



South Downs
National Park Authority

Agenda Item 10
Report PC22/23-18

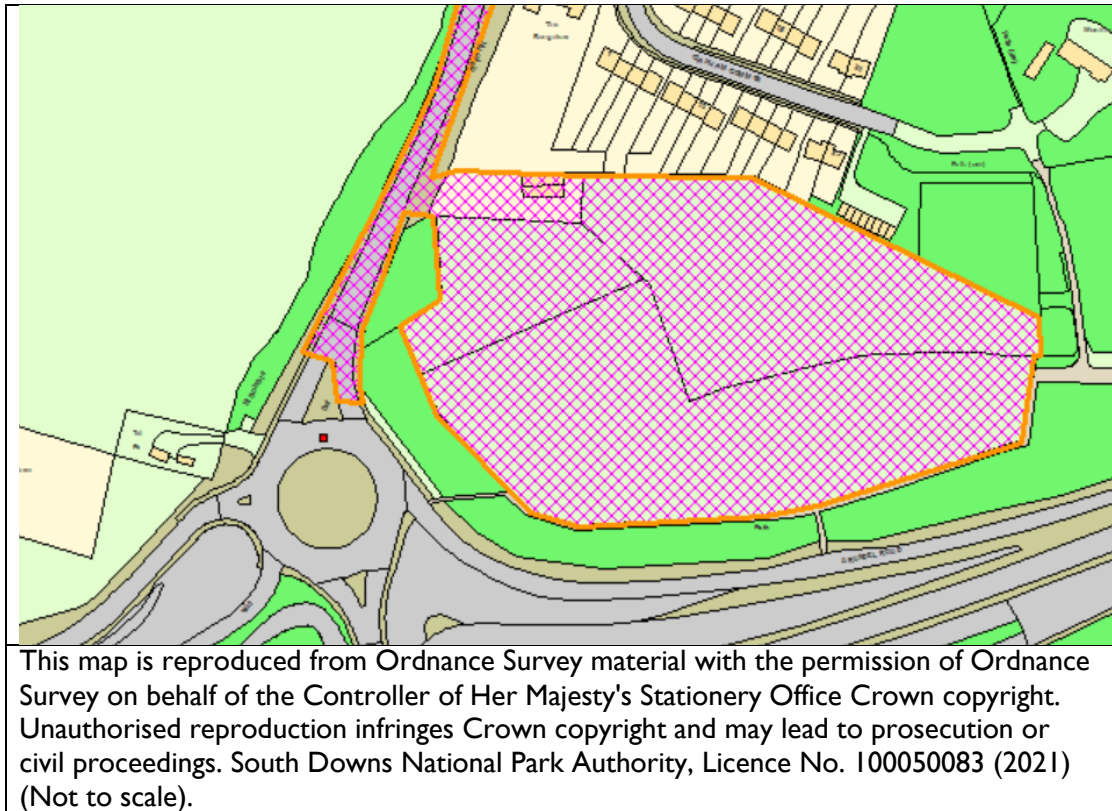
Report to	Planning Committee
Date	8 December 2022
By	Director of Planning
Local Authority	SDNPA (Arun District area)
Application Number	SDNP/22/03525/FUL
Applicant	Mr Barry Boxall
Application	The relocation of Lansdowne Nursery from Ferring including the erection of glasshouses and agricultural workers dwelling
Address	Gravel Pit, Long Furlong, Clapham, West Sussex

Recommendation:

That the application be Refused for the reasons set out in paragraph 9 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Site Location Map



Executive Summary

- The application site is a Greenfield 2.4ha site located outside the settlement boundary of Clapham and situated between the A280 Long Furlong Road and the eastbound on-slip of the Clapham /A27 interchange.
- The proposed development is for a horticultural nursery including two large glasshouses, areas of polytunnel, associated cafe and retail area, and areas of car parking, internal roads, and landscaping, surface water settlement pond. The application also includes a large 2/3-bedroom, 2-storey dwelling with double garage, parking and garden area.
- The horticultural enterprise, including a detached dwelling, is currently operating from a site in Ferring, approximately 2km to the south of the application site, situated outside of the National Park. It is proposed that the glasshouses currently erected at that site, along with the existing dwelling would be dismantled and the materials re-used at the application site. The existing site of the nursery is the subject of a planning application, currently under consideration by Arun District Council (FG/124/22/PL) for 70 dwellings.
- Changes to the access are also proposed which involve changes or amendments to the main A280 in order to facilitate the right turn for access into the site. Other elements of the proposed access arrangements include providing a right turn facility on the A280 to provide access to the site from vehicles heading north on the A280 and widening the existing access to accommodate larger vehicles. It is noteworthy to highlight that these improvements are consistent with wider strategic plans for junction improvements between the A280 and the A27 and the current proposals have been designed to ensure no conflict with these.
- The main considerations of the application are:
 - Principle of development
 - landscape and design
 - ecology

