of the site and the issues it raises.

### I. Site Description

- I.1 Westbury House is a substantial building which was largely re-built in 1904, following a fire. It originally was a single Georgian dwelling before becoming a boarding school and latterly a care home between 1982-2016. Its former uses resulted in various subdivisions and alterations but the larger original Edwardian rooms in the western end of the building remain. It is understood that as a care home it housed approximately 30 residents at any one time but had capacity for up to 70.
- I.2 The house is a non-designated heritage asset. Historic England have previously determined not to list it. Since 2016 its condition has drastically deteriorated following the theft of lead roof materials and vandalism which has led to significant water ingress. As a result, much of its internal fabric and features are compromised or appear to already be beyond repair. It is, nonetheless, still structurally sound.
- I.3 The house is situated at the northern part of its wider 35ha estate, situated between East Meon and West Meon. The immediate surrounds of the house and parkland was designed by Charles Bridgeman, an 18<sup>th</sup> Century royal garden designer, and evidence of his work remains. There may have been later design by Lancelot 'Capability' Brown. The parkland is included within the Hampshire register of historic parks and gardens. The design includes a 'ha-ha' immediately south of the house which may also be one of the oldest examples in Hampshire. The wider parkland includes areas of grassland and woodland, with previously designed vistas to and from Westbury House. The majority of the parkland south of the house is designated as a Site of Importance for Nature Conservation (SINC).
- I.4 The site is accessed via a main road between the two villages, with the house set back from it at the end of a long drive. From the road there are some views into the site and of the house. There is also a bus stop on the Site's frontage. There are two bridges over the River Meon and a secondary channel at the site entrance. There is also a public right of way which runs north- south through the site past the eastern side of the house.
- I.5 Adjacent to the site entrance are two listed dwellings which occupy the former stables associated with the House and are now in separate ownerships. Near to these properties and within the site are the listed ruins of St Nicholas Chapel and the earthworks of a medieval settlement. Both are also designated scheduled monuments (SM).

- 1.6 The River Meon runs east to west through the northern part of the site and past these historic assets and dwellings. It appears to have been diverted historically as it flows through two channels and a sluice pond next to the SM and dwellings. There is also a walled garden opposite these dwellings which is associated with the House which has the remnants of an apple orchard and nearby there are two listed icehouses which are in a poor condition. The woodlands immediately east and west of the Estate and the River Meon are also SINCs.

## **2. Relevant Planning History**

- 2.1 No relevant planning application history.
- 2.2 SDNP/15/03195/PRE: Additional 60 bed building to existing nursing home to provide dementia care accommodation. Pre-application advice provided on 08.10.2015.
- 2.3 SDNP/18/00099/PRE: change of use of 70 bed former care home to 9 residential apartments, partial demolition and reconstruction to form mews development of 18 cottages and lodge house comprising 2 cottages. Associated enhancements, landscaping and car parking. Pre-application advice provided on 05.04.2018.
- 2.4 SDNP/19/01050/PRE: Extension and subdivision of existing building to form 29 dwellings. Pre-application advice provided on 01.07.2019. The following advice was provided:
- Consideration of the heritage assets within the grounds, including the parkland designed by Charles Bridgeman, needs to be included in the application as a 'package' of enhancements.
  - Ecological and landscape enhancements will need to be proposed.
  - Heritage Statement which outlines the significance of Westbury House will be needed and should inform the scheme.
  - The 'thrust' of policy is to restrict new dwellings in the countryside but there may be scope for a residential use on the basis that it would be re-using a heritage asset. However, consideration of alternative uses to establish the 'optimal viable use,' in economic terms and physical works to the House, is required.
  - A residential use is likely to be needed in order to secure enhancements across the site.
  - The scale of development is excessive. A balance is needed between numbers of dwellings, mix and tenure to secure the 'package' of enhancements which should be delivered.

## **3. Proposal**

- 3.1 The application proposes to convert Westbury House into 12 dwellings, which would also involve an element of new build at its eastern end, as described below. The following mix is proposed. 6 dwellings would be an affordable (intermediate) tenure which would comprise of 2 and 3 bed properties.
- 5x no.2 bed.
  - 3x no.3 bed.
  - 1x no.4 bed
  - 3x no.5 bed
- 3.2 The external physical works to the building include the removal and insertion of windows and doors, mostly at ground and lower floor level, with the majority of the fenestration being retained. The external lift shaft and access ramps, remnants of its former use, would be removed.
- 3.3 The main and more original rebuilt western part of the building would be converted into 4 new dwellings by vertically subdividing the building. These works would involve removing the aspects of its former care home use such as partitions, bedrooms and bathrooms. In the more central part of the building 3 new dwellings are proposed through similar vertical subdivision of the building. Externally, this would involve re-instating some ground floor windows and a new door. The former eastern school dormitory wing is proposed to be

converted into 3 dwellings. This would involve similar type of external alterations as above with the removal of rooflights, and new windows and doors.

- 3.4 The very eastern end of the building, which comprises a later extension is proposed to be substantially altered to form one new dwelling (plot 11). This involves detaching it from the dormitory wing and an adjacent outbuilding and removal of a covered courtyard area, new windows and doors and timber cladding to create a single storey dwelling. The adjacent outbuilding, which housed infrastructure to power the house, is proposed to be converted into a single dwelling (plot 12). Proposed works would involve enlarging windows to create new doors and removal of internal partitions. An attached former boiler house is proposed to be converted into a bike and bin store.
- 3.5 New private garden areas associated with each dwelling are also proposed immediately around the house. Within the immediate grounds surrounding the house, the former layout designed by Charles Bridgeman and the creation of communal garden for residents is proposed. The wider parkland estate is proposed to be improved through a landscape strategy which seeks to deliver ecological and landscape enhancements. The existing walled garden would be new communal allotments.
- 3.6 The scheme also proposes, in principle, repair works to the chapel ruins which would need to be subject to more detailed assessment. In addition, the repair and restoration of the icehouses and walled garden are proposed, albeit the exact details of these works would need to be confirmed (via condition).

