

Agenda Item 7
Report PC 21/22-45

Report to	Planning Committee
Date	10 March 2022
By	Director of Planning
Local Authority	East Hampshire District Council
Application Number	SDNP/21/02014/FUL
Applicant	Mapledean Projects and Metis Homes
Application	The erection of ten residential dwellings together with the associated vehicular and pedestrian access, car parking, secure cycle storage and landscaping on land at Greenway Lane, Buriton
Address	Land at Greenway Lane, Buriton, Petersfield, Hampshire.

Recommendation:

That planning permission be granted subject to:

- 1) The completion of a Section 106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:**
 - a) Four affordable dwellings in accordance with paragraph 8.3 of the appended report;**
 - b) Highway works as detailed in paragraph 8.12 of this report**
 - 2) The conditions set out in paragraph 10.2 of this report;**
 - 3) The authority be delegated to the Director of Planning to refuse the application with the appropriate reasons if:**
 - a) The Section 106 Legal Agreement is not completed or satisfactory progress is not being made within 6 months of the 10th March 2022 Planning Committee meeting**
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Site Location Map



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Executive Summary

Committee considered this application at the February 2022 meeting where it was resolved to defer the application solely to review the footpath provision aspiration set out in the explanatory text accompanying Policy SD62 of the South Downs Local Plan 2019.

Officers have been in discussions with the applicant's agent and the agent acting on behalf of the landowner and have since received further information which is detailed in the report under Section 5.

In light of the further discussions and correspondence it is considered that all suitable opportunities have been taken (as advised in the explanatory text to Policy SD62 (para9.35)) to endeavour to secure a footpath to the north of the site (albeit those suitable opportunities have not resulted in such a scheme being offered by the applicant/landowner) .

Officers consider that, irrespective of the absence of a footpath to the north of the site, the scheme is considered to comply with Policy SD62 and would result in a high quality scheme with impressive sustainability credentials, providing 10 residential dwellings of which 4 would be affordable.

It should be noted that, given the aspiration does not fall within the explicit requirement of the policy set out in SD62, officers do not consider that a refusal could be sustained on this matter.

This report updates on this matter and is an addendum to the report previously considered by Members (see **Appendix I**). Both reports should be read together in terms of a comprehensive assessment of the proposals. Members should note that Paragraphs 8.16 and 8.17 of the original report have been amended and are addressed in the main body of this report now (Paragraphs 8.11 – 8.13) as opposed to Appendix I.

It is considered that the scheme is acceptable, compliant with policy and approval is recommended.

The application is placed before the Committee given earlier consideration and deferral to the application.

1. Site Description

1.1 This is detailed in **Appendix I**.

2. Relevant Planning History

2.1 This is detailed in **Appendix I**.

3. Proposal

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

4. Consultations

4.1 The initial consultee responses on the application are summarised in **Appendix I**. A further representation has been received by Buriton Parish Council since the February 2022 Planning Committee. Their comments are summarised in 4.2 below.

4.2 The Parish Council feel that the landowner is not aware that the South Downs Local Plan includes the specific reference to the provision of a potential path to the north of the site to the railway bridge. It is a significant matter in planning terms due to the reference within the Local Plan and is not just a desire of the local community. More specific information is required as to the farm management reasons which have been put forward by the applicant. It is possible that one of the concerns could be due to users of the footpath could damage crops or to allow dogs to chase and harm livestock. This would be rectified by having stock proof fencing, which has always been the intention. The site could also be a permissive path rather than a statutory Right of Way so that the landowner may withdraw it if there were any significant problems. Cutting into the roadside hedge could be achieved through modern farm equipment or the arrangement of volunteers from the community and there would be no need to widen the field margins or lose any productive land.

Concern is raised from the impact walkers on the footpath would have on the gas and water mains that may run alongside the hedgerow, however allowing people to walk inside the field edges should not bring any insurmountable problems. There would be no proposals to create a solid tarmac surface or to require any works that could ever damage any underground services.

The community feel strongly that the path behind the hedge, inside the field margins all the way from the site to the railway bridge further along Greenway Lane is provided. However it could be accepted that part of the path is provided (from the new houses to the sharp bend nearest the railway bridge).

The new path could also be on the other side of the road, this would require the cooperation from three landowners including the current landowner who owns the field to the north of the site. The hedging on Greenway Lane could be reduced in thickness to allow for a demarked area for pedestrians but would segregate pedestrians from traffic.

It is not considered that funding should be an issue as the cost of the footpath could be achieved by the applicant or via CIL funding and the community may also be willing to ring-fence some funding for future maintenance costs.

5. Representations

5.1 The responses received previously are summarised in **Appendix I**.

A further letter has been submitted by the applicant's agent following a meeting with officers, making the following points.

- To Recap, The application site is legally controlled by the applicant (Metis Homes). The land within the red outline is allocated for up to 10 houses. The applicants entered into a binding contract in 2020 to purchase the allocated land only, subject to delivering a viable planning permission. There is no legal control and no leverage over any neighbouring land beyond the red line, regardless of its existing ownership.
- We have worked extremely hard with officers and the community to create a viable, policy compliant scheme with maximum affordable housing and this was robustly recommended to members earlier this month.
- I feel very confident saying that had all suitable opportunities **not** been taken to deliver a footpath link on our landowners separate landholding, this recommendation would not have been forthcoming. Nevertheless at Committee, we were steered firmly in the direction of exploring further the prospect of a footpath being secured on the neighbouring land. Further to this Committee decision, which we have respected, I am able to provide the following, which I trust, now clarifies the matter for officers and members.
- Metis had made direct enquiries with the landowner via her agent about the possibility of delivering a publicly accessible route through her private land at a very early stage in the contractual negotiations. The landowner politely declined, which it is fair to say has been her consistent position from the outset, and indeed long before Metis secured a contract to buy the allocated site. Indeed, the Policy does not specifically require a footpath on this neighbouring land. We have always respected and complied with the supporting text which requires that all "suitable opportunities" are taken to secure a footpath link if possible. We firmly believe this has been complied with. Our scheme facilitates this so that any footpath link, should one become available in the future, by safeguarding permissive paths across the application site for public use in perpetuity. Furthermore we have, on several occasions made specific enquiries to the landowner during the life of the application where it was made clear that any further land was not available.
- In addition, since Planning Committee on 10th February, we have asked again the landowner to reconsider her stance and the letter from the agent maintains a consistent position that the further private land is simply not available.
- Our meeting, clarified again that the release of the allocation site by the landowner is for the greater good of the Buriton Community and is specifically not for the landowner's personal financial gain. This was confirmed to you by the landowner's agent and further evidenced by the fact that the landowner has dictated that all affordable housing must be delivered for local people. Plus similar provision for the private housing too.
- There are several reasons why the next door land is not available and the landowner's position has been consistent. The land is good quality farming land and has never been made available for public access. This would inevitably change its status in perpetuity. There would be unavoidable impact on its rural operation in

many respects but not limited to impact on animals that may be on the land from time to time and there could be wider ecological sensitivities. However fundamentally it is private farmland which has never been made available and indeed is not a policy requirement to deliver the homes on the allocation site.