- highways and access
- drainage
- neighbour amenity
- Whilst the Parish Council has not been able to respond to the consultation, objections have been raised by a number of other consultees including SDNPA Landscape Officer, Ecology officer and National Highways. The SDNPA has received 45+ letters from objectors raising concerns relating to drainage, increased traffic and impact on road safety, noise and air quality and impact to biodiversity.
- Officers raise an in-principle objection to the proposals due to conflict with Policy SD32 New Agricultural and Forestry Workers' Dwellings. It is considered that the proposed development does not meet the criteria within that policy relating to functional need, other available accommodation, or scale of accommodation proposed.
- The proposals are not landscape-led and would also result in an unacceptable impact on the landscape character, with scale, layout, design, surface water management and landform changes being of particular concern. Furthermore, insufficient information relating to protected species or to Biodiversity Net Gain has been submitted. In addition, insufficient information has been submitted in order to fully assess the extent of impact on the Strategic Highway Network and the operation of the A27/Clapham Interchange.
- The application is placed before committee due to the scale of the development, the policy considerations, design issues and also due to the level of local interest.

I. Site Description

- 1.1 The application site (excluding the area of highways land) is 2.4ha and is an undeveloped site, currently used for grazing for horses. The applicant has undertaken an assessment of the Agricultural Land Quality of the site which has identified that 0.7ha/32% is Grade 2 (very good) quality and the remaining 1.5ha /68% is Grade 3a (good quality). The site currently includes a small area of hardstanding and a wooden stable/agricultural building at the northern part. The site lies outside but alongside the southern edge of the defined Clapham settlement boundary.
- 1.2 The site is generally flat and is dissected (generally east/west) by a band of trees which connects to an area of ancient woodland to the east of the site. A Public footpath lies alongside the south eastern site boundary, connecting the site to this area of woodland.
- 1.3 Access to the site is gained from the A280, Long Furlong Road which lies along to the west of the **site**, with the slip road onto the A27 running along the south west and south, separated from the site by a band of trees approximately 20m deep.
- 1.4 The **nearest** residential neighbours are Brickyard Cottages, and the dwellings on the southern side of Clapham Common, which run along the northern site boundary.

2. Relevant Planning History

- 2.1 There is no planning history for the application site itself, however it is noted that the current site of the Lansdowne Nursery (outside of the National Park) is the subject of a planning application. This application is not yet determined.
- 2.2 In addition, the following application (outside of the National Park) is relevant as it included highways improvements to the Clapham/A27 interchange, including the widening of the A280 in front of the application site.
- 2.3 A/40/18/OUT Outline application with some matters reserved for the development of up to 525 residential dwellings (Class C3), 3 ha (gross) of employment land (Class B1), public open space, play areas, access, associated infrastructure and landscaping. On Land at Water Lane, Angmering Approved 27/08/2019

3. Proposal

- 3.1 The proposal is to relocate the existing 'Lansdowne Nursery' horticultural enterprise from its location in Ferring, 2km to the south of the application site (outside the National Park), in order to enable the residential development of that site. (planning application FG/124/22/PL currently under consideration by Arun District Council)).
- 3.2 The existing Lansdowne Nursery is understood to have been operational at the current site for over 20 years, and grows and supplies a range of plants for bedding, hanging baskets, fruit and ornamental trees and vegetables during the spring, summer and autumn, with Christmas trees sold during November and December. It is understood that the site sells to trade and retail customers. The site includes an agricultural worker's dwelling which was permitted in 2002 by Arun Local Planning Authority (FG/103/02).
- 3.3 Access into the application site would be from the A280 Long Furlong road which leads to the Clapham Interchange on the A27, 75m to the south. It is noteworthy to highlight that these improvements are consistent with wider strategic plans for junction improvements between the A280 and the A27 and the current proposals have been designed to ensure no conflict with these.
- 3.4 Key elements of the proposed access arrangements are as follows:
- to widen the existing site access to accommodate increased vehicle flow and larger vehicles. Vehicles exiting the site would be prevented from turning right (i.e. north on the A280) and would be required to head south to the Clapham Interchange roundabout.
 - A right turn lane facility would be provided from the A280 to gain access to the site from vehicles heading north on the A280. This would require widening of the carriageway at the site frontage and in the vicinity of the adjacent Brickyard cottages site. This would result in the Brickyard Cottages access being set back slightly from its current location (by 0.3m).
- 3.5 The traffic modelling undertaken by the applicant indicates that the proposed development would generate 515 daily 2-way vehicle movements of which, 10 would occur during the network's AM peak traffic hour (08:00-09:00), and 25 would occur in the PM peak traffic hour (17:00-18:00). No detail regarding proposed hours of opening are provided on the planning application form, however later correspondence from the agent specifies that the opening hours would be the same as at the existing business i.e. Monday to Saturday 9am - 4pm and Sunday 10am to 4pm.
- 3.6 In terms of the proposed development within the site, the northern part of the site would include two glasshouses, two discrete external plant display areas, a sales office and café, a second smaller retail area, areas of customer and staff parking and goods yard, internal access road and areas of ornamental and woodland planting.
- 3.7 The glasshouses would be relocated from the existing Lansdown Nursery site and would be 35m x35m, with a height of 3.4m giving a combined area of 2444 sqm. In addition, it is proposed that existing ground levels will be raised by up to 1 metre, to provide platforms for the glasshouses to mitigate risks associated with high groundwater and surface water flooding
- 3.8 The sales office and Café building would be an 'L' shaped building of a contemporary style with flat, green roof, with the separate herbaceous sales office also being of similar design. Two air source heat pumps are proposed to provide the heating for the café building.
- 3.9 The southern part of the site (to the south of the internal tree line that dissects the site) would include two areas of polytunnels, a propagation greenhouse, a surface water balancing pond, the agricultural worker's dwelling, an external growing area and areas of wildflower meadow and native trees.
- 3.10 The polytunnels are proposed to be 12.5m width x 25.5m length x 3m height, the second being 6.5m width x 25.5m length x 3m height.