#### Parking and Access

- 3.7 The existing site access is proposed to be used and new landscaping is proposed along the driveway. The area immediately east of the house has been used for informal parking and the scheme proposes to create a more formal parking layout for 25 cars. Its layout is influenced by existing trees and new landscaping is proposed adjacent to a public right of way. The public right of way would remain unchanged. The existing driveway leading up to the front of the House would be retained.

#### Drainage

- 3.8 The existing on site private foul drainage system is proposed to be utilised. Surface water is proposed to be discharged via soakaways around the building.

### **4. Consultations**

- 4.1 The consultee responses below summarise original comments received including any subsequent comments from a re-consultation exercise undertaken following the submission of amended layout plan of the car park.

#### **4.2 Arboriculture:** Objection.

- The proposed car parking in and around the higher quality trees would be detrimental to and limit their life expectancy. If these trees are to be retained, suggest car parking is moved further southwards, which would involve the removal of poorer quality trees and shrubs instead.

#### **4.3 Archaeology:** No objection, subject to a condition.

#### **4.4 Drainage Engineer (EHDC):** Objection pending further details on surface water flooding relating to the site entrance.

- The site access crosses through flood zone 3 (high risk) in relation to the River Meon.
- Appropriate Flood Risk Assessment required.
- Prolonged flooding could prevent access/egress of the site.
- Proposals will generate increased run-off which must be attenuated on site.
- Drainage for the parking area must be designed for a 1:100 year flood event and climate change.
- Foul drainage would discharge to the existing sewerage facility on site, any new facility would need to be conditioned.

**4.5 East Meon Parish Council:** No objection, but with additional comments as follows:

- Development outside of the Settlement Policy Boundary, but would re-use a brownfield site and conserve/enhance a heritage asset.
- One third of dwellings are no.4 bed and above, which is inconsistent with policy EM3; a proportion of dwellings need to be closer to local housing needs.
- More imaginative approach to parking is needed to avoid impact upon trees and the footpath.
- No evidence to show the development will not increase flood risk.
- Condition required to secure renewable energy provision; a cycle route into/out of the development; overall site enhancements are delivered; prevent further housing development elsewhere in the estate.
- Wish to see more analysis on opportunities to develop the building and grounds for community use, eg the walled garden.
- No financial viability information provided for conversion of the house and improvements to the estate and heritage assets or affordable housing.

**4.6 Ecology:** Supportive of the landscape restoration of the wider estate but further detailed work including surveys required, as below:

- Ecology report recommends a bat survey of the ice houses as hibernation roosts is required. This needs to be undertaken prior to determination of the application.
- Clarification on whether the ruins of the St Nicholas Chapel to support roosting bats is required.
- Potential for hazel dormice to be present within woodland and scrub. Extent of the landscape works needs to be assessed and detailed mitigation devised.
- The last (1993) ecological survey of the parkland included high quality chalk grassland, including orchids and important for multiple rare butterfly species including Duke of Burgundy.
- An estate management plan and landscaping proposals should protect and enhance the ecological value of the site.
- Excellent opportunity for meaningful large scale ecological enhancement/restoration of the site.
- Woodland management works need to be guided by ecological constraints.
- Existing grassland retains elements of former chalk downland but surveys undertaken in late summer may have overlooked key high-quality indicator species; robust baseline assessment of species is needed as 2019 survey of chalk species appears sparse.
- Full baseline assessment of species on the site is required.
- Supportive of a wider landscape strategy and no reason why the proposed restoration of the historic landscape features should conflict with nature conservation interests.
- May be more appropriate to reduce, than prevent, grazing of riparian areas within the East Meon river corridor.

**4.7 Environmental Health:** No response received.

**4.8 Environment Agency:** No response received.

**4.9 Historic Buildings Advisor:** Comments.

- Could represent the last realistic opportunity to retain the house; its condition may mean the internal fabric is beyond repair.
- Need firm assurances and urgent action to rectify the water ingress. After which, the internal fabric, once dry, should be assessed as to whether it can be retained.
- Retention of the shell of Westbury House has the sole benefit of being a focal point and centrepiece for the parkland, but little else.

- A holistic view of the site is required if heritage and any other public benefits are to be realised.
- Large building and the number of proposed units is not unrealistic.

#### Heritage assets

- All heritage assets are in poor condition and show evidence of extended neglect.
- Submitted report on the condition of the heritage assets is realistic.
- The chapel ruins are on the National Risk Register and repairs urgently required.
- The scope of works for the chapel, icehouses, walled garden and ha-ha appears realistic.
- Estimated costs of restoring the walled garden is broad but reflects the possible different approaches which could be taken.
- Restoration works should be undertaken in an order of priority.
- A S106 could secure repair works to heritage assets to be undertaken in a phased way.
- The two icehouses are on the SDNPA Buildings at Risk Register; need to put forward considered proposals for their conservation.

#### Parkland

- Could consider clearing the Bridgeman canals at the front of the site, but needs to be balanced with any naturalisation of the river course if proposed.
- The ha-ha may be the oldest example in Hampshire.
- The CB scheme was overlain by a later landscape scheme by Capability Brown and further analysis of landscape features could reveal the survival of these respective landscape schemes to help inform the design.