- If there is a perception that the proceeds from the sale of the site, if consented, are for financial gain, I must re-iterate again that this is not the case and could not be further from the truth. It is a matter of fact that the landowner's motives in releasing this site are driven by a genuine wish to provide new housing to provide new housing for Buriton people. Any concern therefore that the additional footpath land not being released is in some way unreasonable, is a misconception. The land has been released for housing for the greater good of the community and the farmland beside it has never been available, nor needed, to facilitate this development.
- I trust that the meeting yesterday confirmed that the landowner's rationale is fair, and equally, that all suitable opportunities to explore the footpath link have certainly been taken by us. It is absolutely the case that Metis has made every effort to facilitate the aspiration to deliver a publicly accessible route through adjoining land, but have been unable to do so. Crucially unlike the footpath connection to Glebe Road, a new footpath to the north is not a requirement in sustainability terms to make the application site acceptable, and as such is not a requirement of Policy SD62. As demonstrated, Metis has fully explored at every stage, all opportunities to facilitate this aspiration and have made provision for this route to be extended at some stage in the future if the situation were to change. This is all we are able to do and all that can be reasonably expected.
- It must also be understood that the refusal of this application comes with a legitimate and significant risk that the development and the new homes for the community will be lost. The scheme before you is currently viable as a fully policy compliant development, meaning full affordable housing will be delivered, together with a high standard of sustainability measured demanded by your policies, including a passive house, together with all CIL contributions. It is viable today, but there is no guarantee it will be able to come forward again in the future, given rising costs. Now is certainly the time to safeguard the delivery of these new homes for the local community.

6. Planning Policy Context

6.1 The Planning Policy Context is stated in **Appendix I**.

7. Planning Policy

7.1 The Planning Policy is stated in **Appendix I**.

8. Planning Assessment

8.1 This report focusses on the reason for deferral raised at the February 2022 Planning Committee. It should also be considered compositely with the previous report in **Appendix I**. However members should note the section below relating to Highways, which is an amendment of the Highways Section in the report in Appendix I.

Provision of Footpath

8.2 Since the February 2022 Planning Committee, the applicant has been in contact with the landowner regarding the provision of a footpath through their land. The landowner instructed their agent to issue a letter on their behalf as a formal response to these queries. This letter from Ian Judd & Partners, dated 11th February, states that there have been previous discussions between the landowner's agent and the applicant regarding the provision of a footpath through the adjacent field. These discussions were held prior to the submission of the planning application in February 2021. They detail that the landowner will not under any circumstances accept public access to the privately owned fields to the north of the allocated site. The letter further reiterates that the landowner's position on the matter of a footpath on their land has always been clear and consistent throughout discussions with the applicant. The landowner's agent details that this provision was never a requirement of the site being

promoted through the Local Plan and subsequently allocated for housing. They reiterate that it is also not a contractual requirement of the agreement between the applicant and the landowner and as such it will not be an accepted obligation with another developer in the future.

- 8.3 Further to this letter a meeting was held with the Director of Planning, Development Manager, the applicant and Landowner's Agent to further discuss the matter. This resulted in the submission of an additional letter, the contents of which are set out in Paragraph 5.1 of the Report, earlier.
- 8.4 It has been made very clear to officers that the landowner has no intention to sell the land to the north of the site in order to facilitate the introduction of the footpath. There are a number of reasons for this, including the loss of good quality farmland and potential ecological impacts. In addition, it is noted that the landowner's agent considers that the landowner is committed to releasing the allocated site for honourable reasons to meet the genuine need for local housing for local people.
- 8.5 Therefore, it is considered that the applicant has exhausted all opportunities over the course of the application and since the deferral of the application in February to achieve the aspiration for the footpath as detailed within the explanatory text to Policy SD62 (paragraph 9.35) of the South Downs Local Plan. This paragraph states that "all suitable opportunities should be taken to create a new public footpath, parallel to Greenway Lane, between the site and the Greenway Lane railway bridge".

Buriton Parish Council Comments

- 8.6 It is noted that the Parish Council were unsure whether the landowner was aware that the South Downs Local Plan references the provision of a footpath to the north of the site to the railway bridge within the explanatory text of this allocation. As part of the meeting detailed in 8.3 this was relayed to the landowner and the officers accept that the landowner's decision has been made whilst in full possession of the facts relating to the allocation policy and the explanatory text.
- 8.7 With the matter of suggested fencing this would need to be sufficiently proposed and assessed as it is a substantial length of land to have fencing which could have impacts on the landscape, were the landowner minded to release the land.
- 8.8 It is appreciated also that the community could arrange for volunteers to provide hedge cutting to allow for the use of the footpath (were the land released) to not contribute to a negative impact on the farming operations. However, this would be outside of the realm of the planning application and could not be conditioned.
- 8.9 With regards to the provision of a shorter footpath instead of the preferred option by the community to the railway bridge. Officers do not consider that this option would be possible as the landowner has made it very clear that they do not wish to have any footpath on their land. Finally, having a provision for pedestrian route along Greenway Lane, whilst cutting into the hedgerow would increase the risk of safety as it would not be formally segregated and this could have significant concerns raised by the Highways Authority. It could also degrade the rural character of Greenway Lane and may cause localised landscape impacts.
- 8.10 Whilst the development would be required to provide a substantial amount of CIL, the allocation and use of this funding could not be controlled or guaranteed at this stage of the process and this should not be relied upon.

Highways Matters (amendment/Update to Highways Section Paras 8.15-81.7 in Appendix 1)

- 8.11 Concerns have been raised in relation to the application about the access road being dangerous and that the development would increase traffic to the area and the need for a permissive footpath to connect other footpaths in the area. With the matter relating to the access road, the applicant has demonstrated that there will be sufficient visibility splays for safe access to and from the site and this is reflected in the comments by the Highways Authority.
- 8.12 Policy SD62 (e) requires "New vehicular access from Greenway Lane and new pedestrian access which links to the existing pedestrian route which links Greenway Lane to Glebe Road;" The proposed scheme provides this in accordance with the Policy and the highway works associated would be secured as part of a legal agreement. It is important to note that the main text for Policy SD62 does not require provision of a footpath link to the north of the site towards the railway bridge. This is an aspiration set out in the explanatory text of paragraph 9.35, the assessment of which has been considered in detail above.

- 8.13 Concerns have been raised over the parking proposed on site. Notwithstanding, the provision (24 spaces) is above the requirement within SD22 and the Parking SPD. There are no exceptional circumstances relating to the site in terms of car parking to warrant additional parking and it is not considered that the provision is detrimental or warrants a refusal on this ground.

