

Agenda Item 9
Report PC 21/22-30

Report to **Planning Committee**

Date **9 December 2021**

By **Director of Planning**

Local Authority **Chichester District Council**

Application Number **SDNP/21/00924/CND**

Applicant **Synergy Housing Limited**

Application **Variation of condition no.2 (plans) of SDNP/15/01862/FUL**

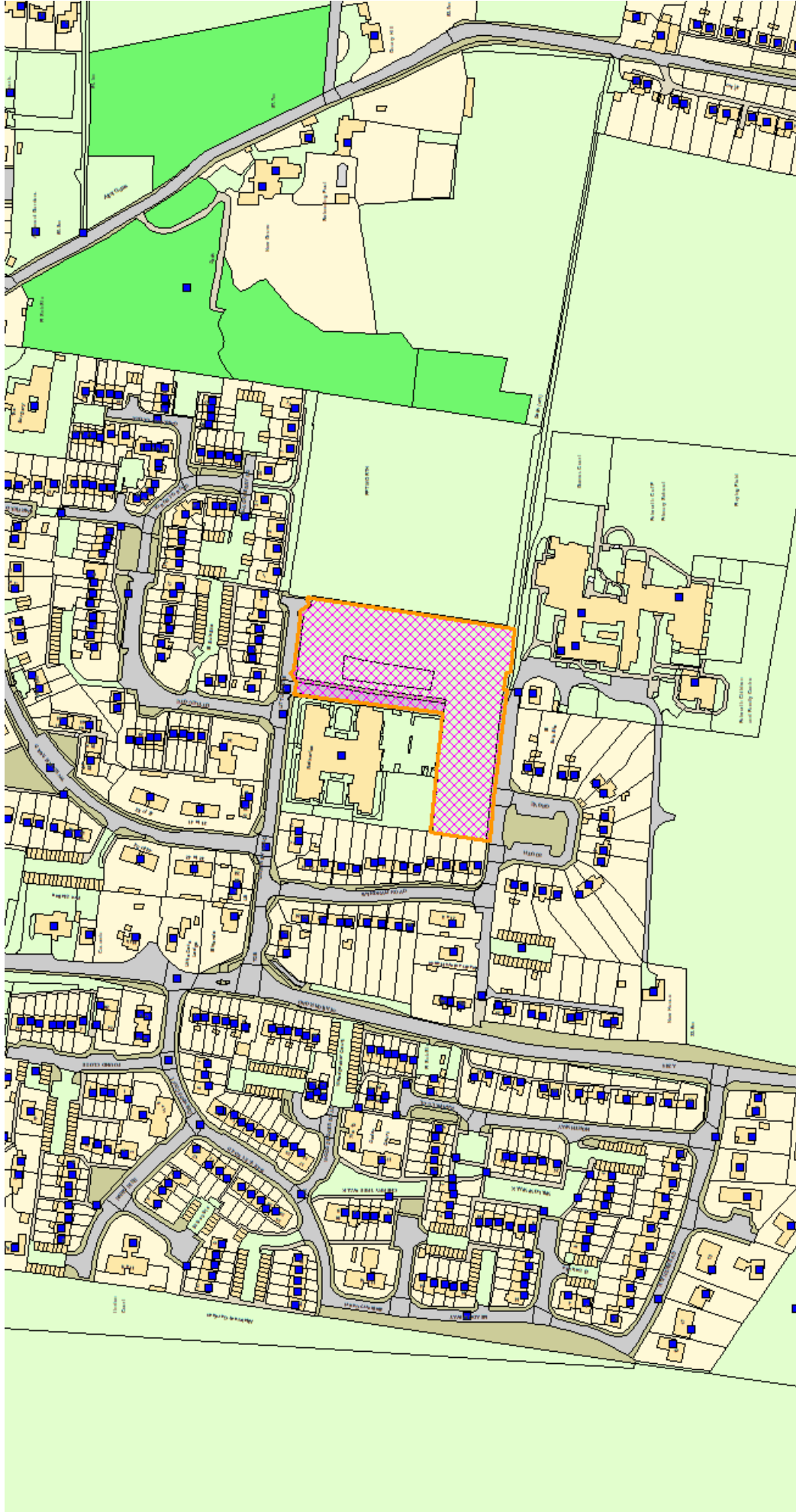
Address **Land at Rotherlea, Dawtrey Road, Petworth, West Sussex, GU28 0EA.**

(UPDATE to the recommendation of 14 October 2021 Planning Committee meeting)

That planning permission be granted subject to:

- 1) The completion of a legal agreement to secure the following, to be delegated to the Director of Planning.**
 - 14 affordable dwellings comprising 10 social rented and 4 shared ownership.**
 - A management plan securing the long term retention and management of the approved landscape details for the site.**
 - 2) The conditions as set out in paragraph 10.2 of this report.**
 - 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Legal Agreement is not completed or satisfactory progress is not being made within 3 months of the 9 December 2021 Planning Committee meeting.**
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Site Location Map



Executive Summary

Members considered the application for a 34 dwelling scheme on this site at a previous meeting on the 14 October 2021 (report in Appendix 1). The decision was to grant Planning Permission subject to the completion of a Legal Agreement (delegated to the Director of Planning) to secure:

- 1) 12 affordable rented and 22 shared ownership dwellings; and
- 2) A management plan securing the long term retention and management of the approved landscape details for the site.

The application is before members to specifically re-consider the amended resolution regarding the Legal Agreement, as presented in this report.

Since the 14 October 2021 meeting, it has been made clear to officers that the Applicant is unable to enter into a Legal Agreement to secure a wholly affordable scheme within the Legal Agreement because this will not enable them to access the funding from Homes England to achieve it. This is due to funding from Homes England only being available where it is used to deliver affordable homes above the provision that is already required in a Legal Agreement associated with a Planning Permission.