4.10 **Highways Authority:** No objection, subject to condition.

4.11 **Historic England:** No objection.

- Conversion would not be detrimental to the setting of the chapel ruins.
- Proposals are a positive impact upon the chapel ruins and remedial works welcomed.
- Views of the chapel ruins from Westbury House would be enhanced.
- Permissive path would help to facilitate wider knowledge and public appreciation of the site, but has the potential to be detrimental to SM from increased footfall; request the path does not cross the earthworks of the medieval village and no fencing erected.
- Support any interpretation panels in principle.

4.12 **Housing (EHDC):** No objection, subject to achieving 50% affordable housing. Affordable rented tenure unsuitable due to location and existing use value of the site. Supportive of the affordable housing being an intermediate tenure and comprising the smaller 2 and 3 bed properties.

4.13 **Landscape (SDNPA):** Comments.

- Historic parkland setting survives, but not in a good condition, and should be conserved.
- Support the restoration of the parkland, woodland edge habitats, parkland trees within woodland, re-establishment of the walled garden, conifer removal, new permissive path.
- Strategy for mowing regimes of the grassland to mimic the layout of the historic garden is less positive than restoring them in a more permanent way.
- Formal recreational lawns are on the richer (species-wise) grasslands but regular mowing will have a negative effect.
- Positive management of more of the improved grassland would be a benefit.
- Restoration of the ha-ha would help with land management and reduce need for fencing.
- Continuing to graze the grassland with livestock is important.
- New ecological structures in the parkland not supported as unlikely to contribute to its character.



- River Meon restoration proposals are contradictory; suggest cattle fencing is sufficient and further works only proposed if supported by evidence.
  - The Meon has been culverted historically and an option for an enhancement could be to re-establish its natural function.
  - Site frontage and the watercourses/waterbody not referenced in the landscape strategy.
  - Need to address the quality of the grassland; seek to improve water quality of the river; remove the culvert and restore historic pond.
- 4.14 **Lead Flood Authority (HCC):** Comments. Do not consider the scheme will affect surface water drainage to warrant further advice.
- 4.15 **Natural England:** No objection.
- Will not have a significant adverse impact on The Solent due to reduction in foul water compared to the building's previous use.
  - SDNPA should consider improving surrounding ancient woodland and SINC's.
  - A Biodiversity Mitigation and Enhancement Plan required, to be agreed by a County Ecologist.
  - Landscape impacts to be assessed by the SDNPA.
- 4.16 **Public Rights of Way (HCC):** No response received.
- 4.17 **Southern Water:** Response received, no comments.
- 4.18 **The Gardens Trust:** Objection.
- Pleased to see the number of dwellings reduced since the pre-application proposals.
  - Car parking has logically been moved closer to the house.
  - Previous management of the landscape has been poor.
  - Unconvinced the scheme is landscape-led.
  - The landscape design for the gardens has been overlain with the CB plan Bridgeman but little reference to the impact on landscape character.
  - Proposals such as a sculptural terrace, sculptures, picnic areas are attractive to buyers but are marginal contributors to the site's restoration/preservation.
  - No management plan provided; unclear if the proposed landscape features and the landscape of the wider estate could be maintained, including financially.
  - Future management of the whole estate is questionable in terms of whether a strategy will be implemented in the long term.
  - Proposals need an achievable, costed, restoration of the garden features and their setting in the landscape as a planning condition.
  - Unclear of the future ownership and management of heritage assets, funding, timescales of works, and how this would be enforced.
  - Proposed private gardens on the house's southern side could have a negative impact.
  - No historic precedent for the proposed kitchen garden and planted terraces/parterre on the northern side of the House.
  - Fencing of the grassland beyond the ha-ha unnecessary given the function of a ha-ha.
  - Unclear how the setting of the ice houses and links to the house will be respected and managed; the proposed car park disrupts any link.
  - Insufficient detail submitted regarding the conservation of the chapel ruins.
  - Use of walled garden as communal allotments questionable; suggest a more imaginative use for it is needed to link residents and the local community.
- 4.19 **West Meon Parish Council:** Awaiting comments, members will be updated.

## **5. Representations**

5.1 20 objections and 4 representations in support have been received. They raise the following considerations:

### Objections

- The property has been neglected with no attempts to secure it.
- Inappropriate scheme in the Meon Valley and no benefit to local residents.
- Unsustainable location with no public services nearby and impact upon existing ones.
- Restoration of heritage assets only proposed to help justify the conversion.
- The Estate will lose its historic integrity.
- Would welcome an alternate development on the existing footprint, as long as it is sensitive to its context.
- Conflicts with National Park policies and Purposes.
- Conflicts with policies EM3 and EM5 of the Neighbourhood Development Plan.

### Scale & design

- Over-development and unsympathetic scheme which does not adequately protect historical features of the property.
- Scale of development/number of dwellings unsustainable and excessive.
- Should be renovated with 2-3 bed flats.
- Large scale car park proposed adjacent to PROW and involves felling trees.
- Car park would be an unsympathetic addition and would overwhelm the site, with insufficient room to accommodate the proposed number of vehicles.
- Siting of the car park will harm the setting of adjacent listed dwellings.
- Car park would require lighting; harmful to dark night skies and rural area.
- Loss of trees in the car park area contrary to climate emergency.
- Run-off from the car park will flow into neighbouring property.
- Potential for informal parking outside of the car park; more disturbance and nuisance.
- No garages and concern about storage for residents; potential for sheds to be erected.