- 3.11 The proposal also includes a 2 storey detached dwelling (with some accommodation in the roof space) with an attached double garage, together with hardstanding parking area and garden proposed to be located in the south eastern part of the site. The dwelling would be accessed via an internal access route along the northern and eastern site boundaries. The building would have a half-hipped roof of 8 metres to ridge and 5 metres to eaves and would have a Gross Internal Area (including attached garage) of 341 sqm. The external materials would be clay roofing tiles with brick and flint walling. This dwelling is described within the application as an agricultural worker's dwelling and it is proposed that the existing dwelling currently located at the existing Lansdowne nursery site would be dismantled and (as far as possible) materials from that site used to reconstruct the dwelling at the application site.
- 3.12 Following advice that officers would be recommending refusal, the applicant sought to amend the internal site layout. Officers informally compared the original layout with that proposed revised layout and concluded that the proposed changes did not address the fundamental concerns raised, in relation to landscape, design and Ecology. As such it was considered that no benefit would be gained from re-consulting on any revised scheme and that the original proposals should be brought before Planning Committee.

4. Consultations

4.1 The Woodland Trust - comments awaited.

4.2 Clapham Parish Council - No comments received as conflicting interests of a number of members, hence not quorate

4.3 Design Officer - Objection

- concerns regarding length of vehicle access to dwelling and loss of hedgerow
- concerns regarding location of dwelling/polytunnels etc. and scale of garden, parking and garage. Also visibility of domestic clutter from footpath
- development in the northern part might be screened by the hedgerow,
- restricting development to the northern half could reduce visual impact from south, reduce impact to central hedgerow and allow use of southern part for BNG or SUDs functions
- green roof to buildings welcomed
- not evident how materials relate to locally characteristic materials
- proposed re-use of existing greenhouse structures and glazing from current nursery site is supported.
- Proposed building materials for the dwelling (clay roofing tiles and brick and flint walling) are locally characteristic and so are supported in principle, however style is neither contemporary nor traditionally inspired. It needs to be one or the other but also needs to be rooted in its location. Also style of fenestration is not locally characteristic.

4.4 Landscape Officer - Object

- this landscape is more sensitive than has been appreciated and vulnerable to the sensitivities identified in the Landscape Character Assessment.
- Whilst the site is adjacent to the A27 this does not make such a significant change in character acceptable - the site's characteristics and functions suggest a very limited capacity for change. The site does not have the capacity to receive this scale of development whilst retaining its character.
- The Concept Design in the DAS does not demonstrate a landscape-led approach and there is clear gap between the evidence in the LVA and the proposed layout.
- This scale, its layout and detailed design together lead to a number of Policy conflicts which are not likely to be adequately addressed through re-design.

- The site is not a characteristic location for built development. The scheme has not been landscape-led in its design, from layout to detail. It results in the loss of characteristic open land, contributing positively to a rural, edge of settlement location and acting as a high quality buffer to the A27. Overall, the proposed development does not demonstrate the conservation and enhancement of the landscape.

4.5 **Ecologist (HCC) - Object -**

- Insufficient information has been submitted in relation to badgers, reptiles, dormice and bats
- The 10m buffer as recommended within the ecology report should be demonstrated on the masterplan. In particular the southern boundary may not be as wide as recommended in the ecology report.
- Insufficient information has been submitted for the LPA to check the accuracy of the Biodiversity Net Gain calculations with contradictory information provided

4.6 **Tree Officer - No objection subject to conditions**

4.7 **Dark Skies Officer - No objection subject to conditions**

4.8 **Archaeology - No objection subject to conditions**

4.9 **WSCC - Flooding/Drainage - No objection**

4.10 **Arun District Council Drainage Officer - No objection subject to conditions**

4.11 **Environmental Health - No objection subject to conditions**

4.12 **Environment Agency - Comments awaited.**

4.13 **Natural England - No objection**

4.14 **Southern Water - No objection subject to conditions**

4.15 **Highways Authority - Object**

- At present the LHA considers that the applicant has not provided a robust basic data set for trips, to demonstrate that the proposal and the required works would not negatively impact on the improvement scheme.