In this instance, 13 dwellings plus a financial contribution were secured in the 2019 Planning Permission. This current application proposes to deliver 14 affordable dwellings within the Legal Agreement. The revised recommendation to Members is, therefore, to secure 14 affordable dwellings (41%), which would be acceptable on the basis that it improves upon the existing Permission within the context of this Section 73 application. The remaining 20 dwellings would be delivered with an affordable tenure through the Applicant applying for Homes England funding

1. Introduction

- 1.1 The planning application was previously considered by Members at the 14 October meeting, where a resolution to grant planning permission subject to the completion of a Legal Agreement and conditions was approved. This report is considered to be an addendum to the 14 October committee report, which is included in Appendix 1.
- 1.2 It is before Members again to specifically consider a revised recommendation which solely amends the provision of affordable dwellings to be secured in the Legal Agreement, as presented. In light of the recent debate and decision, this report focuses solely on the issue of affordable housing provision which was inaccurately referenced in the previous report. The planning conditions are unchanged from the original report and these are included in the recommendation below.
- 1.3 The reason for the revised recommendation concerns the ability of the Applicant to access grant funding from Homes England to deliver a wholly affordable scheme has arisen in response to the previous resolution from the 14th October meeting. Affordable dwellings secured in the Legal Agreement would not be eligible for Homes England funding. Rather, it is only the open market properties that would qualify for this funding, which is available on the basis of delivering greater provision over and above planning requirements.

2. Site Description & Relevant Planning History

- 2.1 This is detailed in Appendix 1.

3. Proposal

- 3.1 The previous description of the proposals in Appendix 1 are relevant. Paragraph 3.5 in Appendix 1 outlined the affordable housing proposals, however, an update to this is below. these are updated below.

Affordable housing

- 3.2 The Applicant is seeking to deliver a wholly affordable scheme with an eventual tenure mix of 12 social rented and 22 shared ownership dwellings. However, they are not proposing all of the dwellings to be subject to these affordable tenures through the Legal Agreement. Rather, they are proposing that 14 dwellings (10 social rented and 4 shared ownership) are secured with the remaining 20 dwelling unrestricted in tenure by the S106 whereby they

would be open market properties. This approach would enable access to Homes England grant funding to deliver the remaining 20 dwellings as an affordable tenure instead. The reasons for this approach are outlined in more detail in section 8.

4. Consultations

4.1 Consultee responses on the application are summarised in Appendix I. Further advice regarding the issues raised in this report has been sought from the Chichester District Housing Officer. Their additional comments are summarised below.

4.2 **Chichester District Council Housing Officer:** Support.

- Securing 14 units as affordable housing in the S106 is acceptable.
- The ability to deliver additional affordable housing outside of the S106 is to be achieved via grant funding, which is predicated on the principle of ‘additionality.’ – i.e new affordable housing that is not already secured within a S106.
- Developer is a strategic partner of Homes England to deliver affordable housing. They have delivered affordable schemes through this same approach elsewhere.
- Once grant funding has been approved, the open market dwellings would become an affordable housing tenure once built.

5. Representations

5.1 Representations received prior to the 14 October meeting are summarised in Appendix I.

6. Planning Policy Context

6.1 All as stated in Appendix I.

7. Planning Policy

7.1 All as stated in Appendix I.

8. Planning Assessment

8.1 A wholly affordable scheme, as previously presented to Members, is supported and is to be welcomed. It is the Applicant’s intention to deliver a 100% affordable scheme, however, they are unable to deliver this if all of the dwellings are subject to an affordable tenure in the S106 Legal Agreement associated with any Permission.

8.2 This is because they are reliant on grant funding from Homes England to deliver an entirely affordable scheme. Funding has been and is available from Homes England through their ‘Shared Ownership and Affordable Homes Programme 2016-2021’ and the incoming ‘Affordable Homes Programme 2021-2026’.

8.3 However, to be able to access this funding, Homes England will only provide it where additional affordable housing is to be delivered above the provision that has already been secured in a S106 Legal Agreement to make the development acceptable in planning terms. This is predicated on an ‘additionality’ test within Homes England’s requirements in applications for funding.

8.4 This issue has been raised with the Chichester District Council Housing Officer who has corroborated the Applicant’s feedback regarding how Homes England funding is achieved. The officer also supports the Applicant’s approach for the reasons summarised in paragraph 4.2 above. They have advised that other schemes within the District have been delivered by the same Developer and in the same approach as proposed and that they are a strategic partner of Homes England. Indeed, the Applicant’s agent has advised that the Applicant has a wider ambition to deliver 1,000 new affordable homes across the south and south west of England per year through Homes England grant funding.

8.5 In this instance, the eventual intended scheme would comprise of 12 social rented and 22 shared ownership properties (as detailed in the previous recommendation to Members). This can only, however, be achieved if a sufficient proportion of the dwellings are secured in the S106 to deliver a policy compliant scheme and the remainder being granted planning permission as open market properties for the reasons above.

- 8.6 The current S106 Agreement secures 13 affordable dwellings plus a £79,800 off site contribution. In addition to varying the approved plans, this current application proposes that 14 affordable dwellings (one additional social rented no.1 bed flat) are secured in the Legal Agreement. This would improve upon the permitted scheme and would equate to 41% affordable housing contribution.
- 8.7 Since the granting of planning permission, the South Downs Local Plan has been adopted and policy SD28 seeks a higher 50% requirement for affordable housing than previously required. However, importantly, this current S73 application specifically seeks to vary the approved plans and is not an application for full planning permission where it would be more relevant to assess the level of affordable housing through SD28. In this context, it could not be justified to seek any additional affordable housing over and above that already secured in the existing Legal Agreement. However, the applicant is proposing one additional affordable dwelling to be secured in the Legal Agreement which would be an improvement (see paragraph 8.6 above).
- 8.8 The Permission is tied to the land and in this respect the site could be developed without achieving a wholly affordable scheme. However, the recommendation is still to grant planning permission for the above reasons, particularly given this is a S73 application to primarily amend the approved plans.

9. Conclusion

- 9.1 The report has sought to update Members on the issues raised and to outline a revised recommendation, as below. The application proposals remain acceptable with the revised affordable housing contribution to be secured in a S106 Legal Agreement.