9) Conclusion

- 9.1 In conclusion, having revisited the matter of the provision of a footpath, as requested by members at Committee in February, officers are satisfied that all suitable opportunities have been taken to create a new public footpath. Even though ultimately this has been unable to be secured, officers believe that all reasonable efforts have been made by the applicant to progress this.
- 9.2 Notwithstanding, it must be noted that the scheme complies with the wording of Policy SD62. Officers consider that the applicant has brought forward a high quality scheme, which meets sustainability requirements within the Local Plan and provides much needed local affordable housing. Given the above and the other benefits brought forward in the scheme (as considered in the report in February – **Appendix I**) permission is therefore recommended.
- 9.3 The application has been assessed in relation to the Development Plan, the NPPF, National Park Purposes and duty, material planning considerations and relevant legislation. The proposals represent sustainable development in regard to social, economic and environmental considerations. There are no material considerations of sufficient weight which would justify refusing permission.

10) Reason for Recommendation

That planning permission be granted subject to:

- 1) The completion of a Section 106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:
 - a) Four affordable dwellings in accordance with paragraph 8.3 of the appended report;
 - b) Highway works as detailed in paragraph 8.12 of this report
 - 2) The conditions set out in paragraph 10.2 of this report.
 - 3) The authority be delegated to the Director of Planning to refuse the application with the appropriate reasons if:
 - a) the Section 106 Legal Agreement is not completed or satisfactory progress is not being made within 6 months of the 10th March 2022 Planning Committee meeting.
- 10.1 The particularly relevant conditions to this proposal are Conditions 5, 11, 12, 13, 18 and 21. The remaining conditions would be considered broadly standard and usual in terms of planning applications of this type.

10.2 List of 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 of the Town and Country Planning Act 1990 (as amended).
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.

Materials & sustainability

3. No development above slab level shall commence unless and until a full schedule of all materials and finishes and samples of such materials and finishes to be used, including but not limited to external walls, windows, roofs and rainwater goods of the dwellings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes.

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

4. No development above slab level shall commence unless and until the architectural details have been submitted to, and approved in writing by the local planning authority. The details shall include:
 - a) Details of all eaves;
 - b) Details of porches, projections and recesses;
 - c) Windows (including materials and finishes, glazing, head, sill and window reveal details and shutters/louvres, if applicable);
 - d) Manufacturers' details of light transmittance of glazing;
 - e) Doors and outbuildings doors (including materials and finishes);
 - f) Outbuildings and sheds;
 - g) Rainwater goods and harvesting;

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

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

5. Prior to occupation of the development hereby permitted, detailed information in a construction stage sustainable construction report shall be submitted to, and approved in writing, by the local planning authority. The report shall include:
 - a) Provided an EV charge point (for every dwelling specified as per Appendix 2: EV Charger & Compost Bin Site Plan & Bin Specification (Sustainability Statement – Rev A 13.02.2021), with a minimum power rating output of 7kW and a universal socket for each;
 - b) Provided external private compost bins. And demonstrating that the green roof, as shown on approved plans, has been implemented. And providing evidence demonstrating;
 - c) Provided water consumption of no more than 110 litres/person/day;
 - d) Reduced predicted CO₂ emissions by at least 39% (compared with the maximum allowed by building regulations);
 - e) As built stage water calculator;
 - f) As built layout plan showing all retained and removed trees, hedges, water features or other native habitats; and
 - g) As built layout plan showing all SuDS features;
 - h) As built stage SAP data and photographic evidence of green energy installation;
 - i) Site Waste Management Plan evidencing that 50% of waste has been diverted from landfill;
 - j) Evidence of how of how the sustainable material strategy was carried out in the completed construction;
 - k) Evidence that the selection of sustainable materials including, for all timber, the use of certified "Grown in Britain" timber where possible, and where not possible, FSC or PEFC certified; and
 - l) Photographic evidence of installed EV charging points;
 - m) Photographic evidence of separate internal bins for recyclables and external compost bins;

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

Reason: To ensure the development provides a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change. In compliance with Local Plan policies SD2, SD21, SD48 and the Sustainable Construction Supplementary Planning Document.

6. Prior to the occupation of Plot 1 as shown on approved plans of the development hereby permitted, a Passive House certificate shall be submitted to and approved by the Local Planning Authority. This certificate should demonstrate that Plot 1 has been built to meet the Passive House certification design principles and standards laid down by the Passivehaus Trust.

Reason: To ensure the development provides a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

Drainage

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

Reason: In order to secure a satisfactory means of drainage.

8. No development approved by this permission shall be commenced until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure a satisfactorily means of drainage.

9. The development hereby permitted shall not be brought into use until details of the management and maintenance of any parts of the foul and surface drainage systems (including any ponds, ditches, swales, permeable paving and land drains) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify the responsibilities of each party for the implementation of the Sustainable Urban Drainage scheme (SuDs); a timetable for implementation; a management and maintenance plan for the lifetime of the development, which should include arrangements for any adoption by a public authority or statutory undertaker; and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall, thereafter, be carried out in full accordance with the approved details over the period specified.

Reason: To ensure the efficient maintenance and ongoing operation of the SuDS system and to ensure the best practice in line with the most up-to-date guidance.

10. Before any part of the development is occupied the provisions to prevent surface water from the site discharging on to the adjacent highway shall have been made in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

Landscaping

11. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a detailed scheme of hard landscape works has been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. Once implemented they should be retained. The scheme design shall include the following details:

- a) Details of existing trees and other vegetation to be retained in the scheme and methods/measures for the protection of trees during and after construction;
- b) Layout of surfaces including materials, permeability, kerbs, edges, steps, retaining walls, ramps, and similar, at the site entrance and throughout the site;
- c) Schedule of surfacing materials (including upstands and demarcations), including the courtyards;
- d) Street furniture including seating, signage, litter bins, cycle racks, tree grilles/surface treatment and guards;

- e) Tree pits design, materials and size;
- f) Boundary treatments details including gates and doors;
- g) Any ancillary structures.

The materials pursuant to criteria b) above shall not create an access which is overly engineered and of an overly unduly suburban character and appearance and must be seen as a subsidiary access onto Greenway Lane.

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

12. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a full detailed scheme of planting proposals have been submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. The scheme design shall follow the principles of the submitted Revised Site Layout (19156 - RSL - 001 - Rev B) and include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers;
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material, irrigation design, surface treatment according to location;
- c) Areas of grass & specification for seeding or turfing as appropriate;
- d) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance Operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- e) Any bunding or swales (including cross sections);
- f) A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;
- g) A timetable for implementation of the soft and hard landscaping works.

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

Reason: To conserve and enhance biodiversity and in the interests of amenity and landscape character.

Ecology

13. Development shall proceed in accordance with section 6.3 and 6.7 of the PEA report by Ecosupport (April 2021), section 5 of the dormouse mitigation strategy report by Ecosupport (April 2010, Revised Site Layout (19156 - RSL - 001 - Rev B) and figure 6 of the lighting assessment by Mapledean Projects (April 2021). In addition, the developed site shall include a minimum of 10 integral or wall-mounted swift bricks/boxes and 10 integral bee bricks. All mitigation, compensation and enhancement features shall be installed and implemented as per the ecologists instructions and be retained and maintained in perpetuity and in a condition suited to their intended function.