4.16 **National Highways - Object**

- In light of the outstanding information, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response (27 January 2023) to allow the applicant to resolve the outstanding matters.

5. **Representations**

5.1 47 objections have been received which raise the following concerns:

Use and Need

- Contrary to SDNP Local plan policy and detract from rural nature of site
- The site is excluded from SHLAA
- Proposed site is smaller than the existing site 3.6ha so move would not grow the business
- Need for agricultural worker dwelling is queried
- No need for another garden nursery in National Park as already a number in the vicinity

Traffic, Access and parking

- Traffic modelling not based on comparable site
- Additional traffic on Long Furlong Road would lead to congestion and be dangerous

- Danger to pedestrians
- No local public transport for workers and shoppers
- Too much parking provided for dwelling

Drainage and Flooding

- Development of this site will increase flooding on Long Furlong
- Additional water run-off from watering of plants

Local Services

- Additional strain on utilities such as electricity supply and foul drainage

Biodiversity

- Protection of biodiversity - no details of protection for protected species
- Loss of mature trees and hedgerows
- Fertiliser use at the nurseries would lead to water pollution
- Contamination of water courses

Dark Skies

- Light pollution in Dark skies area particularly from artificial lighting in greenhouses

Landscape and Design

- Limited visual screening for residents of Brickyard Cottages
- Detrimental to village setting
- Size and style of proposed dwelling

Residential amenity

- Noise impact from commercial premises

6. Planning Policy Context

6.1 Relevant Sections of National Planning Policy Framework

- NPPF01 - Achieving sustainable development
- NPPF09 - Promoting sustainable transport
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed places
- NPPF14 - Meeting the challenge of climate change, flooding and coastal change
- NPPF15 - Conserving and enhancing the natural environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) A full list of relevant policies can be found in Appendix I

- Core Policy SD2 Ecosystem Services
- Strategic Policy SD4 Landscape Character
- Strategic Policy SD5 Design
- Strategic Policy SD9 Biodiversity and Geodiversity
- Strategic Policy SD19 Transport and Accessibility
- Development Management Policy 32 New Agricultural and Forestry Workers' dwellings

6.3 Relevant policies from Clapham Neighbourhood Plan 2016-

- GI The presumption in favour of sustainable development
- GAI Connection to sustainable transport, local networks and green infrastructure
- BT8 Sustainable Commercial Buildings
- HD4 Windfall sites
- HD5 Outdoor Space
- HD6 Attention to detail
- HD8 Car parking
- HD9 Integration of new housing
- ESI Surface Water Management
- ES2 Protection of Trees and Hedgerows
- ES3 Renewable Energy

6.4 Other relevant policy documents (including SPDs and TANs)

- Sustainable Construction SPD
- Ecosystem Services Technical Advice Note
- Dark Skies Technical Advice Note
- Biodiversity Net Gain Technical Advice Note
- Adopted Parking SPD
- Adopted Design Guide SPD

7. **Planning Assessment**

Principle of development

- 7.1 The proposed development does not constitute major development for the purposes of the NPPF and Policy SD3. Whilst the proposals could be described as major in the ordinary meaning of the word, when considered in their local context and the potential for harm to the National Park and taking into account its nature, scale, and setting they are not considered to be major development for the purposes of paragraph 177 of the NPPF.
- 7.2 The site is located outside any defined settlement boundary and it is not previously developed land. Policy SD25 identifies exceptional circumstances whereby development outside settlements may be acceptable and complies with relevant policies in the local plan. The proposed development is the relocation of an existing horticultural nursery which grows a range of plants from seed to supply trade and retail customers. As horticulture is included in the definition of agriculture within 1990 Town and Country Planning Act, and agricultural businesses may have an essential need for a countryside location, it is considered that part 2(b) of policy SD25 is relevant. However, as detailed in the assessment below, concerns are raised about the development's location, scale and design approach and there is, therefore, conflict with SD25 in these regards, in addition to being contrary to policies SD2, SD4, SD5 and SD9 in particular.
- 7.3 In addition to the horticultural nursery enterprise, the application also proposes a dwelling for an agricultural worker. In this regard, policy SD32 of the SDLP applies and sets out a number of criteria which must be satisfied, as set out within Table I below.