10. Reason for Recommendation and Conditions

- 10.1 The recommendation is that planning permission be **granted** subject to:
1. The completion of a legal agreement to secure the following, to be delegated to the Director of Planning.
 - 14 affordable dwellings comprising 10 social rented and 4 shared ownership.
 - A management plan securing the long term retention and management of the approved landscape details for the site.
 2. The conditions as set out in paragraph 10.2 of this report.
 3. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Legal Agreement is not completed or satisfactory progress is not being made within 3 months of the 9 December 2021 Planning Committee meeting.
- 10.2 And the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from 30.05.2019.
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 above slab level shall commence unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, doors, windows, rainwater goods and roofs of the proposed building(s), surfacing and boundary treatments 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 above slab level shall commence 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:
 - i) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - ii) Planting methods, tree pits & guying methods (including particular sizes for each grade of tree to be used within the hard and soft landscape areas.;
 - iii) Schedules of plants and trees, noting species, planting sizes and proposed numbers/densities where appropriate;
 - iv) A detailed landscape strategy and layout for the rain garden in the centre of the application site.
 - v) Details of location of services throughout the site;
 - vi) Retained areas of grassland cover, scrub, hedgerow, trees and woodland;
 - vii) Details of the proposed community pond, including levels, plants, enclosure etc;
 - viii) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation;
 - ix) Details of all hard-surfaces, such as paths, kerbs, edges, drainage channels and falls, access ways, seating areas, and parking spaces and roads including their appearance, levels, depth and permeability;
 - x) Means of all boundary treatments to enclose individual property curtilages visible in the public realm including walls, fences, gates, entrances railings and planting;
 - xi) Details of all street furniture including bollards, lighting, signage, cycle racks, tree guards and litter bins.
 - xii) A timetable for implementation of the soft and hard landscaping works.

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

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

5. No development above slab level shall commence until a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and the environment of the development.

6. No development above slab level shall commence until details of all external lighting to be installed at the site shall be 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 public realm, and conserve dark night skies of the South Downs National Park.

7. Development shall not commence, nor any equipment, materials or machinery be brought onto the site for the purposes of development until details of tree protection measures have been submitted to the Local Planning Authority for approval. Development shall proceed strictly in accordance with the approved details thereafter until the development is completed.

Reason: In order to protect trees which contribute the character of the area.

8. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works.

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

9. No development shall commence until details of the proposed surface water drainage scheme have been submitted to, and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels and Percolation Testing to BRE365, or similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the buildings has been implemented in accordance with the agreed details.

Reason: To ensure development is carried out in a satisfactory manner.

10. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site specific maintenance manual and submitted to and approved in writing by the Local Planning Authority. The manual shall include details of the financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDS system, the owner or management company shall strictly adhere to and implement recommendations contained within the manual.

Reason: To ensure development is carried out in a satisfactory manner.

11. Development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority. Development shall be completed in accordance with the approved details.

Reason: To ensure development is carried out in a satisfactory manner.

12. 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 part 1 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Classes A, B, C & E.

Reason: To ensure the appearance of the development is satisfactory.

13. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide sufficient car-parking space for the residential development.

14. No part of the development shall be first occupied until the road(s), footways, and casual parking areas, (including those lay-by parking spaces on South Grove,) serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

15. Development shall only take place in accordance with the recommendations set out in the submitted Reptile Survey 2018 (The Ecology Partnership)

Reason: To protect ecological interests within the site.

16. No development shall commence until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

17. If the Phase 1 report submitted pursuant to Condition 16 above, identifies potential contaminant linkages that require further investigation then no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

18. If the Phase 2 report submitted pursuant to Condition 17 above identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

11. Crime and Disorder Implication

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

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

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Richard Ferguson

Tel: 01730 819268

email: richard.ferguson@southdowns.gov.uk

Appendices 1. Committee report PC 21/22-16 and update sheet from 14th October 2021 meeting

SDNPA Legal Services, Development Manager.

Consultees

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

[South Downs National Park Local Plan 2019](#)

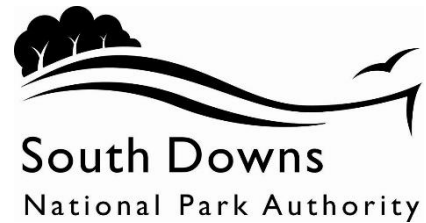
[Petworth Neighbourhood Development Plan 2018](#)

[Revised National Planning Policy Framework \(2021\)](#)

[South Downs National Park Partnership Management Plan 2020-2025](#)