### Landscape/ecology

- Unsympathetic to rural setting and detrimental to the tranquillity of the area.
- Proposed landscaping is a poor imitation to Charles Bridgeman's design.
- Detrimental to natural beauty of the site and National Park.
- Disturbance to wildlife; there is an array of wildlife including protected and rare species.
- The uniqueness and qualities of the Site (environmental and cultural) will be lost.
- Concern about the upkeep of the grounds after completion of the development.
- In the absence of robust enforcement, restoration work will not happen.

### Amenity

- Excessive noise and disturbance would be generated.
- Harmful impact upon the amenity of the PROW and its views.
- Residential use will cause harmful light pollution and affect dark night skies.
- Impact upon the amenity upon neighbouring dwellings, such as from car headlights.
- Increased traffic harmful to surrounding residential amenities.
- Public route through the Estate are good for mental health and relaxation.

### Highways & access

- Will cause additional traffic on local roads which already experience traffic problems.

- Traffic movements of the former care home use overstated; without an accurate figure to compare with anticipated residential traffic the Transport Statement is misleading.
- Inadequate public transport services available to provide alternative to cars.
- Bridge at the site entrance unsafe and further usage would be hazardous.
- Access road has suffered from flooding during heavy rainfall.
- Concern the car park will be used by walkers.
- Site entrance not fit to cope with additional traffic, with poor visibility.

#### Revised car parking layout

- Will cause parking elsewhere, such as the access road and in front of the main building.
- Will cause disturbance and light pollution upon neighbouring properties.
- Car park surfacing will exacerbate surface water flooding into neighbouring properties.
- Details of two mature chestnut trees are missing from the car park plan.
- Landscaping unlikely to address disturbance from headlights upon neighbouring property.
- Layout does not overcome previous concerns.

### 5.2 Support

- Residential is best use for the building.
- Will restore the building, provided done sensitively, and the wider grounds
- Provide needed accommodation in the area.
- Will bring an end to antisocial behaviour and thefts.
- Reduced light pollution compared to the previous use.
- Proposed car park may be larger but in the same place as the existing.
- Support but greater attention to the landscaping of the car park is required to screen it and traffic movements should not disturb immediate residents.
- Assertions in representations that vehicle movements of the care home were less is inaccurate.
- Building too big for use as a single dwelling, only other alternative use would be a school or hotel which would produce more traffic.
- No longer suitable as a care home.
- Car park needs to have a minimal impact.
- Its restoration would be a welcome benefit and beneficial to the local economy.

## 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 East Meon Neighbourhood Development Plan 2017 (EMNDP). 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, the first purpose should be given greater weight. There is also a duty in pursuing National Park purposes to foster the economic and social wellbeing of the local community.

#### 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
- Requiring good design
- Delivering a supply of homes
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Achieving well designed places

#### 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.

#### Major development

- 6.6 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

- 6.7 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 policies include: 1,5, 9, 10, and 50.

#### Legislation for Heritage Assets

- 6.8 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “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 building or its setting or any features of special architectural or historic interest which it possesses.
- 6.9 SMs are protected by law and any physical works affecting them is likely to require Scheduled Monument Consent from Historic England (on behalf of the Secretary of State) which is separate from the statutory planning process. In regard to planning decisions, the impact of development upon the setting of a scheduled monument and its nationally important heritage significance can be a material planning consideration.
- 6.10 Other documents
- 6.11 The Sustainable Construction Supplementary Planning Document is a relevant material consideration.

## **7. Planning Policy**

7.1 Whilst the EMNDP must be read as a whole, the following policies are particularly relevant:

- EM2 – Settlement Policy Boundary
- EM3 – size of dwellings
- EM4 – affordable housing
- EM6 – Design
- EM7 – design, materials.
- EM9 – Extension and alterations
- EM12 – sewerage/drainage
- EM13 – Surface water management

7.2 Whilst the SDLP must be read as a whole, the following policies of the SDLP are particularly relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD13: Listed Buildings
- SD14: Climate Change and Adaptation of Historic Buildings
- SD16: Archaeology
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD22: Parking Provision
- SD25: Development Strategy
- SD26: Supply of Homes
- SD27: Mix of Homes
- SD28: Affordable Homes
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management
- SD50: Sustainable Drainage Systems

## **8. Planning Assessment**

### Background

8.1 Westbury House is a very unique site. Whilst the house is unlisted, it is a focal point for its parkland setting within which there is a wealth of heritage assets. In addition, the parkland has a lot of potential for landscape and ecological conservation and enhancement. The potential for further public access could also improve the enjoyment and understanding of the site and the cultural heritage of the National Park.

8.2 The condition of the house has rapidly declined since 2016 after the care home closed. Since then, persistent thefts and vandalism have resulted in significant water ingress to the extent that its interior is in a very poor condition. Whilst officers understand that the building is structurally sound, it is very much at a 'tipping point' in regard to what internal historic

fabric could be salvaged. This is particularly important as much of its heritage significance comprises of this interior fabric, rather than its exterior architecture.

- 8.3 The parkland and the unique assets within it are more important than the house. Indeed, Historic England determined not to list it, whereas, there are designated assets at risk within its grounds and the parkland itself is culturally important. These assets have greater heritage value which needs to be conserved and enhanced. The parkland also has a lot of potential to conserve and enhance the landscape and biodiversity. In these regards, an appropriate development could achieve both National Park Purposes and relevant adopted and national planning policy.