Table 1: Assessment of the proposed workers' dwelling in line with Policy SD32

Policy SD32 Criteria	Met?	Comment
1) Essential functional need	No	Insufficient information provided to establish the necessity for a worker to live at the site to ensure the effective operation of the enterprise where processes require on site attention 24 hours a day or to deal quickly with emergencies that could cause serious loss of crops or products.
2a) The agricultural enterprise is established, extensive, viable and contributes to the special qualities of the National Park;	No	<ul style="list-style-type: none"> - Established? Yes for >3years - Extensive? No – Area <5ha Site area of 2.5 of which 0.6ha proposed for growing - Viable? No information provided - Contributes to special qualities of SNDP? No - Conflicts with SD4, SD5 and SD9
2b) There is an essential functional need for the agricultural dwelling that could not be fulfilled either by another residential dwelling on the enterprise or existing accommodation in the local area which is suitable and available for occupation;	No	An essential functional need for an agricultural dwelling has not been established. In addition, no assessment or consideration of existing residential accommodation in the area, that could fulfil the stated need, has been provided.
2c) No other residential dwellings connected to the enterprise have been sold off separately or alienated from the it in the past five years;	No	Whilst there is currently no development at the application site, and hence no other building or dwelling, the site currently occupied by the Lansdowne Nurseries enterprise includes a dwelling. That site is currently the subject of a planning application to construct 70 dwellings, however that has not yet been determined. The applicant may propose to sell or develop that site, however the dwelling itself is still in existence and occupied by an employee of Lansdowne Nursery. Having regard to the above, it is considered that the proposal does not accord with criteria 2c.
2d) Full consideration has been given to the conversion of an existing building within the enterprise;	Yes	There are no buildings on the application site that could be converted.
2e) The proposed dwelling should be well-related in terms of siting to existing buildings within the enterprise and result in a total habitable floor space not exceeding 120sqm (gross internal area) and be sensitively designed.	No	The submitted plans have been considered by the SDNPA landscape and design officer who advise that the proposed building has not been sensitively designed and would not be well-related to existing buildings. Furthermore, the submitted plans indicate that the dwelling (including the attached garage) would have a gross internal area of 341sqm, double that defined by the policy. As such the proposal does not accord with criteria 2e.

- 7.4 As indicated within Table 1, it has not been demonstrated that there is a necessity for a worker to live at the site, the proposed dwelling is too large, and is not sensitively design; another dwelling is available; the site is not sufficiently extensive; and the proposals does not contribute to the special qualities of the National Park. In addition, the scheme would conflict with policies SD2, SD4, SD5, SD9 and SD50, as described in greater detail in this report.

Landscape and Design

- 7.5 Policies SD4 and SD5 are relevant regarding the scheme design. The SDNPA's Landscape and Design Officers have considered the proposal in detail, and these comments are available in full on the Authority's website.
- 7.6 In the first instance the Landscape Officer notes the absence of information in particular contour plans, sections, and details of landform changes. A scheme that is landscape-led would be designed to work with existing landform, would be informed by the existing drainage regime; incorporate key characteristic landscape elements such as the route of the old A27. The landscaping and landform has been designed around the proposal, as opposed to the scheme being landscape-led. This is highlighted by the proposed creation of platforms of up to 1m in height underneath the glasshouses in order to mitigate against surface water flooding and groundwater levels.
- 7.7 In addition, the Landscape officer raised a number of concerns regarding the submitted Landscape and Visual Impact Assessment (LVIA) and disagrees with a number of the findings, in particular relating to the positive qualities and services currently provided by the site; the extent of effect on tranquillity and on the extent of adverse impacts on the character of the site which are not effectively mitigated by the planting or habitat creation measures proposed. The site currently provides a positive rural setting to Clapham common, provides a degree of buffering from the negative effects of the A27 and provides important green infrastructure links and these are not sufficiently acknowledged within the LVIA. Overall, the case officer agrees that that this landscape is more sensitive than has been appreciated in the LVIA with limited capacity for change.
- 7.8 With regard to the impact of the proposal on landscape character, the Landscape Officer has raised particular concern regarding the change to landscape character caused by the altered landform and the creation of bunds which would result in an overtly man-made character to the site. Key characteristic landscape elements of the site such as the route of the old A27 have not been incorporated or addressed within the site's design, which would result in the loss of part of the site's time-depth and character as rural site of remnant common.
- 7.9 The layout of the site has demonstrated little restraint or avoidance of harm, with development, including a significant amount of hardstanding, spread throughout the site, isolating habitats and features. Furthermore the layout of the site does not speak of a rural character, with large areas of car parks, pavements, lighting and its infrastructure and standard urban materials and details situated at the entrance to the site.
- 7.10 With regard to onsite drainage, the proposed drainage strategy fails to provide positive amenity or biodiversity benefits e.g. the new pond would be surrounded by a bund and have uniform depth and slope and has not been designed to benefit wildlife. In addition, the scheme demonstrates little in the way of enhancements for users of the right of way network. Understanding and enjoyment of the National Park (Purpose 2) is unlikely to be conserved and enhanced.
- 7.11 With regards to proposed planting, the proposed use of non-native ornamental species creates an uncharacteristic response to landscape character further taking the site away from its character and historic roots. These fail to conserve or enhance the character of the site or contribute to biodiversity enhancements. The proposed arrangement of planting in formal lines further undermines the distinctive qualities of this site. This is particularly demonstrated by the hedgerows alongside the parking areas which highlight uncharacteristic interventions.