<https://www.southdowns.gov.uk/partnership-management-plan/>

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



Agenda Item 7
Report PC 21/22-16

Report to **Planning Committee**

Date **14 October 2021**

By **Director of Planning**

Local Authority **Chichester District Council**

Application Number **SDNP/21/00924/CND**

Applicant **Synergy Housing Limited**

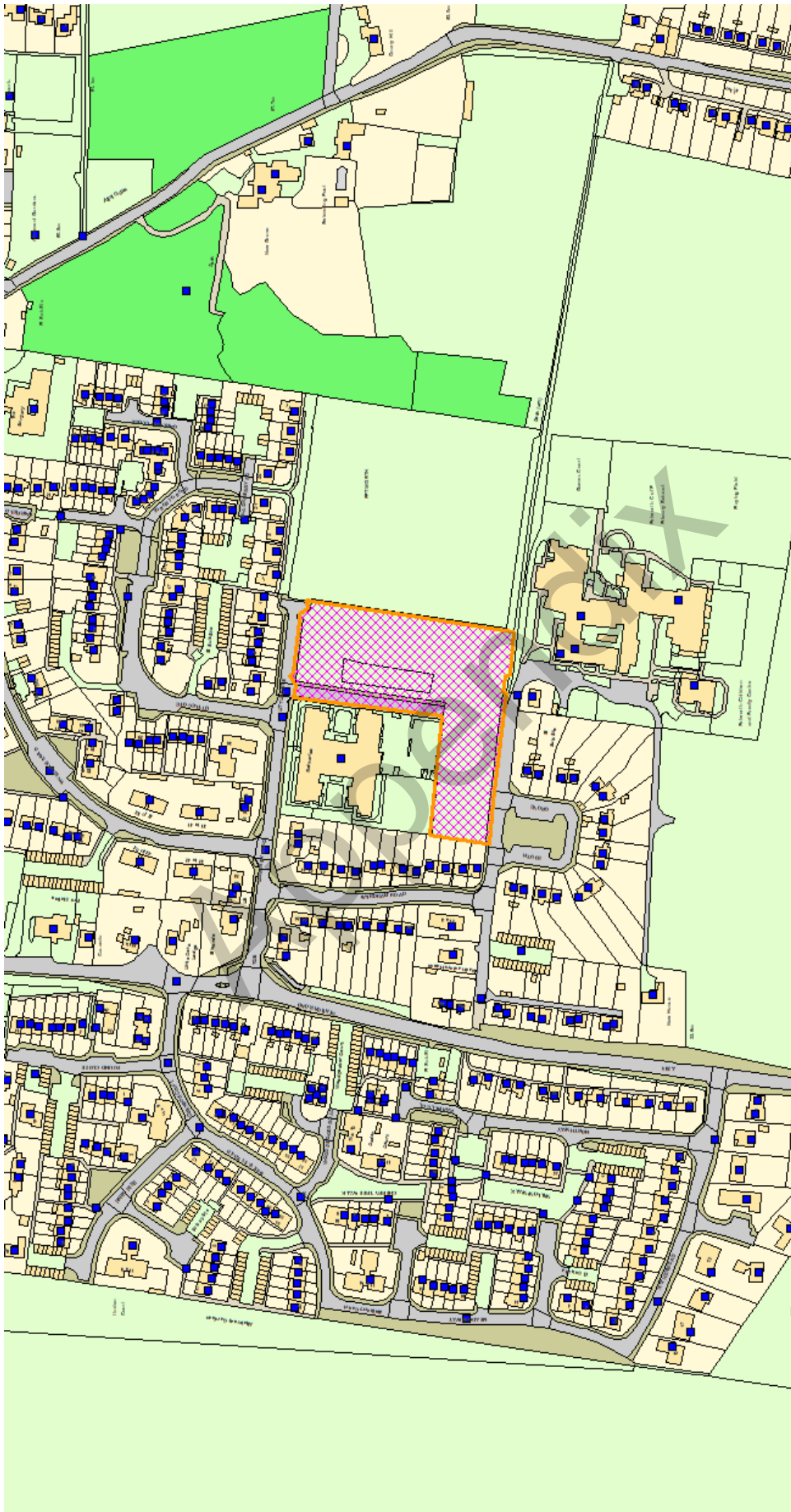
Application **Variation of Condition no.2 (plans) of SDNP/15/01862/FUL**

Address **Land at Rotherlea, Dawtrey Road, Petworth, West Sussex, GU28 0EA.**

Recommendation: That planning permission be granted subject to:

- 1) The completion of a legal agreement to secure the following, to be delegated to the Director of Planning.**
 - **14 affordable social rented and 20 shared ownership dwellings.**
 - **A management plan securing the long term retention and management of the approved landscape details for the site.**
 - 2) The conditions as set out in paragraph 10.2 of this report.**
 - 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Legal Agreement is not completed or satisfactory progress is not being made within 6 months of the 14th October 2021 Planning Committee meeting.**
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Site Location Map



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Executive Summary

The application proposes amendments to a 34 dwelling scheme, which was granted planning permission in 2019. The key considerations are:

- The proposal is to vary plans that were approved under condition no.2. The considerations for determining the current application are, therefore, focussed on the amendments themselves rather than a re-consideration of the scheme in its entirety.
- Amendments relate to the layout, scale, height and appearance of certain dwellings and some internal layouts. These are acceptable and many changes improve upon the original scheme. There is no significant impact upon surrounding amenities, the character and appearance of the area and landscape.
- The application alternatively now proposes a wholly affordable housing scheme.
- Third party representations raise concerns about access and on-street parking, as well as other matters on pedestrian access and design considerations. Whilst pedestrian access has been addressed, importantly, the vehicular access and parking arrangements previously approved are not subject to change in this current application.

The application is before Members due to the original scheme having been considered by Members.

1. Site Description

- 1.1 The 0.75ha application site is located within the southern part of Petworth at the end of Dawtrey Road and Littlecote. It is relatively level land shaped like a backwards 'L' and has areas of hardstanding and an unkempt overgrown appearance. The site is bordered by chain link fencing along its northern, western and southern boundaries, albeit the application includes the existing access alongside the western boundary outside of this fencing. There are trees along the southern boundary. The eastern boundary is defined by mature trees and the southern boundary is bordered by chain link fencing and mature trees. There is a small wood and a pond within the western extent of the site.
- 1.2 North and west of the site are dwellings and a care home along Dawtrey Road and Littlecote, whilst to the south is another residential area on South Grove which is also used for access to the adjacent school. East of the site there is an enclosed field which is subject to a housing allocation. Given the site's location there are limited wider views of it.

2. Relevant Planning History

- 2.1 06/02432/CPO (on adjacent site): Proposed new care home (70 beds and 12 day care places) and demolition of primary school building. Granted 15 November 2006.
- 2.2 06/03325/OUT: Erection of 43 no. 1, 2, 3 bed two and three storey houses and flats together with associated external works – granted 18 October 2006.
- 2.3 09/03857/EXT: Application to extend implementation period of planning permission reference PW/06/03325/OUT. Erection of 43 no. 1, 2, 3 bed 2 and 3 storey houses and flats, together with associated external works. Granted 25 December 2009.
- 2.4 SDNP/13/05402/OUT: Erection of 33 dwellings. Withdrawn 31.01.2014.
- 2.5 SDNP/15/01862/FUL: Erection of 34 dwellings, access and parking. Granted 30.05.2019. This approved:
 - 13 affordable dwellings plus a £79,800 off site contribution and 21 open market dwellings, secured via a S106 Agreement.
 - A mix of properties in 3 blocks of flats and 2 storey terraced dwellings.
 - Main access via Dawtrey Road and Littlecote.

3. Proposal

- 3.1 The application proposes amendments to the extant planning permission (SDNP/15/01862/FUL) for 34 dwellings. These amendments comprise of some re-positioning of units, amendments to the parking layout, alternative boundary treatments

and layout of hard and soft landscaping changes to some elevations and increased roof heights.