#### Principle of development and Optimal Viable Use

- 8.4 Policy SD1 outlines that when considering development proposals that accord with relevant SDLP policies and National Park purposes that a positive approach will be taken that reflects a presumption in favour of development. The site is within a countryside location whereby there is a policy presumption in both the SDLP and the East Meon NDP against new open market residential development.
- 8.5 Policy SD25 outlines that only exceptionally will such development be permitted outside of a settlement policy boundary (SPB), where it complies with relevant criteria within this policy and other relevant Local Plan policies. Additionally, policy EM2 of the East Meon NDP outlines that outside of SPBs only development which requires a rural location will be supported, which excludes open market residential development.
- 8.6 In this instance, SD25(2d) requires a consideration of whether the proposals are an appropriate re-use of a previously developed site. The site is not in a particularly sustainable location but it is within a reasonable distance of East and West Meon. It is also located on a bus route albeit the service is not significantly frequent and so future residents would need to be reliant on their cars. An appropriate use has been considered in relation to other development plan policies and, in this instance, the preservation and enhancement of heritage assets is relevant. Policy SD12 supports the re-use of redundant heritage assets with appropriate uses provided they can be justified as an optimal viable use which secures their long term conservation and enhancement, including their setting.
- 8.7 The optimal viable use should consider the impact of the physical works upon the heritage significance of an asset to accommodate the proposed use. Alternative uses have been considered, having reviewed the submitted Viability Report, and a residential use offers the best opportunity to secure heritage and environmental enhancements which may not otherwise be achieved with an arguably less valuable use. To justify the new residential development, securing a 'package' of enhancements to restore the parkland and its assets are key considerations in regard to the principle and scale of development.
- 8.8 Given the above considerations, as well as the First Purpose and the NPPF 2019, a residential use is acceptable provided that the cultural heritage and other environmental benefits can be conserved and enhanced for the long term.

#### Conversion of Westbury House

- 8.9 Westbury House, whilst deemed not worthy to be listed, does have aesthetic value in terms of the more original parts and features particularly when seen from within the parkland. However, it has been described by Historic England (when considering its listing) as not being 'architecturally distinguished' for its time. Later additions and alterations have also not been sympathetic to its original character and form.
- 8.10 Its heritage significance lies within its interior fabric. Even after having an institutional use, which involved a degree of subdivision, its more original layout is still evident. Importantly, the interior included high quality joinery and plasterwork with many decorative features including in the more ornate principal reception rooms in the ground floor west wing, which are Edwardian, which replaced the original Georgian house after the fire. There is also a 'decorative hierarchy' between floors which reflects a social hierarchy of space within society at the time. The central staircase also remains in-situ. However, the water ingress

has significantly compromised this fabric to the extent that it is reasonable to conclude that a significant proportion of it will likely be lost.

- 8.11 The subdivision of the main original part of the house would somewhat restore the layout and proportions of the original rooms except for the east-west corridors which would require new partitioning and stairs. These interventions would assist with minimising the impact upon the original principle Edwardian rooms in the west wing which are of heritage value in terms of layout. They are the more highly decorative rooms, however, the condition of these features is compromised.
- 8.12 The proposed external works to the main western part of the house are predominantly of repair, most notably the roof, and minor alterations that would not impact upon its character. Other aspects like the unsightly wheel chair access ramps would be removed. The external alterations at basement level would be generally hidden from view and would also not impact upon its character. Removing the lift shaft which is visible at roof level would also be an improvement. These works would benefit the building without significant alterations to its original exterior character.
- 8.13 The eastern part of the building would be subject to a similar approach, with minor alterations being proposed, such as changing doors to windows, which would have no significant adverse effects on the building's heritage significance. Indeed, the eastern end of the building comprises of later additions which are arguably less sensitive to change given their form and character.
- 8.14 At the most eastern end of the building the later extension and small courtyard do not appear to have any heritage value. Their replacement with a single storey dwelling (plot 11) would be an improvement given its design. The early 20<sup>th</sup> century building containing the power house for the building does have some historical interest in regard to the introduction of more modern facilities and infrastructure for the house. The proposed works to it are unlikely to affect its heritage significance given it would re-use its existing form and it appears that its historic internal features have been lost following its former conversion as part of the care home use.
- 8.15 The flint outbuilding adjacent to the eastern end was formerly a boiler house. It is a modest sized building which has some aesthetic value given its flint walls and tiled roof and does not appear to have been subject to significant alterations. It is proposed to be used as a bike and bin store and whilst a pair of double doors are proposed this addition is not considered to greatly impact upon any heritage value.
- 8.16 The proposed number and size of dwellings is reasonably sympathetic to the more original layout of the building. The conservation officer has not objected to 12 new properties. Importantly, the original rooms in the east wing are proposed to be retained without subdivision and the central staircase is also proposed to be retained. The scheme does not involve significant external changes in regard to openings and there will be positive changes such as the loss of the existing lift shaft. Importantly, the scheme does require a certain level of development in order to achieve all of the enhancements which are sought within the scheme.
- 8.17 There is a concern that the immediate subdivision of space around the building to create private amenity space for residents could detract from the appearance of the house, however, conditions could secure appropriate boundary treatments for these areas, to provide consistency in how they are designed and treated.
- 8.18 There has been concern raised in the representations that the scheme is an over development of the site. The building is large and any less dwellings would consequently result in much larger properties. The scheme proposes a good mix of small dwellings and utilises the parts of the house which have less heritage significance to achieve this, in order to make best use of the available floorspace, and meet policy SD27.
- 8.19 Furthermore, the conservation officer has not objected to this degree of subdivision and considers it a reasonably sensitive approach having assessed the heritage significance of the building as a whole. It is likely that subdivision to this extent is needed in order to achieve a

more viable scheme and create a sufficient number of properties and value to achieve the package of other enhancements such as the parkland restoration and its future management and conservation of heritage assets.