Reason: To provide ecological protection and enhancement in accordance with the Habitats Regulations 2019, NERC Act 2006 and NPPF.

External lighting

14. No development above slab level shall commence unless and until details of any external lighting of the site, are submitted to and approved in writing by the Local Planning Authority. These details

shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting residential receptors. Lighting shall only be installed as approved and shall be maintained and operated in accordance with the approved details.

Reason: To conserve dark night skies.

Highways/access/parking

15. No part of the development shall be first occupied until the car and cycle access and parking spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car and cycle parking space for the use.

16. No part of the development shall be first occupied until the electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide opportunity for more sustainable travel.

17. The approved site access and associated visibility splays of 2.4 metres by 48 metres to the north and 54 metres to the south by shall be provided in accordance with the approved details and prior to the on-site works. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety.

Construction Management Plan

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

- i) the anticipated number, frequency and types of vehicles used during construction;
- ii) the method of access and egress and routeing of vehicles during construction;
- iii) the parking of vehicles by site operatives and visitors;
- iv) the loading and unloading of plant, materials and waste;
- v) the storage of plant and materials used in construction of the development; (vi) the erection and maintenance of security hoarding;
- vi) effective vehicle wheel-cleaning facilities to be made available throughout construction;
- vii) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- viii) details of public engagement both prior to and during construction works;
- ix) temporary arrangements for access and turning for construction traffic for each part of the site; and
- x) an indicative programme for carrying out of the works;
- xi) details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- xii) protection of trees and hedgerows to be retained;
- xiii) a sensitive lighting strategy during construction;
- xiv) measures to control the emission of dust and dirt during construction;
- xv) measures to mitigate noise, including vibration, during construction works.
- xvi) Working hours on site.

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

Permitted development rights

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

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

Contamination

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

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

Air Source Heat Pump Noise

21. Prior to any installation of Air Source Heat Pumps (as detailed in submitted Sustainability Statement – Rev A 13.02.2021), full details including the positioning of the units, operating noise output of the units to be fitted, measured background noise levels, Leq, peak noise, tonal effects and any required mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

Reason: To ensure that the residential amenity of the area is not detrimentally affected by noise.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice from the SDNPA Development Management Officer and SDNPA Historic Buildings Officer during the application and the opportunity to provide additional information to add additional value as identified by SDNPA Officers and consultees.

TIM SLANEY

Director of Planning South Downs National Park Authority

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SDNPA Consultees: Director of Planning & Legal Services Background Documents:

Background Documents: [Current Application Documents](#)

[South Downs Partnership Management Plan](#)

[South Downs Local Plan](#)

[National Planning Policy Framework](#)

[Parking SPD](#)

[Sustainable Construction SPD](#)

[Affordable Housing SPD](#)

[Buriton Village Design Statement:](#)

[Ecosystem Services Technical Advice Note](#)

[Dark Skies Technical Advice Note](#)

[Draft Design SPD](#)



South Downs

National Park Authority

Agenda Item 11

Report PC 21/22-42

Report to **Planning Committee**
Date **10 February 2022**
By **Director of Planning**
Local Authority **East Hampshire District Council**
Application Number **SDNP/21/02014/FUL**
Applicant **Mapledean Projects and Metis Homes**
Application **The erection of ten residential dwellings together with the associated vehicular and pedestrian access, car parking, secure cycle storage and landscaping on land at Greenway Lane Buriton**
Address **Land at Greenway Lane, Buriton, Petersfield, Hampshire GU31 5SQ**

Recommendation:

That planning permission be granted subject to:

- 1) **The completion of a Section 106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:**
 - a) **Four affordable dwellings in accordance with paragraph 8.3 of this report;**
 - b) **Highway works as detailed in paragraph 8.16 of this report**
 - 2) **The conditions set out in paragraph 10.2 of this report.**
 - 3) **The authority be delegated to the Director of Planning to refuse the application with the appropriate reasons if:**
 - **The Section 106 Legal Agreement is not completed or satisfactory progress is not being made within 6 months of the 10th February 2022 Planning Committee meeting.**
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Site Location Map



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APPENDIX I

Executive Summary

This application is for a site which falls under allocation Policy SD62: Land at Greenway Lane of the South Downs Local Plan 2019. The proposal is for the provision of 10no. dwellings with 4no. proposed for affordable housing and associated landscaping. The main considerations for this application are as follows:

- Principle of Development
- Affordable Housing
- Landscape and Design
- Sustainable Construction
- Ecology and Ecosystem Services
- Drainage
- Highways
- Impact on Neighbouring Amenity

The proposals accord with Purpose 1 and 2 of the South Downs National Park and the South Downs Partnership Management Plan. It also accords with key policies pertinent to this application, SD4, SD5, SD26, SD27, SD28 and SD62 of the South Downs Local Plan and with the Buriton Village Design Statement.

The application is placed before the Committee due to its allocation within the Local Plan and the local interest concerning the site.

1. Site Description

- 1.1 The site is located on the northern outskirts of the rural village of Buriton. It is an approximately triangular area of land which comprises of a reasonably flat field and its northern boundary marks the edge of Buriton. The site boundary along Greenway Lane is defined by an existing hedgerow, whilst the southern site boundary is defined by the rear gardens of properties on Glebe Road. The site was allocated in the South Downs Local Plan and the settlement boundary for the village was amended to include the site. The site is not within the Buriton Conservation Area or near any listed buildings. The site is accessed from Greenway Lane which is on the eastern side of the A3.

2. Relevant Planning History

- 2.1 SDNP/20/04443/PRE – The erection of ten residential dwellings with the associated access, parking and landscaping. Advice given on 5th February 2021 which outlined the following:
- Principle was established through SD62 and 10 dwellings would be acceptable.
 - Key requirement of SD62 is for the development to provide a suitable transition and new settlement edge between Buriton and wider countryside.
 - Further consideration needed on a scheme meeting the landscape led approach to design, including further information on contextual evidence.
 - Holistic approach required in relation to ecosystem services, sustainable surface water drainage and deliver overall environment enhancements.
 - Sustainable construction is a key issue.
 - Policy compliant affordable housing scheme would be required.

3. Proposal

- 3.1 The proposal is for the erection of 10 dwellings together with the associated vehicular and pedestrian access, car parking, secure cycle storage and landscaping. The proposal is within the allocated residential development Policy SD62 of the South Downs Local Plan 2019. Within the proposed 10 residential dwellings, 4 are proposed to be affordable housing with a split of 3 homes for rent and 1 home as a form of intermediate affordable housing such as shared ownership.