3.2 A more detailed summary is outlined below:

Layout

- Re-positioning of block of flats (units 4-9) southwards by 0.8m.
- Re-positioning of apartment building (units 10-15) south in response to re-positioning plots 4-9.
- Re-orientating 4 parking spaces adjacent to units 4-9 by 90 degrees.
- Change to the design of the cycle and bin stores for apartment units 4-9.
- Re-configuration of hard/soft landscaping scheme along the southern site frontage onto South Grove.
- Re-configuration of garden areas and parking in front of plots 23-32.
- Re-orientation of parking spaces next to units 1-3.
- Amendments to the landscape scheme including boundary treatments (overall siting and size of greenspaces are unchanged).

Elevations/floor plans

- Revisions to internal layouts of units to accord with Building Regulations.
- Amendments to fenestrations, including additional dormers windows, additional, repositioned and re-sized upper floor windows.
- Changes to materials details.
- Amended roof forms; eg. An additional section of roof between units 24 and 25.
- Increase in ridge height of flats 1-3 by 0.4m, compared with the approved plans.
- Increase in ridge height of flats 4-9 by 0.4m, compared with the approved plans.
- Increase in ridge height of flats 10-15 by 0.9m, compared with the approved plans.

3.3 Overall, the amendments are proposed to (1) address compliance with Building Regulations (BR); (2) land ownership issue on the northern boundary behind plots 4-9; and (3) to try improve upon the approved scheme through changes to the landscape scheme for instance.

3.4 The approved access and on-street parking on Littlecote are unchanged and pedestrian access along South Grove and the school access would be maintained. There are no changes to the approved housing mix.

Affordable housing

3.5 An alternative tenure is proposed, which would need to be secured via a S106 legal agreement. The social rented tenure would be increased by 1 unit (a 1 bed flat) to total 14, rather than the previously approved 13 units plus an off-site contribution. The approved open market units are proposed to become shared ownership properties. These changes are summarised below.

	Extant Permission	Current proposals
Social rented	13 + £79,800 off site contribution	14
Shared Ownership	0	20

Open market	21	0
Total	34	34

4. Consultations

4.1 **Chichester District Council Refuse Team:** No comment.

4.2 **Design Officer:** No objection.

4.3 **Landscape Officer:** No objection; recommend changes as summarised below (case officer note: these are being addressed by the Applicant and Members will be updated):

- Hard surfacing materials on pathways and kerbing.
- Revisions to boundary treatments.
- Re-introduction and replacement of trees in certain areas.
- More native species required.
- Green spaces need to be sown with species rich meadow mix with appropriate management in place needed.
- Tree protection measures required.

4.4 **Highways Authority:** No objection.

4.5 **Housing Officer (CDC):** No objection.

4.6 **Petworth Town Council:** Objection.

- Plans prevent access to unmanaged historic pedestrian path along the northern boundary of the school.
- Original route of the path needs to be restored to address safeguarding issue.
- Plans show plots 4-9 outside of the site boundary.
- Visibility splays for new accesses at Littlecote and South Grove are compromised by parked cars.
- Ridge height of flats 1-3 over and above that of the consented scheme by 0.4m
- Ridge line of flats 4-9 above the consented scheme by 0.4m.
- Ridge height of flats 10-15 above that of the consented scheme by 0.9m.
- Scale and massing of 3 storey elements were considered sensitive and out of scale in the original application and any further increase should not be approved.
- Applicant needs to demonstrate how they will control designated spaces, outside of their site ownership, on Littlecote and South Grove.

5. Representations

5.1 7 objections have been received which raise the following:

Highways & access

- Poor highways planning and impact on existing residents.
- Need to re-consider access proposals, which are not adequate an unsafe.
- Access through Dawtrey Road in adequate due to road width, on street parking and traffic from other uses – eg. vets and care home.
- Existing on-street parking by residents would be impacted upon and loss of parking on Littlecote.
- Impact from increased traffic, including cumulatively with Squarefield development.

- Loss of existing turning head; which is important for highway safety.
- In-sufficient parking in comparison to Neighbourhood Plan requirement.
- Unofficial historic pedestrian access through the school not maintained and reduces permeability in the area and is a safeguarding issue.
- Visibility splays of new access onto South Grove inadequate and compromised by parking.
- Scheme does not provide sufficient parking.
- Road safety impact at roundabout at Dawtrey Road/A286 junction.

Design

- Failure of masterplan between Rotherlea and Squarefield sites.
- Impacts between schemes and upon residents not fully considered.
- Moving flats closer to southern boundary creates a poor relationship with properties on South Grove; would be overwhelming.
- Reducing height of new properties facing South Grove to 2 storey would improve the relationship and new landscaping could help to mitigate impacts.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises the South Downs Local Plan (SDLP) 2019 and the Petworth Neighbourhood Development Plan (PNDP) 2018 and the particularly 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, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the Local Planning Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect in July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. It also states that the scale and extent of development within these designated areas should be limited.

Relationship of the Development Plan to the NPPF and Circular 2010

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

National Planning Policy Framework (NPPF) 2021

- 6.5 The NPPF has been considered as a whole and its following sections are particularly relevant in the assessment of this application:

- Achieving sustainable development
- Decision making
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

The South Downs National Park Partnership Management Plan 2020-2025

- 6.6 The Environment Act 1995 (as amended) 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 policies of particular relevance include: 1, 3, 5, 48, 50.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- 6.7 A screening of the current application proposals has concluded that they do not constitute EIA development, within the meaning of the 2017 legislation (as amended), for reasons of its scale, use, character and design and environmental considerations associated with the site and proposals.

The Conservation of Habitats and Species Regulations 2017

- 6.8 Given the principle of the scheme has already been established and the nature of the proposed minor there is no requirement for an Appropriate Assessment (AA) under a Habitats Regulation Assessment.

Major Development

- 6.9 Paragraph 176 of the NPPF outlines that “the scale and extent within all these designated areas should be limited, whilst development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
- 6.10 Paragraph 177 of the NPPF states that permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.11 Footnote 60 to paragraph 176 provides further clarification; “*For the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ 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*”.
- 6.12 The original development (SDNP/15/01862/FUL) was not considered to constitute major development for the purposes of the NPPF. In light of this and given the scale and nature of the proposed amendments it is considered that the current proposals also do not constitute major development.