#### Mix and affordable housing

- 8.20 The proposed mix of dwellings has been based on an assessment of sensitively subdividing the house, whilst retaining its more historic layout to achieve a balance in the size of units. A significant proportion of no.2 and no.3 bed properties are proposed. Policy SD27 requires a high proportion of smaller properties, whilst EMNDP policy EM3 requires schemes to comprise no.2 and no.3 bed dwellings to address the issue of a larger dwelling housing stock in the area. Given the heritage considerations, the proposed size and mix of dwellings proposed are acceptable.
- 8.21 The scheme is now proposed to incorporate 50% affordable housing, which would comprise of the smaller properties. These would be of an intermediate tenure. Whilst this does not meet the tenure requirement of policy SD28, an intermediate tenure would assist in supporting the enhancements sought on the site. Given the circumstances of the site, this approach is acceptable and is supported by the EHDC Housing team. That said, it should be acknowledged that the shared ownership units would still have a fairly high value given the location and their setting.

#### Sustainable Construction

- 8.22 Discussions have taken place on matters of sustainable construction and the Applicant believes that the SDNPA's requirements can be achieved. This will, however, require further assessment work given the nature of the building and as such a condition is proposed. In addition, vehicle charging points are also proposed and also the subject of a condition.

#### Impacts upon neighbouring amenities from the proposed conversion

- 8.23 The existing fenestration of the Westbury House is predominantly retained. This would entail upper floor windows being used as an outlook from habitable rooms. Previously windows were serving bedrooms for a greater number of former residents. Given the distance between the house and the two dwellings within the stables as well as their orientation and intervening vegetation the proposals are not considered to cause undue loss of privacy.
- 8.24 In regard to any noise and disturbance, the scheme would utilise the existing access and will involve comings and goings of residents past these properties. There was however a comparable level of activity associated with the care home use. The extent of noise and disturbance from residents occupying the dwellings would not be considered to be a significant issue given the distances between the properties. The car park would generate a degree of noise, however, it is unlikely to be excessive and it would be a reasonable distance away from these neighbouring properties. Aspects such as light pollution could be mitigated through any careful design of external lighting and landscaping, which could also assist with reducing glare from headlights.

#### The parkland and heritage assets

- 8.25 A scheme outlining the principles of parkland restoration and management have been proposed. This includes re-introducing elements of the Bridgeman design within the immediate surrounds of the house and retaining the ha-ha. More widely, it is proposed to retain a more 'naturalistic' parkland landscape.
- 8.26 The proposals have been informed by surveys of the site by arboriculturalists and landscape architects. The landscape officer largely supports the proposed scheme but has raised some concerns. It is considered that these matters could be dealt with through the proposed conditions which require details of a landscape scheme and a Landscape and Ecological Management Plan. The objectives of these conditions would be to seek tangible enhancements to the overall site in the interests of net environmental and biodiversity gain, whilst seeking to ensure the parkland and immediate surrounds of the house are restored in regard to having been a designed landscape and its heritage significance. Consequently, the landscape and special qualities of the National Park could be conserved and enhanced.



- 8.27 The above enhancements would also address policy SD2 regarding ecosystems services, through improving the natural environment and the goods and services it provides. Improving existing habitats and further enhancements, including new planting, could achieve multiple benefits in regard to the various criteria outlined in policy SD2.
- 8.28 Regarding the individual heritage assets, estimates for works to the heritage assets identified have been provided, however, further detail on the specific works to ensure their long term survival would be required. Whilst it would be helpful to know the extent of the works in detail at this stage, on balance, given the level of detail required this could be required via a programme of works to be outlined in a SI06 Agreement.

#### Impact upon the listed buildings and SM

- 8.29 The chapel comprises the walls of a small ruined medieval church. Repairs to secure the ruins are not insurmountable and the conservation officer advises that this should not be overly onerous within the overall scheme. Historic England have advised that the effect of the scheme would have a positive impact upon the SM in regard to works to the chapel ruins. Given that the scheme would not introduce new development in closer proximity to the SMs, with the house approximately 100m away, the proposals would not impact upon their setting.
- 8.30 The area of the medieval village is somewhat overgrown and its presence is buried and not particularly visible within the topography of the land. In any event, given the scheme does not introduce new development in close proximity to it, its setting would not be negatively impacted upon.
- 8.31 The icehouses are concealed within woodland and are overgrown. Given their siting and immediate setting the proposals, including the car park are unlikely to affect their setting. The scheme proposes an element of restoration which would be a positive intervention to retain their historic interest, rather than causing less than substantial harm to them.
- 8.32 The former stables adjacent to the site entrance have been converted into two dwellings. They are of a good quality of architecture and their setting has become more domestic in character given their residential conversion. That said, they have high aesthetic value within the site. The conversion of the house is unlikely to affect their setting or historical association with it. The formalisation of the car park area would create a new visual addition which could be seen in the same views of the house and stables including from the public right of way. The conservation officer has not raised the car parking area as a concern in regard to the setting of the stables but, in any event, the recommendation proposes to delegate to officers to progress with re-siting it further south to address the concerns of the arboricultural officer.
- 8.33 Although not listed, the walled garden is an important heritage asset within the scheme. It is intended to be retained as a communal allotment for residents which would help to put it to a use without compromising its integrity given its low key nature. This use would be reminiscent of its former use as a kitchen garden associated with the house.