- 7.12 The proposed inclusion of a green roof on the retail/café buildings is considered to be a positive intervention but the degree of benefit would be depending on design and species choices.
- 7.13 With regard to the design of the proposed structures, it is considered that the location and scale of the dwelling, its, access track, parking area garage and garden render it unnecessarily visually dominating and uncharacteristic of the location.
- 7.14 In addition, the extent of development at the south of the site, together with the removal of a significant section of the east/west hedgerow would result in visual impact from the south, in particular for users of the public right of way at the south east of the site.
- 7.15 Whilst the proposed re-use of existing structures and glazing from the current nursery site is supported, as in principle is the proposed building materials for the dwelling and the use of solar panels, the inclusion of the large area of glazing within the dwelling is at odds with locally characteristic fenestration of buildings in the area. In addition, the architectural style of the proposed dwelling appears to be neither contemporary nor traditionally inspired. Either of these alternatives could potentially be acceptable from a design perspective, but the design must be rooted in its location with locally characteristic detailing.
- 7.16 Overall, the proposed development is contrary to Policies SD1, SD2, SD4, SD5, and SD50 of the South Downs Local Plan 2014-2033, Policies HD6 and HD9 of the Clapham Neighbourhood Plan, the adopted Design Guide Supplementary Planning Document, the NPPF (2021) and the first purpose of the National Park.

Ecosystems Services and Ecology

- 7.17 The ecologist has objected due to a lack of information particularly relating to surveys for reptiles, bats and dormice. Circular 06/2005 identifies that information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. This information cannot therefore be required by pre-commencement condition but must be submitted and considered before determination of the application.
- 7.18 In addition, insufficient information has been submitted for the SNDPA to assess whether Biodiversity Net Gain (BNG) would be achieved.
- 7.19 As not all of the required surveys have been undertaken and the design and layout of the site has been based upon limited ecological evidence, the scheme cannot therefore have not been landscape-led with respect to wildlife. It is not demonstrated that the developable area has sought to avoid the most sensitive parts of the site ecologically-speaking and the habitats created by the proposed layout are fragmented and do not enhance the site for wildlife. SDNPA expects that proposals provide well-connected, characteristic and managed habitats within which species can forage/commute/breed.
- 7.20 The proposed development is therefore contrary to Policies SD1, SD2 and SD9, Chapter 15 of the NPPF, SDNPA Biodiversity Net Gain TAN and SDNPA Ecosystems Services TAN and the first purpose of the SDNP.

Highways and Access

- 7.21 Prior to submission of this planning application, the applicant undertook pre-application consultation with West Sussex County Council Highways Officers. WSCC Highways Officers have expressed concern with the choice of business (Ferring Nurseries) for traffic survey data, expressing concerns that it is not directly comparable to the proposed enterprise. Given the site location and the sensitivity of the highway network, a robust trip assessment is required to demonstrate the impact on the Clapham /A27 interchange in relation to the secured and proposed improvements.
- 7.22 National Highways has also considered this application and has advised that planning permission should not be granted for a period of three months (until 27/01/2023) due to concerns that the proposal has the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), particularly within the vicinity of the A27 at the Clapham Interchange. National Highways identified additional information that is required, in

order that an informed decision can be made on the potential impacts of the development on the SRN.

- 7.23 The applicant has very recently submitted further information in order to address these concerns, however neither WSCC Highways nor National Highways has as yet commented on this additional information
- 7.24 Whilst the SNDPA has forwarded this additional information to the highways consultees, given the late receipt of this information, no consultation response has as yet been received from either National Highways or WSCC Highways Officer. Should any response be received, Members would be updated via an update sheet in the usual manner.

Drainage

- 7.25 The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Report. Arun District Council Drainage Officers have considered this information and advised that insufficient site investigations have been undertaken to support the assertion that shallow infiltration is not viable at this site. In addition, Drainage Officers have identified a number of deficiencies or concerns within the submitted information including errors in the drainage calculations; proposed ground raising of up to 1m in the vicinity of the glasshouses which may disrupt surface water flow paths through the site; discharge to Arun DC owned surface water drain and pond which would require remediation works should connection of surface water from the site be necessary; and queries regarding differences between the drainage layout and ADC mapping of drainage infrastructure in the area; lack of designed overflow from proposed irrigation pond in the south of the site to ensure no flooding offsite including A27.
- 7.26 However, despite the above, Drainage Officers have advised that notwithstanding that the design requires refinement and that there are aspects of the design which may prove to be challenging, they do not object to the application subject to a number of conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere.
- 7.27 Whilst the quantity and quality of surface water may be addressed to the satisfaction of Arun DC (subject to conditions), the below ground nature of the drainage proposals fails to provide positive amenity or biodiversity benefits both key ambitions for SuDS (the 4 pillars set out in the CIRIA SuDS Manual). Local Plan Policy SD50(3) states that *“SuDS, where feasible, must support the provision of open space, public amenity areas and enhancing biodiversity and other public benefits as appropriate.”*
- 7.28 Given that Drainage Officers have advised that insufficient surveys have been undertaken to demonstrate that shallow infiltration is not a viable option at this site (leading to dependence on below ground storage tanks etc.), Officers consider that the applicant has not adequately demonstrated that SuDS in line with SD50(3) is not feasible. As such, the proposal is contrary to Policies SD1, SD2, SD4, SD5, SD9, SD25, SD45, SD50 of the South Downs Local Plan 2019, The Design Guide SPD 2022, the National Planning Policy Framework 2021 and the First Purpose of a National Park.
- 7.29 With regard to foul drainage, whilst the application form indicates that the means of foul water drainage is not known, the submitted FRA & Drainage Assessment proposes that the development will utilise a connection to the foul water drainage network via a pumping station and rising main routed offsite connecting to the public sewer at a manhole on Long Furlong. Southern Water has been consulted on this application and has advised that due to the proximity of public water mains, should the application be approved, various conditions and informatives should be attached, including to protect the water supply assets.