3.2 The housing mix is detailed below:

Dwelling Size	Open Market	Affordable	Total
2 bedroom	3	4	7
3 bedroom	3	0	3
Total	6	4	10

3.3 In terms of sustainability the proposal also includes the provision of one passive house (plot 1), electrical vehicle charging points for each dwelling, solar panels on each dwelling, commitment to water use of 110 litres/person/day, sustainable drainage systems and air source heat pumps.

3.4 The proposed landscaping is focused along the boundaries and would be of native species, this planting will also work in conjunction with sustainable drainage systems such as swales. Biodiversity enhancements are included within the landscaping proposals alongside the provision of bee bricks and swift bricks/boxes.

3.5 There is a proposed permissive path along the frontage of the site behind the existing hedge which would enable connections to Glebe Road (to the south) and to facilitate future connections to the north of the site

4. Consultations

4.1 Buriton Parish Council – No objection but concerns raised:

- Positive Aspects: Provision of affordable homes, as long as these are mainly rental for local people in perpetuity. Provision of hedging and trees to provide transition to countryside. Arrangement of houses, so they don't turn their back on countryside. Green space at the entrance. Hedging and trees along approaches from the west. Acceptable mix of styles and materials.
- Concerns: Amount of parking spaces and potential overspill on to Greenway Lane and Glebe Road. Concerns over the layout not providing a restriction for future vehicle access to adjacent fields. Disappointing that a footpath has not been provided between the site and the railway bridge on Greenway Lane. Request a condition to include Parish Council in discussion over provision of affordable housing to people with local connection. Keen to see all buildings built to highest sustainability standards, concern over noise of air source heat pumps, bin collection process not clear. Parish would like information over extent of recycled materials and their source. Proposals could provide greater biodiversity. Provision of bee bricks, swift nesting bricks. Concern over plant schedule. Measures required to reduce light spill. Junction to Greenway Lane should not be over engineered. Concerns over water pressure in the area. Disruption during construction.

4.2 Hampshire Countryside Service – No objection

4.3 Natural England – Response received, no comments

4.4 Ecology – No objection subject to conditions

4.5 East Hants Drainage Officer – No objection subject to conditions

4.6 East Hants Housing Officer – No objection

4.7 East Hants Environmental Health – No objection but concerns - subject to conditions

- Concern raised regarding the noise of air source heat pumps and a requested condition was put to the SDNPA should planning permission be granted.

4.8 Hampshire Highways – No objection subject to conditions

4.9 Southern Water – No Objection

4.10 Landscape Officer – Objection

Positives:

- Would include the clearance of non-native conifers, use of vegetated and/or walled rear-garden boundaries and small green roofs to out-buildings.

Negatives:

- Harmful to the landscape character of Buriton, primarily through its layout, design and architecture.
- Layout does not celebrate the distinctive qualities of Buriton or its Village Design Statement and place-making.
- Layout of the buildings fails to transition to the countryside.
- Excessive hardstanding.
- Open spaces are too small.
- Building heights/massing don't respond to differing levels of the road and neighbouring land.
- Many visual effects of the scheme are reliant upon boundary treatments.
- Drainage relies too much on pipes and soakaways.
- Nutrient-rich run-off from arable fields to the north likely to affect mitigation planting on the northern part of the site.
- Should permission be granted, recommend conditions for further detail on, the pumping station location and design, design of swale features, including headwalls, design, substrate and planting for green roofs, hard and soft landscaping, lighting, management of swales, materials and tree protection plan and method statement.

4.11 Design Officer – Neutral

- While possessing some positives (backs on to existing rear gardens, some SuDs and GI features and permeable paving, sustainable credentials appear satisfactory at this stage) concern raised regarding 10 units being accommodated on site, cul-de-sac layout and garden sizes of the affordable units. The material palette should reflect the Buriton character.

5. Representations

5.1 A total of 12 letters of representation and of this 8 were letters of objection and 4 were letters of general comments.

5.2 The letters of objections received raise the following concerns:-

- Negative impact on the National Park
- Impact on Dark Night Skies
- Dangerous access road
- Drainage Issues
- Loss of views from Glebe Road towards open countryside
- Green belt development
- Increase in pollution (noise, light and air)
- Use of materials
- Increase in traffic
- Impact wellbeing of local residents
- Impact on nature conservation and wildlife
- Impact on privacy of Glebe Road
- Negative impact the landscape
- Inadequate parking provision
- No new footpath to the north of the site as required under SD62

- 5.3 The general letters raised the following points:-
- Provision for swift bricks would be positive
 - A new permissive footpath would be a positive improvement
 - Conditions to be added to control design and materials

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan comprises the South Downs Local Plan (SDLP) 2014-2033. The policies of particular relevance to this application 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 the area
 - To promote opportunities for the public understanding and enjoyment of the special qualities of the area

- 6.3 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 National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.4 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.

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
 - Delivering a sufficient supply of homes
 - 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

Relationship of the Development Plan to the NPPF and Circular 2010

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

The South Downs National Park Partnership Management Plan 2020-2025

- 6.7 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 out the strategic context for development and are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19

December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years.

The relevant outcomes include:

- Outcome 1: Landscape and Natural Beauty
- Outcome 2: Increasing Resilience
- Outcome 3: Habitats and Species
- Outcome 9: Great Places to Live

Other relevant material considerations

6.8 The following are relevant material considerations:

- Parking SPD
- Sustainable Construction SPD
- Affordable Housing SPD
- Buriton Village Design Statement
- Ecosystems Services Technical Advice Note
- Dark Skies Technical Advice Note
- Draft Design SPD. This draft document has undergone public consultation but has limited weight in decision making currently.

7. Planning Policy

7.1 Whilst the South Downs Local Plan (2019) must be read as a whole, the following policies are of significant relevance:

- SD4: Landscape Character
- SD5: Design
- SD19: Transport and Accessibility
- SD26: Supply of Homes
- SD27: Mix of Homes
- SD28: Affordable Housing
- SD62: Land at Greenway Lane, Buriton

7.2 The following policies are also considered relevant

- SD1: Sustainable Development
- SD2: Ecosystem Services
- SD6: Safeguarding Views
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD20: Walking, Cycling and Equestrian Routes
- SD22: Parking Provision
- SD25: Development Strategy
- SD45: Green Infrastructure

- SD48: Climate Change and sustainable Use of Resources
- SD50: Sustainable Drainage Systems
- SD54: Pollution and Air Quality

8. Planning Assessment

Principle of Development

- 8.1 The site is allocated for 8 to 10 residential dwellings within Allocation Policy SD62, as a result the site is within the defined settlement policy boundary of Buriton. The proposal comprises a residential scheme of 10 dwellings and on the basis of SD62 this is acceptable subject to the following criteria of SD62:
- a) A suitable transition in built form and fabric from the residential development to the east and the open countryside to the west, taking account of the guidance set out in the Village Design Statement
 - b) Existing mature trees and hedgerows to be retained and enhanced
 - c) Boundary treatments appropriate for the site adjacent to open countryside
 - d) To provide all necessary vehicular parking on-site to avoid additional on street parking in local roads;
 - e) New vehicular access from Greenway Lane and new pedestrian access which links to the existing pedestrian route which links Greenway Lane to Glebe Road; and
 - f) The site layout must not include opportunities to provide future vehicular access into adjacent fields

- 8.2 The application generally accords with this policy (accords with criterion a-d and f as detailed below). Regarding criterion (e), whilst a new vehicular access from Greenway Lane is proposed the pedestrian route to the north of the site cannot be secured for the reason below in 8.16, however it does link up with Glebe Road.