#### Access and parking arrangements

- 8.34 The Highways Authority has not raised an objection and the existing access would be retained as existing. Concern has been raised in representations about traffic movements, however, given the level of activity which could be associated with a care home use a scheme of 12 properties is reasonable and the traffic generated would not have a significant effect upon local roads.
- 8.35 Concerns have also been raised concerning the amount of parking and the location of the parking area on the eastern side of the house. It is understood that this area has previously been used as an informal parking area. Whilst there haven't been explicit objections to this arrangement by the conservation or landscape officers, the arboricultural officer has objected. Their view is that the car park would harm the long term survival of various mature trees in this area. They have advised that there would need to be a more significant re-positioning of the car park to address these concerns, with an option being to re-position

parking further south into an area of lesser quality trees. The location and design of the car parking has also been objected to in third party representations.

- 8.36 Given the heritage and landscape sensitivities on site, locating more formalised parking elsewhere has some challenges. The eastern side of the building is arguably the least sensitive area in these regards. Representations have also raised concern regarding the impact upon the amenity of the footpath.
- 8.37 The revised car parking layout has sought to be a more sensitive design, however, this has not satisfied the arboricultural officer or neighbour's concerns. It is considered that an appropriate car park design which includes a suitable number of spaces, retains mature trees and protects amenities could be achieved and the recommendation proposes that the final design and any relevant conditions is delegated to the Director of Planning.

#### Ecology

- 8.38 An ecological survey was undertaken, however, the county ecologist has raised concerns in regard to further work needing to be undertaken. This includes a hibernation assessment for bats within the icehouses and also refers to surveying the chapel ruins. On the basis of the ecologist's advice, the recommendation is for further bat survey work to be undertaken. It is proposed that this issue be delegated to the Director of Planning as per the recommendation.

#### Flood risk and drainage

- 8.39 Given the former use of the site which could be resurrected and that the access is not proposed to be altered an objection could not be sustained in regard to flood risk. Furthermore, the County Council, as lead flood authority (LFA), has not objected. The existing infrastructure of soakaways and private foul system are also proposed to be used and conditions are recommended to clarify these details further.

#### Nitrate pollution

- 8.40 To fulfil the requirements under the Habitats Regulations (2017), officers are required to assess the likely significant effects of development on the European protected sites. The Solent is vulnerable to water quality issues and the River Meon flows through the site. Given the site's former use and the advice of Natural England, the scheme would not have an adverse effect upon the Solent.

### **9. Conclusion**

- 9.1 Whilst the site lies within designated countryside, new residential development would be acceptable on the basis that it would be justified as an optimal viable use and an appropriate re-use of a heritage asset, along with a package of enhancements to the parkland and heritage assets within it. A S106 agreement could also secure a programme of works to restore the heritage assets and affordable dwellings of an intermediate tenure. In light of the above considerations and subject to the outstanding matters being addressed by condition the proposals are considered to be acceptable.

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

- 10.1 It is recommended to grant planning permission 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:
    - a) 6 dwellings of an affordable housing (intermediate) tenure with an appropriate mix of properties;
    - b) A phased programme of works to restore the heritage assets on site; and
    - c) Secure the permissive path through the site.
      - The completion of a further bat survey and provision of a suitable policy compliant mitigation and enhancement strategy to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and

- The submission of a revised car parking layout to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning.
  - 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 a bat survey and strategy and revised car parking layout.
- 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 10th September 2020 Planning Committee meeting.
  - b) A further bat survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 10 September 2020 Planning Committee meeting.

#### 10.2 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.

3. No development shall be commenced unless and until a schedule of all materials and samples of such materials to be used, including 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

4. No development shall commence unless and until details of all new internal and external window and door joinery shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings and sections at a scale of 1:5 or 1:10 as appropriate (including sections through glazing bars), to clearly show the construction of the joinery and the finished relationship to the jambs, cills and heads of the walls. The works shall thereafter be carried out in accordance with the approved details and shall be retained permanently as such.

Reason: In the interests of preserving the character and appearance of Westbury House.

5. No development shall commence unless and until a detailed scheme of works for the internal conversion of Westbury House has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- a) A methodology for drying out retained fabric once the building is made watertight.
- b) An assessment of the existing internal fabric in regard to what can be retained and repaired and what fabric needs to be replaced;
- c) A methodology to repair/restore fabric to be retained;
- d) A methodology for removing existing fabric which is beyond repair; and

The development shall thereafter be implemented in accordance with the approved details in full.

Reason: To ensure that the heritage significance of the internal fabric of the building is retained and restored.

### Landscaping and ecology

6. 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 full, 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.

7. No development shall commence unless and 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 long term objectives, 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 full in accordance with the approved details.

Reason: To conserve and enhance flora and fauna.

### Construction Management Plan

8. No development shall commence unless and 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. Release of sediment from construction into the watercourse
  - iv. Chemical and/or fuel run-off from construction into the watercourse;
  - v. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the selection of plant and machinery and use of noise mitigation barrier(s) as necessary;
  - vi. Means of limiting sediment released into the watercourse during construction to limit impacts downstream.
  - vii. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
  - viii. The parking of vehicles of site operatives and visitors;

- ix. Loading and unloading of plant and materials;
- x. Storage of plant and materials used in constructing the development;
- xi. The erection and maintenance of security hoarding, where appropriate;
- xii. Wheel washing facilities;
- xiii. Measures to control the emission of dust and dirt during construction;
- xiv. A scheme for re-using/disposing of waste, including spoil;
- xv. Provision for storage, collection and disposal of rubbish;
- xvi. Working hours.

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

#### Dark night skies

9. No development shall commence unless and 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.

10. No external lighting subsequent to condition no.11 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.

#### Levels

11. No development shall commence unless and until details of site levels and longitudinal and latitudinal sections through the site of the car park area 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 shall commence unless and 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 full accordance with these details.