Neighbour Amenity

- 7.30 Concern has been raised by local residents regarding the potential for noise and air quality impacts to residential properties, particularly at Brickyard Cottages and Clapham Common, however, the layout and associated reports (including operation of the air source heat pumps) have been considered by Arun District Council Environmental Health Officers

(EHO) who have advised that subject to appropriate pre-commencement conditions, they would raise no objection to the proposal.

- 7.31 Initial concerns were raised by the EHO regarding the potential for disturbance from the noise generated by the slamming of car doors and the perception of noise and air quality impacts due to the internal road situated at the north of the site. A subsequent report was submitted by the applicant which addressed the issue of car door slamming to the EHO's satisfaction. That report also included an alternative site layout with the internal access track routed to the south rather than along the northern boundary (although this layout does not form the basis of consideration of this application). It is noted that the EHO has advised that whilst the rerouted access track would be expected to reduce the perception of impact from noise and air quality, both layout options would meet noise and air quality standards (subject to conditions) and no objection is raised.
- 7.32 Given the scale of the site, the proposed buildings and the internal and surrounding topography, officers have no concerns regarding impact to amenity of neighbours due to loss of privacy or overbearing effects.

Dark Night Skies

- 7.33 The site is located within Dark Sky Reserve Transition zone E1 (b). Policy SD8 sets out the requirements for the level of protection with further clarification on the level of detail required is set out in reasoned justification for that policy (paragraphs 5.60-5.63 of the SDNP Local plan). Plans showing the number and location of external lights have been submitted as part of the application.
- 7.34 The Dark Night Skies officer has considered the proposals and initially raised concerns regarding the potential for impact from internal illumination within the greenhouses, however the applicant has advised that no lighting of the greenhouses or polytunnels is proposed. This could be secured by condition.
- 7.35 Overall, the Dark Skies Officer was satisfied with the general approach proposed for lighting, however some gaps in information submitted was identified including calculations for obtrusive light at neighbouring properties, more comprehensive annotated plans and information relating to the switching regime for proximity sensors. In addition, the officer did not agree with some of the choices made for lighting infrastructure in particular relating to the lit bollards and the LED floodlights. It is considered that were this proposal to be approved, appropriately worded conditions requiring submission and approval of a detailed lighting scheme would be attached to the permission, ensuring no conflict with SD Local Plan Policy SD8.

Heritage asset

- 7.36 There are no Scheduled Ancient Monuments, listed buildings or other designated heritage sites within or immediately adjacent to the main body of the site. The closest listed building is the Grade II listed Plantation Cottage, 100m to the north of the main part of the site (situated alongside the red line area and the visibility splay along the A280) with the Conservation Areas of Patching and Clapham lying 500m to the North West and north respectively. Given the distance to these heritage assets, no harm to the significance of these heritage assets would result.
- 7.37 An archaeological desk-based assessment was submitted as part of the application. The County Archaeologist has reviewed this document and agrees with its findings. Should the proposal be approved, a number of suitably worded planning conditions relating to a program of archaeological evaluation and mitigation would be attached to any planning permission.

Economic Development

- 7.38 The submitted Planning Design and Access Statement states that the relocation of the existing Lansdowne Nursery to the application site would allow the business to grow and diversify at a more accessible site.

- 7.39 With regard to impact on the local economy, paragraph 84 a and b of the NPPF supports the sustainable growth and expansion of all types of business in rural areas. Strategy Policy SD34 is also relevant, in particular criterion 1a to promote businesses linked to SDNP key sectors including farming. However the implementation of that policy, and the socio-economic duty of the SDNPA, must ensure that purpose 1 and 2 are not compromised.
- 7.40 The applicant has advised that the proposed relocation of the Nursery business from the existing site on the A259 (2km to the south of the application site, outside of the SNDP) would enable the business to offer a wider range of services including craft centre and farm shop (not included within this application) and enable a redesign of the site. However, given that the existing site is also located on an 'A' road, is slightly larger than the application site, is of a more regular shape and the buildings could be dismantled and rearranged on that site, it is not clear how the relocation of the business would promote or protect the existing nursery business, other than the financial benefit resulting from the redevelopment of the existing site for housing (FG/124/22/PL, currently under consideration by Arun District Council).
- 7.41 Whilst there is an essential need for a countryside location for a business of this type, it is considered that given the concerns raised elsewhere in this report, promotion of this application in this location would compromise the purposes of the National Park which should be given priority.