Affordable Housing

- 8.3 The application is seeking to provide a total number of 10 residential dwellings with 4 affordable units with the affordable units consisting of 4no. 2 bedroom houses. Policy SD28 states that occupancy conditions and local connection criteria will be applied to affordable housing to ensure local needs are met. There is a requirement to have a tenure split of 75% social or affordable rent, 25% intermediate housing and this would equate to 3 homes for rent and 1 as a form of intermediate affordable housing such as shared ownership. The East Hants Housing Officer notes that there is a local need for 1 bedroom accommodation, however they support the current mix despite no 1 bedroom unit being proposed. The proposed plots for the affordable units meet nationally described space standards for the number of occupants proposed and is supported. Further obligations for affordable housing would be secured via a Section 106 legal Agreement. The affordable housing provision is acceptable and complies with the requirements of policy SD28 of the South Downs Local Plan (2019).

Landscape and Design

- 8.4 The Landscape Officer has raised a number of concerns and the Design Officer has concluded a more neutral response, both of which are summarised above. Furthermore concerns have been raised, within representations, on the visual impact on views from Greenway Lane and functional spaces not being landscape led with the drainage of the site not being informed by the landscape character. Although it is acknowledged that there are some concerns in regards to the design the proposal does seek to make efficient use of the site and maximise on site affordable housing provision. This does, however, leave less space to increase the amount of green infrastructure and greater scope for surface water drainage features such as swales, albeit the number of dwellings proposed is within the allocation noted in the South Downs Local Plan. A key aspect of developing this site is to create a new better defined settlement edge and this is achieved through a good sized planting strip along the northern boundary, which does also include swale features amongst this planting that enhances the sustainable drainage for the scheme. The layout has been significantly influenced by the shape of the

site and the need for an access from Greenway Lane and does incorporate a good amount of new planting which would allow for biodiversity enhancements.

- 8.5 Amended plans do include many landscape gains which are focused along the boundaries of the site. They show that existing mature trees and hedgerows will be retained and enhanced and conditions regarding landscaping would help to secure these benefits. Regarding the proposed layout the dwellings would be sited so as to not create a hard edge to Buriton and the proposed planting helps to further soften the development. Furthermore, the new frontage that would be created along Greenway Lane would not be overly suburban in character due to the siting of dwellings, new landscaping and site access which would not be overly engineered and would be of a rural character as much as possible and reflect Greenway Lane. The northern and western parts of the site are the most visible from public vantage points along Greenway Lane and given the layout, new planting and heights, massing, siting and orientation of dwellings, the scheme would create a suitable transition between the edge of the village and the countryside. This would accord with policy SD62. For these reason it is also considered that the scheme accords with policies SD4 and SD5 of the South Downs Local Plan (2019) and LS1, LS6 and SP7 of the Buriton Village Design Statement.
- 8.6 Concern has been raised that the layout doesn't prevent future development north of the site. However, criteria (f) of policy SD62 outlines that the layout should not provide opportunities or access into the adjacent field. In both of these respects, the proposed layout addresses these considerations. It should also be noted that the land to the north is outside the settlement boundary and so the principle of development would not be acceptable.
- 8.7 Local concerns have also raised an impact from the loss of views out from properties on Glebe Road across the site to the wider countryside. The site is allocated for new residential development and the layout does enable some views from properties on Glebe Road albeit views from other certain properties on Glebe Road views impacted upon. Within planning considerations, impact on outlook is relevant, however, the loss of a private view should not be given weight as a material planning consideration. The proposed layout would create an acceptable relationship with neighbouring residential development and would not be significantly harmful and neighbouring properties are a good distance away given their long rear gardens.
- 8.8 The materials and design of the buildings have been assessed by the Design Officer who considers that the elevations demonstrate an eclectic built form seen in Buriton and that the indicative materials are broadly in line with those of the Village. Conditions are recommended in 10.2 below regarding suitable materials and finishes in order to secure an acceptable scheme. The dwellings are of a traditional character and appearance for the site's rural context. In this respect their height and massing is consistent with this type of two storey dwelling and the ridge heights are not excessive. A varied roof scape is proposed including a mix of clay and slate roofs which adds character to the scheme. Therefore the scheme accords with SD5 of the South Downs Local Plan and P7 and B2 of the Buriton Village Design Statement.
- 8.9 The Landscape Officer has recommended a number of conditions which are within the recommendation below, these would require further information to be submitted and approved to refine and agree the scheme details. Therefore, the scheme is considered to accord with SD4, SD5, SD6 and SD62 (a-d and f) of the South Downs Local Plan and the Buriton Village Design Statement, subject to conditions.

Sustainability

- 8.10 The applicant adheres to Sustainable Construction requirements by installing solar panels on each house, electric vehicle charging points per dwelling, water use to be 110 litres/person/day and to comply with policy requirements for one passive house and air source heat pumps. From the submitted Sustainability Statement it is predicted that the site will be able to achieve the 39% saving on CO₂. These are positive elements of the scheme and securing these elements will be sought through condition. Therefore, the proposal accords with SD48 of the South Downs Local Plan.

Ecology and Ecosystem Services

- 8.11 Local representations have raised concerns over the negative impact on wildlife and nature conservation this proposal may have. The application is supported by detailed information regarding ecology impacts, enhancement and mitigation. The proposal adequately reflects the ecology on site and

provide sufficient mitigation with particular reference to dormice. As such no objection is raised subject to conditions.

- 8.12 The proposal would deliver ecosystem services and ecological enhancements. Following comments from local representations and the Parish Council and consultees the scheme now includes the installation of bee bricks (1 per house) and swift boxes (1 per house), swales and large amount of boundary planting of native species. These latter gains work in conjunction with surface water drainage to a degree and further ecological gains would be secured via conditions. Regarding biodiversity net gain more specifically, the site at present is a benign agricultural field solely with boundary hedgerow. This scheme would introduce further supplementary boundary planting and other planting throughout the site that would deliver a degree of biodiversity net gain over and above the existing character and ecological value of the site. Overall, the proposal accords with SD2, SD9 and SD11 of the Local Plan and LS1 of the Buriton Village Design Statement.
- 8.13 There are a number of concerns from local representations regarding the impact on Dark Night Skies and how the development would negatively impact the neighbouring amenity due to an increase in lighting. However, the applicant has provided a comprehensive lighting assessment which demonstrates minimal external lighting which is on the road frontage boundary rather than the boundary of the neighbouring properties. Furthermore, Environmental Health raise no objection with regards to lighting. Overall, the proposal accords with SD54 of the Local Plan. There is expected to be some element of new lighting on the site due to its designation for residential use however the level of lighting accords with the requirements laid out in the Dark Night Skies Technical Advice Note and SD8 of the South Downs Local Plan and T1 and T3 of the Buriton Village Design Statement, and has been secured via condition.