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

13. No development shall commence unless and until details for the provision of electric charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. These approved details shall thereafter be implemented in full and retained thereafter.

Reason: To ensure a more sustainable development and opportunity for more sustainable means of transport.

### Drainage

14. No development shall commence unless and 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 full accordance with the approved details.

Reason: To ensure satisfactory provision of surface water drainage.

15. No development shall commence unless and 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 full accordance with the approved details.

Reason: To ensure satisfactory provision of foul water drainage.

### Archaeology

16. No development shall commence unless and until an archaeological watching brief covering the duration of implementation of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not be limited to, the installation of services as well as demolition, re-grading works and the car park area.

Reason: To ensure the conservation of any underground cultural heritage.

17. In the event archaeological remains are encountered, their details and proposed mitigation strategy for addressing these deposits and a means of recording them shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with these details and the findings shall be submitted to the Hampshire County Council for inclusion within the Historic Environment Record.

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.

### Parking

18. 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.

### Interpretation board

19. The proposals shall include the provision of an interpretation board along the permissive path within the site. Its siting, scale and design shall be agreed by the Local Planning Authority before it is erected and maintained thereafter.

Reason: To promote the understanding and enjoyment of the scheme to visitors.

### Permitted Development Rights

20. 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.

21. 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.

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

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

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

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

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

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

#### **14. Proactive Working**

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

### **TIM SLANEY**

#### **Director of Planning**

#### **South Downs National Park Authority**

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Appendices I. Site Location Map

SDNPA 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

South Downs Integrated Landscape Character Assessment 2005 and 2011

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

South Downs Local Plan 2019

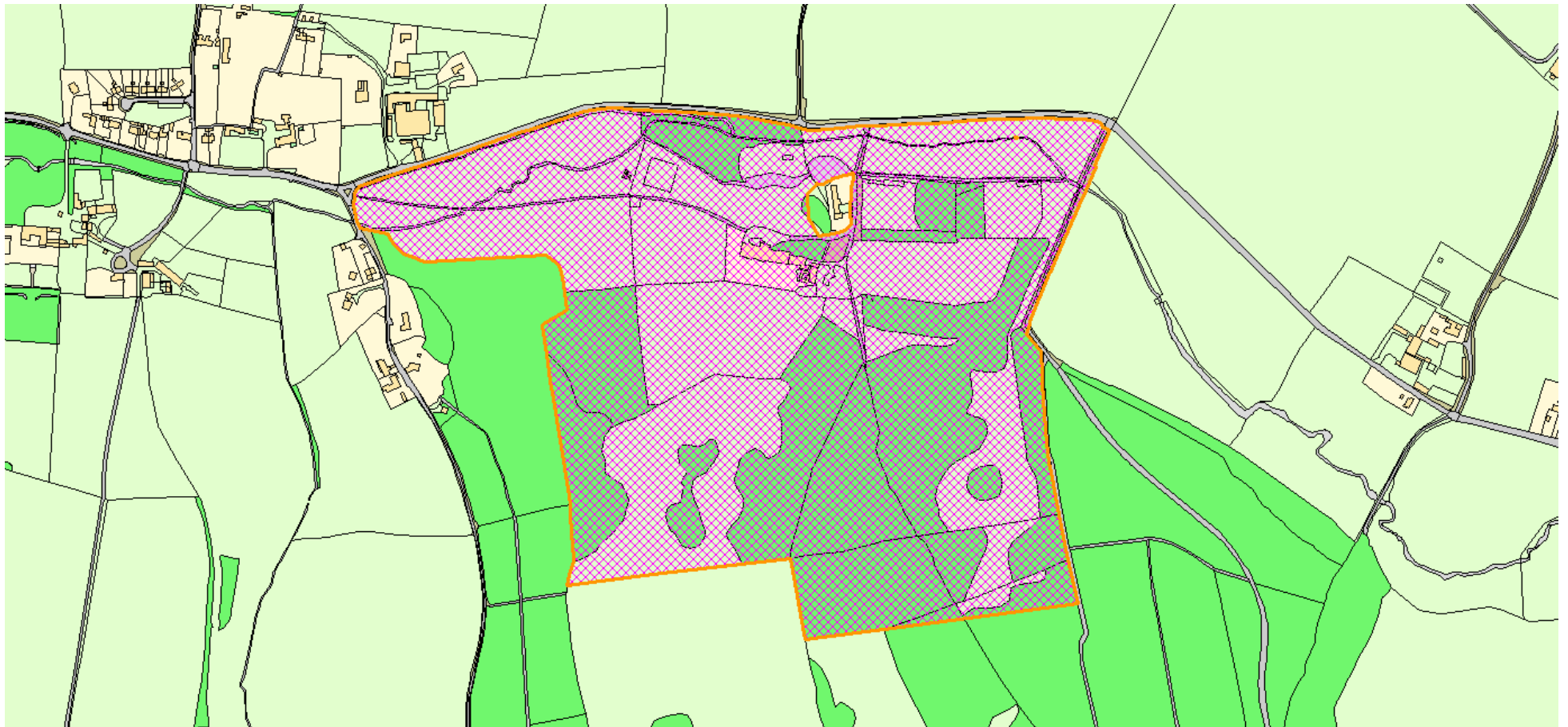
[https://www.southdowns.gov.uk/planning/south-downs-local-plan\\_2019/](https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/)

Ecosystems Services Technical Advice Note

<https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/>

Sustainable Construction SPD

<https://www.southdowns.gov.uk/meeting/planning-committee-13-august-2020/>



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