Other relevant material considerations

- 6.13 The following are relevant considerations:
- Adopted Sustainable Construction SPD.
 - Adopted Parking for Residential and Non-Residential Development SPD.
 - Ecosystems Services Technical Advice Note 2019.
 - Dark Night Skies Technical Advice Note 2021.
 - Draft Design Guide SPD. This draft document is currently undergoing public consultation and has limited weight in decision making.

7. Planning Policy

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

- SD5: Design
- SD22: Parking Provision
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources

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

- H4: Affordable Housing Provision
- H5: Rotherlea
- ESD1: Character and Design
- ESD8: Sustainable Design

8. Planning Assessment

Introduction

- 8.1 Since the granting of Planning Permission in 2019 of SDNP/15/01862/FUL, the site has been purchased by the current applicant who seeks to implement the Permission with the proposed amendments and deliver an entirely affordable housing scheme.
- 8.2 The amendments do not alter the overall amount of development, the broad layout and built form of the approved scheme. They are considered to be sufficiently minor within the overall scheme to be considered as amendments, rather than require full planning permission, given their scale and nature and limited consequential impacts. The key issues pertaining to the proposed changes are:
- 1) Impact upon the design of the approved scheme and the character and appearance of the area.
 - 2) Impact on surrounding amenities.
 - 3) Revised housing tenure.

1) Impact upon the design of the approved scheme and the character and appearance of the area

Layout

8.3 The proposed amendments would improve the scheme in terms of making best use of space and improving the public realm and street scenes, both through the re-positioning of units and a refinement of the landscape scheme. The latter does involve the loss of some hedging and trees in certain areas but this is compensated for by the introduction of planting in other areas, such as along the street frontage with South Grove and elsewhere within the scheme. The points raised by the Landscape Officer can be addressed via the landscaping condition, ensuring enhancements to the public realm where possible.

8.4 The re-positioning of 2 blocks of flats southwards (flats 4-9 and 10-15) are proposed to better incorporate flats 4-9 into the site and enable building regulations compliance. This re-positioning has a knock on effect of needing to move flats 10-15 southwards to maintain a good distance between these blocks and create a good public realm in between them. This re-siting does not change the overall character of the scheme. A re-configuration of 4 parking spaces next to flats 4-9 and a re-design of the cycle and bin stores attached to flats 4-9 improve upon the use of space and public realm also. In these respects the scheme would accord with policies SD5 and ESD1.

8.5 Third party representations originally raised concern regarding maintaining pedestrian access through the school access and grounds via South Grove, which has historically been used by the local community. The original plans submitted with the current application showed that this would be blocked but officers requested this to be removed through revised plans. In this respect, the proposed layout addresses the concerns raised and are considered to be an enhancement.

Design of the dwellings

8.6 A key consideration has been the increase in ridge heights of the 3 blocks of flats in the southern and western part of the site. Representations raise concern about these higher properties, which involve increases of between 0.4m and 0.9m. These changes alter the pitches of roofs in order to achieve better internal space for the accommodation with the roof and comply with building regulations, whilst maintaining the approved predominant eaves heights of these buildings. These changes would not have an overbearing or significantly discernible impact within the scheme and given the siting of the flats, their orientation, and distances from surrounding properties an acceptable relationship would be maintained and an acceptable street scene onto South Grove would be created. In these respects, there would not be an unacceptable impact upon the character and appearance of the area as a result and the scheme would accord with policies SD5 and ESD1.

8.7 Other amendments to the dwellings are less significant in relation to the design of the scheme and the character and appearance of the area. For example, an upper floor window is proposed on the east elevation of flats 1-3 to take account of amendments to the internal layout to accord with building regulations. Such additions, and some changes to materials would not affect the character of the scheme. More notably, the upper north elevation of a central section of flats 10-15 has been amended with a raised eaves height above a walkway through the scheme onto South Grove. Again, this change does not unacceptably alter the character of this block of flats.

8.8 Overall, the internal and external amendments to dwellings are acceptable to the extent that they are of an appropriate design, in accordance with policies SD5 and ESD1 of the Petworth Neighbourhood Plan.

2) Impact on surrounding amenities

8.9 For the reasons outlined in paragraph 8.6, the amendments to the 3 blocks of flats (1-15) are unlikely to significantly impact upon the amenities of residents on South Grove or care home residents to the north. Regarding residents on Littlecote, the scheme along the street frontage here would not materially change from what has already been approved in terms of the siting of dwellings and their design plus parking and access arrangements. Overall, the proposals would not cause any significant increased impact upon the privacy and outlook of surrounding properties. In these respects, the scheme accords with policy SD5. Resident's concerns regarding highways matters are addressed in 8.13 below.

3) Revised housing tenure

8.10 A wholly affordable housing scheme is supported and is to be welcomed. An additional social rented unit (a no.1 bed flat) also improves upon the permitted scheme. A shared ownership tenure for the other dwellings is a significant improvement compared with the open market properties in the approved scheme. A wholly affordable housing scheme is supported and the new tenure would be secured via a legal agreement which forms part of this report's recommendation.

Other matters - highways

- 8.11 Third party representations focus on access and on-street parking issues on Littlecote. The case officer has met with residents and the Town Council on site to hear these concerns. These concerns are understood and the case officer is liaising with the SDNPA officer who is currently assessing the application on adjacent proposals for 45 dwellings at Squarefield, which would also utilise access via Dawtrey Road and Littlecote.
- 8.12 Whilst a holistic approach between the developments is encouraged, the on-street visitor parking of the approved scheme is not proposed to change. Given this current application is focussed on the amendments outlined only and the previous considerations of parking and access when the original scheme was determined it is not possible to achieve any further benefits which might allay local resident's concerns. Concerns regarding the access and parking on South Grove have also been raised, however, these aspects of the scheme are also not proposed to change from the approved scheme.