Drainage

- 8.14 Due to the nature of the proposal fundamentally changing the layout and potential drainage of the site this has raised concerns in local representations. The site falls within Flood Zone 1 which is described as low flood risk and the Drainage Officer has no recorded occurrences of flooding affecting the site. However, the proposals detail a number of sustainable drainage options which are considered to be suitable for a development of this size and site constraints. Further detailed would be required through a standard pre-commencement conditions. The proposals therefore accord with SD49 and SD50 of the Local Plan.

Highways

- 8.15 Concerns have been raised about the access road being dangerous and that the development would increase traffic to the area and for the need for a permissive footpath to connect to other footpaths in the area. With the matter relating to the access road, the applicant has demonstrated that there will be sufficient visibility splays for safe access to and from the site and this is reflected in the comments by the Highways Authority.
- 8.16 Policy SD62 (e) requires a footpath connection north Greenway Lane. Given this route would extend beyond the red line plan and the applicants control it is only possible to improve connectivity to the wider countryside through a new path within the application site. The layout includes a new path along the frontage of the site which connects with Glebe Road to the south.
- 8.17 Concerns have been raised over the parking proposed on site. Officers have assessed this and it is concluded that the parking provision for the site (24 spaces) is above the requirement within SD22 and the Parking SPD. Due to the need for parking to be wholly on site it is appreciated that this provides some challenges to the layout and design of the site and the impact on the landscape. However, it is not considered that this impact is such as to warrant a refusal.
- 8.18 Therefore, the proposal accords with SD19, SD20, SD22 and SD62 (e) of the Local Plan.

Impact on Neighbouring Amenity

- 8.19 Representations have raised concern on the impact of neighbouring amenity such as outlook, loss of privacy and noise. For the reasons outlined above the layout is acceptable and in addition the dwellings would be sited and orientated in a way that reduces the impact on neighbours. The fenestration of the properties also does not create significant harmful overlooking. The location of car parking would also not cause undue disturbance to surrounding neighbouring properties

- 8.20 Local representations and the Parish Council have raised concerns over noise and air pollution of the site. It should be noted that the site is allocated for residential development and is of an acceptable scale with regards to the number of dwellings and SD62. Regarding noise, the layout and orientation of dwellings and positioning of the gardens and parking would help to contain activity within the site and would not give rise to excessive noise over and above what would be expected from a new residential scheme. Environmental Health have not raised a concern about the noise impacts from the site itself. Environmental Health have raised a concern over the proposed air source heat pumps and recommended a condition requiring further details this is included as condition 21 which requires the location and specification of these units to be assessed and approved prior to being installed.
- 8.21 With regards to air pollution, the primary concern would be during the construction phase which would be temporary and sought to be minimised through a Construction Management Plan. Once the completed, air and noise pollution would not be untypical of a development this size. Electrical vehicle charging points are proposed as a condition to encourage sustainable private vehicles would likely reduce noise and air pollution further. Therefore, the proposal accords with SD7 and SD54 of the South Downs Local Plan 2019 and T5 of the Buriton Village Design Statement.

Other Matters

- 8.22 The matter of green belt was raised through letters of representation and whilst the site falls wholly within the South Downs National Park the site is not a designated green belt. However, development in both green belts and National Parks are controlled by strict legislation and this proposal has been assessed with the NPPF and the purposes and duty of the National Park and it accords with these. Finally, whilst the site would be classed a greenfield site it is an allocated site for the purpose of residential dwellings and as such the principle has been established for the development of this site which is addressed in Section 8.1 of this report.

9. Conclusion

- 9.1 In conclusion, the proposal accords with the allocation policy SD62 and other relevant policies cited above. Whilst there are concerns primarily from the landscape officer, overall the proposals are considered acceptable in terms of layout, design of the dwellings and associated environmental enhancements that are proportionate within this 10 dwelling scheme that would also secure 4 new affordable dwellings.
- 9.2 The application has been assessed in relation to the Development Plan, the NPPF, National Park Purposes and duty, material planning considerations and relevant legislation. The proposals represent sustainable development in regard to social, economic and environmental considerations. There are no material considerations of sufficient weight which would justify refusing permission.
- 9.3 In light of the above assessment, the application is recommended for approval subject to the completion of a Section 106 Agreement and conditions below in 10.2

10. Reason for Recommendation

That planning permission be granted subject to:

- 1) The completion of a Section 106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:
 - a) Four affordable dwellings in accordance with paragraph 8.3 of this report;
 - b) Highway works as detailed in paragraph 8.16 of this report
 - 2) The conditions set out in paragraph 10.2 of this report.
 - 3) The authority be delegated to the Director of Planning to refuse the application with the appropriate reasons if:
 - The Section 106 Legal Agreement is not completed or satisfactory progress is not being made within 6 months of the 10th February 2022 Planning Committee meeting.
- 10.1 The particularly relevant conditions to this proposal are Conditions 5, 11, 12, 13, 18 and 21. The remaining conditions would be considered broadly standard and usual in terms of planning applications of this type.

10.2 **List of 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 of the Town and Country Planning Act 1990 (as amended).

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.

Materials & sustainability

3. No development above slab level shall commence unless and until a full schedule of all materials and finishes and samples of such materials and finishes to be used, including but not limited to external walls, windows, roofs and rainwater goods of the dwellings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes.

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

4. No development above slab level shall commence unless and until the architectural details have been submitted to, and approved in writing by the local planning authority. The details shall include:

- a) Details of all eaves;
- b) Details of porches, projections and recesses;
- c) Windows (including materials and finishes, glazing, head, sill and window reveal details and shutters/louvres, if applicable);
- d) Manufacturers' details of light transmittance of glazing;
- e) Doors and outbuildings doors (including materials and finishes);
- f) Outbuildings and sheds;
- g) Rainwater goods and harvesting;

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

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

5. Prior to occupation of the development hereby permitted, detailed information in a construction stage sustainable construction report shall be submitted to, and approved in writing, by the local planning authority. The report shall include:

- a) Provided an EV charge point (for every dwelling specified as per Appendix 2: EV Charger & Compost Bin Site Plan & Bin Specification (Sustainability Statement – Rev A 13.02.2021), with a minimum power rating output of 7kW and a universal socket for each;
- b) Provided external private compost bins. And demonstrating that the green roof, as shown on approved plans, has been implemented. And providing evidence demonstrating:
- c) Provided water consumption of no more than 110 litres/person/day;
- d) Reduced predicted CO2 emissions by at least 39% (compared with the maximum allowed by building regulations);
- e) As built stage water calculator;
- f) As built layout plan showing all retained and removed trees, hedges, water features or other native habitats; and
- g) As built layout plan showing all SuDS features;

- h) As built stage SAP data and photographic evidence of green energy installation;
- i) Site Waste Management Plan evidencing that 50% of waste has been diverted from landfill;
- j) Evidence of how of how the sustainable material strategy was carried out in the completed construction;
- k) Evidence that the selection of sustainable materials including, for all timber, the use of certified "Grown in Britain" timber where possible, and where not possible, FSC or PEFC certified; and
- l) Photographic evidence of installed EV charging points;
- m) Photographic evidence of separate internal bins for recyclables and external compost bins;

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

Reason: To ensure the development provides a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change. In compliance with Local Plan policies SD2, SD21, SD48 and the Sustainable Construction Supplementary Planning Document.