Other matters – conditions

- 8.13 Given the nature and scope of this application, and that a separate planning permission would follow if the recommendation is agreed to, the conditions outlined in the recommendation below are broadly the same as those applied to the 2019 Permission (SDNP/15/01862/FUL). Some changes cover the timescale for implementing the development in accordance with national legislation and consequential changes as a result of this proposal. A condition requiring a detailed hard and soft landscape scheme is proposed and in addition, as per the original approved scheme, a management plan for its maintenance is proposed to be included in the new S106 legal agreement.

9. Conclusion

- 9.1 The amendments are within the scope of variations to the approved plans, as opposed to requiring the submission of a full planning application. The proposed amendments are considered acceptable as they do not fundamentally alter the approved scheme and generally make improvements to it without harmful impacts upon the surrounding character and appearance of the area and private amenities.
- 9.2 The 100% affordable dwelling tenure proposed is supported and welcomed and a further social rented unit improves upon the approved scheme. A new S106 legal agreement would secure the new tenure, which would be of benefit to meeting local housing needs.
- 9.3 Regarding the issues raised in representations, parking arrangements are not fundamentally different to that approved. Whilst there has been some engagement with local residents and their concerns have been raised with the Applicant, ultimately, the application does not propose any changes to the already approved on-street parking. Pedestrian access through the scheme and through the school grounds is also maintained.
- 9.4 The application has been assessed in relation to the Development Plan, the revised NPPF, National Park Purposes and duty, material planning considerations and relevant legislation.

10. Reason for Recommendation and Conditions

- 10.1 The recommendation is that planning permission be granted subject to:
- 1) The completion of a legal agreement to secure the following, to be delegated to the Director of Planning.
 - 14 affordable social rented and 20 shared ownership dwellings.
 - A management plan securing the long term retention and management of the approved landscape details for the site.
 - 2) The conditions as set out in paragraph 10.2 of this report.
 - 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Legal Agreement is not completed or satisfactory progress is not being made within 6 months of the 14th October 2021 Planning Committee meeting.
- 10.2 And the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from 30.05.2019.

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 above slab level shall commence unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, doors, windows, rainwater goods and roofs of the proposed building(s), surfacing and boundary treatments 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 above slab level shall commence 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:

- i) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- ii) Planting methods, tree pits & guying methods (including particular sizes for each grade of tree to be used within the hard and soft landscape areas;);
- iii) Schedules of plants and trees, noting species, planting sizes and proposed numbers/densities where appropriate;
- iv) A detailed landscape strategy and layout for the rain garden in the centre of the application site.
- v) Details of location of services throughout the site;
- vi) Retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- vii) Details of the proposed community pond, including levels, plants, enclosure etc;
- viii) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation;
- ix) Details of all hard-surfaces, such as paths, kerbs, edges, drainage channels and falls, access ways, seating areas, and parking spaces and roads including their appearance, levels, depth and permeability;
- x) Means of all boundary treatments to enclose individual property curtilages visible in the public realm including walls, fences, gates, entrances railings and planting;
- xi) Details of all street furniture including bollards, lighting, signage, cycle racks, tree guards and litter bins.
- xii) A timetable for implementation of the soft and hard landscaping works.

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

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

- 5) No development above slab level shall commence until a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and the environment of the development.

- 6) No development above slab level shall commence until details of all external lighting to be installed at the site shall be 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 public realm, and conserve dark night skies of the South Downs National Park.

- 7) Development shall not commence, nor any equipment, materials or machinery be brought onto the site for the purposes of development until details of tree protection measures have been submitted to the Local Planning Authority for approval. Development shall proceed strictly in accordance with the approved details thereafter until the development is completed.

Reason: In order to protect trees which contribute the character of the area.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works.

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

- 9) No development shall commence until details of the proposed surface water drainage scheme have been submitted to, and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels and Percolation Testing to BRE365, or similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the buildings has been implemented in accordance with the agreed details.

Reason: To ensure development is carried out in a satisfactory manner.

- 10) Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site specific maintenance manual and submitted to and approved in writing by the Local Planning Authority. The manual shall include details of

the financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDS system, the owner or management company shall strictly adhere to and implement recommendations contained within the manual.

Reason: To ensure development is carried out in a satisfactory manner.

- 11) Development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority. Development shall be completed in accordance with the approved details.

Reason: To ensure development is carried out in a satisfactory manner.

- 12) 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 part 1 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Classes A, B, C & E.

Reason: To ensure the appearance of the development is satisfactory.

- 13) No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide sufficient car-parking space for the residential development.

- 14) No part of the development shall be first occupied until the road(s), footways, and casual parking areas, (including those lay-by parking spaces on South Grove,) serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

- 15) Development shall only take place in accordance with the recommendations set out in the submitted Reptile Survey 2018 (The Ecology Partnership)

Reason: To protect ecological interests within the site.

- 16) No development shall commence until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

- 17) If the Phase 1 report submitted pursuant to Condition 16 above, identifies potential contaminant linkages that require further investigation then no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

- 18) If the Phase 2 report submitted pursuant to Condition 17 above identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

11. Crime and Disorder Implication

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

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

Tim Slaney

Director of Planning

South Downs National Park Authority

Contact Officer: Richard Ferguson

Tel: 01730 819268

email: richard.ferguson@southdowns.gov.uk

SDNPA Consultees Legal Services, Development Manager.

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

Documents <https://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?keyVal=QOMQD TTUN3V00&activeTab=summary>

South Downs National Park Local Plan 2019

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

Petworth Neighbourhood Development Plan 2018

<https://www.southdowns.gov.uk/33823-2/>

Revised National Planning Policy Framework (2021)

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

South Downs National Park Partnership Management Plan 2020-2025

<https://www.southdowns.gov.uk/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