- 6. Prior to the occupation of Plot 1 as shown on approved plans of the development hereby permitted, a Passive House certificate shall be submitted to and approved by the Local Planning Authority. This certificate should demonstrate that Plot 1 has been built to meet the Passive House certification design principles and standards laid down by the Passivehaus Trust.

Reason: To ensure the development provides a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

Drainage

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

Reason: In order to secure a satisfactory means of drainage.

- 8. No development approved by this permission shall be commenced until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure a satisfactorily means of drainage.

- 9. The development hereby permitted shall not be brought into use until details of the management and maintenance of any parts of the foul and surface drainage systems (including any ponds, ditches, swales, permeable paving and land drains) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify the responsibilities of each party for the implementation of the Sustainable Urban Drainage scheme (SuDs); a timetable for implementation; a management and maintenance plan for the lifetime of the development, which should include arrangements for any adoption by a public authority or statutory undertaker; and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall, thereafter, be carried out in full accordance with the approved details over the period specified.

Reason: To ensure the efficient maintenance and ongoing operation of the SuDS system and to ensure the best practice in line with the most up-to-date guidance.

- 10. Before any part of the development is occupied the provisions to prevent surface water from the site discharging on to the adjacent highway shall have been made in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

Landscaping

11. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a detailed scheme of hard landscape works has been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. Once implemented they should be retained. The scheme design shall include the following details:

- a) Details of existing trees and other vegetation to be retained in the scheme and methods/measures for the protection of trees during and after construction;
- b) Layout of surfaces including materials, permeability, kerbs, edges, steps, retaining walls, ramps, and similar, at the site entrance and throughout the site;
- c) Schedule of surfacing materials (including upstands and demarcations), including the courtyards;
- d) Street furniture including seating, signage, litter bins, cycle racks, tree grilles/surface treatment and guards;
- e) Tree pits design, materials and size;
- f) Boundary treatments details including gates and doors;
- g) Any ancillary structures.

The materials pursuant to criteria b) above shall not create an access which is overly engineered and of an overly unduly suburban character and appearance and must be seen as a subsidiary access onto Greenway Lane.

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

12. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a full detailed scheme of planting proposals have been submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. The scheme design shall follow the principles of the submitted Revised Site Layout (19156 - RSL - 001 - Rev B) and include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers;
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material, irrigation design, surface treatment according to location;
- c) Areas of grass & specification for seeding or turfing as appropriate;
- d) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance Operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- e) Any bunding or swales (including cross sections);
- f) A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;
- g) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping works shall be implemented in full accordance with the approved details and timetable. Any plant which dies, becomes diseased or is removed within the

first five years of planting, shall be replaced with another of a similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity and in the interests of amenity and landscape character.

Ecology

13. Development shall proceed in accordance with section 6.3 and 6.7 of the PEA report by Ecosupport (April 2021), section 5 of the dormouse mitigation strategy report by Ecosupport (April 2010, Revised Site Layout (19156 - RSL - 001 - Rev B) and figure 6 of the lighting assessment by Mapledean Projects (April 2021). In addition, the developed site shall include a minimum of 10 integral or wall-mounted swift bricks/boxes and 10 integral bee bricks. All mitigation, compensation and enhancement features shall be installed and implemented as per the ecologists instructions and be retained and maintained in perpetuity and in a condition suited to their intended function.

Reason: To provide ecological protection and enhancement in accordance with the Habitats Regulations 2019, NERC Act 2006 and NPPF.

External lighting

14. No development above slab level shall commence unless and until details of any external lighting of the site, are submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting residential receptors. Lighting shall only be installed as approved and shall be maintained and operated in accordance with the approved details.

Reason: To conserve dark night skies.

Highways/access/parking

15. No part of the development shall be first occupied until the car and cycle access and parking spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car and cycle parking space for the use.

16. No part of the development shall be first occupied until the electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide opportunity for more sustainable travel.

17. The approved site access and associated visibility splays of 2.4 metres by 48 metres to the north and 54 metres to the south by shall be provided in accordance with the approved details and prior to the on-site works. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety.

Construction Management Plan

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

- (i) the anticipated number, frequency and types of vehicles used during construction;
- (ii) the method of access and egress and routing of vehicles during construction;
- (iii) the parking of vehicles by site operatives and visitors;
- (iv) the loading and unloading of plant, materials and waste;

- (v) the storage of plant and materials used in construction of the development; (vi) the erection and maintenance of security hoarding;
- (vi) effective vehicle wheel-cleaning facilities to be made available throughout construction;
- (vii) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- (viii) details of public engagement both prior to and during construction works;
- (ix) temporary arrangements for access and turning for construction traffic for each part of the site; and
- (x) an indicative programme for carrying out of the works;
- (xi) details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- (xii) protection of trees and hedgerows to be retained;
- (xiii) a sensitive lighting strategy during construction;
- (xiv) measures to control the emission of dust and dirt during construction;
- (xv) measures to mitigate noise, including vibration, during construction works.
- (xvi) Working hours on site.

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

Permitted development rights

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

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

Contamination

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

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

Air Source Heat Pump Noise

21. Prior to any installation of Air Source Heat Pumps (as detailed in submitted Sustainability Statement – Rev A 13.02.2021), full details including the positioning of the units, operating noise output of the units to be fitted, measured background noise levels, Leq, peak noise, tonal effects and any required mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

Reason - To ensure that the residential amenity of the area is not detrimentally affected by noise.

II. Crime and Disorder Implications

- II.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice from the SDNPA Development Management Officer and SDNPA Historic Buildings Officer during the application and the opportunity to provide additional information to add additional value as identified by SDNPA Officers and consultees.

TIM SLANEY

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SDNPA Consultees:

Director of Planning, Legal Services

Background Documents

[All Planning Application Plans, Supporting Documents, Consultation and Third Party Responses](#)

[South Downs Partnership Management Plan](#)

[South Downs Local Plan](#)

[National Planning Policy Framework](#)

[Parking SPD](#)

[Sustainable Construction SPD](#)

[Affordable Housing](#)

[Buriton Village Design Statement](#)

[Ecosystem Services Technical Advice Note](#)

[Dark Night Skies Technical Advice Note](#)

[Draft Design SPD](#)