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

Agenda Item	Page No	Para	Update	Source/Reason
3	8	73 & 74	<p>73. It was proposed and seconded that planning permission be refused for the following reasons with the final form of words delegated to the Director of Planning in consultation with the Chair of Planning Committee:</p> <ol style="list-style-type: none"> 1. The proposals would amount to an overdevelopment of the site, notably to Huckers Lane, and would therefore have an unacceptable impact on the landscape character of the area and the Conservation Area. 2. It had not been demonstrated that the proposed alternative community facilities to be provided were meeting a local need or were of an equivalent or better quality to those lost and the proposal was therefore contrary to Policy SD43 of the South Downs Local Plan. <p>74. RESOLVED: That planning permission be refused for the following reasons:</p> <ol style="list-style-type: none"> 1. It had not been demonstrated that the proposed alternative community facilities to be provided were meeting a local need or were of an equivalent or better quality to those lost and the proposal was therefore contrary to Policy SD43 of the South Downs Local Plan; and 2. The proposals would amount to an overdevelopment of the site, notably to Huckers Lane, and would therefore have an unacceptable impact on the landscape character of the area and the Conservation Area. <p>The final form of words delegated to the Director of Planning in consultation with the Chair of the Planning Committee.</p> <p>UPDATE:</p>	Proposed amendment to the minutes of the previous meeting
7 & 8	N/A	N/A	<p>The SDNPA received advice in the form of a position statement from Natural England on the 14th September 2021 regarding potential impacts on the Arun Valley SAC, SPA and Ramsar designated sites arising from groundwater abstraction serving the Sussex North Water Resource Zone area.</p>	Update

Agenda Item	Page No	Para	Update	Source/Reason
			<p>Natural England advise that increased groundwater abstraction serving new proposals may be contributing to adverse effects on the Arun Valley designations. The Habitats Regulations and associated case law require development to demonstrate that they will not contribute further to the adverse effects. Natural England advise applications demonstrate ‘water neutrality’ to achieve this. Water neutrality means that use of water in the supply area before the development is the same or lower after the development is in place.</p> <p>The Sussex North Water Resource Zone area includes parts of Chichester, Horsham and Arun areas of the SDNP. This is an issue for this area and is relevant to all applications in the area.</p> <p>There is no moratorium on decision taking in the affected area, however it is necessary for the Natural England position statement to be considered for new planning applications.</p> <p>In light of the above, the application SDNP/21/02751/FUL The Granary is hereby withdrawn from the agenda. SDNP/21/00924/CND Land at Rotherlea remains on the agenda because the matters for consideration and nature of the variations before members do not affect water neutrality.</p>	
7	17 & 26 (para 10.1)	Recommendation	<p><u>Amend first bullet point as follows:</u></p> <ul style="list-style-type: none"> • 14 12 affordable social rented and 20 22 shared ownership dwellings. 	Correction
7	20	3.5	<p>An alternative tenure is proposed, which would need to be secured via a S106 legal agreement. The social rented tenure would be increased in favour of paying an off-site contribution. additional social rented by 1 unit (a 1 bed flat) to total 14, rather than the previously approved 13 units plus an off-site contribution. The approved open market units are proposed to become shared ownership properties. These changes are summarised below.</p>	Correction

Agenda Item	Page No	Para	Update			Source/Reason															
			Extant Permission	Current proposals																	
			<table border="1"> <thead> <tr> <th></th> <th>Extant Permission</th> <th>Current proposals</th> </tr> </thead> <tbody> <tr> <td>Social rented</td> <td>9 + £79,800 off site contribution</td> <td>12</td> </tr> <tr> <td>Shared Ownership</td> <td>4</td> <td>22</td> </tr> <tr> <td>Open market</td> <td>21</td> <td>0</td> </tr> <tr> <td>Total</td> <td>34</td> <td>34</td> </tr> </tbody> </table>		Extant Permission	Current proposals	Social rented	9 + £79,800 off site contribution	12	Shared Ownership	4	22	Open market	21	0	Total	34	34			
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7	21	4.2	<p><u>Update response: Landscape Officer:</u> No objection, amended plans address concerns.</p>			Update															
8	45	Condition 13	<p>Remove this condition. It only applies to larger developments of 10 dwellings or more.</p> <p>Amend wording as below, following further advice from the County Archaeologist:</p> <p>Notwithstanding the details provided, no development shall take place until the implementation of a programme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. These approved details shall thereafter be implemented in full.</p> <p>The development hereby approved shall be undertaken in full accordance with the submitted Heritage Statement, Written Scheme of Investigation, and Archaeological Watching Brief prepared by Chris Butler Archaeological Services Ltd, dated January 2021.</p> <p>Reason: To enable sites of archaeological interest to be adequately investigated and recorded.</p>			Update															
8	46	Condition 15	<p>Notwithstanding the details provided, no development shall take place until the implementation of a programme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. These approved details shall thereafter be implemented in full.</p> <p>The development hereby approved shall be undertaken in full accordance with the submitted Heritage Statement, Written Scheme of Investigation, and Archaeological Watching Brief prepared by Chris Butler Archaeological Services Ltd, dated January 2021.</p> <p>Reason: To enable sites of archaeological interest to be adequately investigated and recorded.</p>			Update															

Agenda Item	Page No	Para	Update	Source/Reason
8	35	4.2	Updated response: Ecology Officer: No objection.	Update
9	65	8.18	Elements of this proposal would be CIL liable and the final calculations for this would be completed post decision, should the application be approved, by the CIL team. In order to secure the use of Barn 1 and 2 as a diversification project associated with the agricultural holding known as Drews Farm it is proposed a Section 106 is attached to any permission granted. Officers have applied the test detailed within NPPF paragraph 57 and this planning obligation accords with the test as it will ensure the development is acceptable in planning terms, is directly related to the development and reasonably related to the scale and kind of development.	Correction
9	65	9.1	In conclusion, the proposals are acceptable in terms of the South Downs Local Plan (2019), the NPPF (2021) and the South Downs Partnership Management Plan (2019). The proposals are considered acceptable in terms of impact on the landscape character of the site and wider area, Dark Night Skies, Neighbouring Amenity and farm diversification. Permission is therefore recommended subject to the conditions and Section 106 detailed in section 10 below.	Correction
9	n/a	n/a	A further letter of representation in support was received by the National Farmers Union which provides further detail on agricultural diversification and this will be detailed within the Case Officer's presentation.	Further information
10	71	2.2	Addition to final sentence, 'CIL is then to be used to deliver infrastructure in the National Park, working in partnership with those organisations responsible for providing the infrastructure.'	Clarity
10	76	4.5	Correction to Table 5, Project Number 5 'Sustainability Centre, Droxford Road, East Meon'	Correction