Sustainable Construction

- 7.42 The proposal includes onsite renewable energy generation through the provision of two air source heat pumps to provide heating for the cafe building and also solar PV panels on the proposed dwelling (although it is noted that the masterplan indicates that these would be positioned on the north elevation of the dwelling which would limit their effectiveness).
- 7.43 The proposal includes the dismantling and re-use of the glasshouses, and an intention to reclaim as many materials as possible from the existing dwelling at the current Lansdowne Nursery site for re-use within the construction of the proposed dwelling in order to reduce the embodied carbon of building materials within the scheme. Whilst re-use of materials is welcomed, no other information detailing how the proposed development would respond to requirements for sustainable construction, as set out within the SNDPA's Sustainable Construction SPD or the requirements of SD48 and are therefore contrary to the SPD and Policy SD48 of the South Downs Local Plan and Policy BT7 of the Clapham Neighbourhood Plan 2016-2035..

Trees and Hedgerows

- 7.44 The proposal would result in the loss or removal of three individual trees and two groups of trees with proposed planting of 104 additional trees of a mix of ornamental and native species. Some of the trees are required to be removed as part of the works associated with the widening of the A280 required as part of the improvement works associated with the A40/18/OUT planning permission.
- 7.45 The Arboricultural Method statement submitted identified that parts of the development, in particular the proposed dwelling and its associated car parking area would encroach on the root protection areas of a number of trees. Mitigation measures are proposed to minimise damage to roots in these areas.
- 7.46 Whilst the SNDPA's arboricultural consultants have not objected to the proposed development subject to conditions, they have expressed some concern with regard to the encroachment of the development into the root protection zone of trees, particularly from the hedgerow dissecting the site. Policy SD11 states that development proposals will be required to conserve and enhance trees and hedgerows, provide adequate protection zones and buffers around trees and that proposed loss of non-protected trees should be avoided or, if demonstrated to be unavoidable, appropriate replacement or compensation will be required.
- 7.47 It is acknowledged that some removal of trees is inevitable due to the road widening associated with the approved highway improvements. Whilst given the scale of the site, and

the overly large scale of the dwelling and its associated garden, garage and parking area, it is considered that some loss of trees and encroachment into root protection areas could have been avoided, the proposed new planting of native trees (not the ornamental trees) could go some way to mitigating the loss of trees and as such the impact to trees would not be sufficient to justify a reason for refusal.

8. Conclusion

- 8.1 The application site falls outside of any settlement boundary but as a horticultural nursery which falls within the definition of agriculture, the proposals could potentially fall within one of the exceptions of Policy SD25, however due to conflict with other Local Plan policies, the proposals are considered to be contrary to SD25. In addition, with regard to the proposed agricultural worker's dwelling, it is considered that the proposal would not meet any of the criteria required under Policy SD32.
- 8.2 Notwithstanding that the proposed dwelling is unacceptable in principle, its layout, design and scale is not locally characteristic or reflect either local architectural styles or a fully contemporary aesthetic.
- 8.3 The proposed development would result in substantial change to landscape character due in particular to alterations in landform, layout and extent of development resulting in man-made character to the site and result in an unacceptable adverse impact on landscape character and also on the setting and character of the villages of Clapham and Clapham Common. Overall the proposals are not landscape-led and have demonstrated little restraint or avoidance of harm.
- 8.4 Insufficient information has been submitted with regard to protected species surveys or biodiversity net gain. The submission of such information cannot be deferred as a planning condition, as information relating to protected species must be available before a decision is made.
- 8.5 In addition, insufficient information has been submitted to be confident that the proposals would not result in an unacceptable impact on the Strategic Highways Network so that a reason for refusal on highways grounds is necessary.
- 8.6 With regard to site drainage, whilst the physical elements of surface water drainage may be achievable these would require substantial land raising of up to 1 metre underneath the glasshouses. In addition the proposed drainage strategy fails to provide positive amenity or biodiversity benefits and has not been designed to benefit wildlife or provide ecosystem services.

9. Reason for Recommendation and Conditions

- 9.1 It is recommended that the application be Refused for the reasons set out below.

- I. The proposed development would result in the loss of characteristic open land which currently acts as a buffer to the A27, undermining the character and setting of the settlements Clapham and Clapham Common, spreading and intensifying development uncharacteristically along the A280. The proposed layout, in its extent, design and changes to landform and loss of trees would result in an overtly man-made character to the site which would not sympathetically integrate with the surrounding character and appearance of the area and does not demonstrably achieve a landscape led design.

The siting, scale and bulk of the proposed dwelling would result in an overly large building, with lengthy access track and uncharacteristically large garage and parking areas. In addition the design of the proposed dwelling would neither respond to locally characteristic architecture, nor be of a contemporary style, resulting in a form of development that would not sympathetically integrate with the surrounding character and appearance of the area. The proposed dwelling would therefore not make a positive contribution to the character and appearance of the area, local distinctiveness or sense of place and would have a negative visual impact from the south, in particular to users of the public footpath at the south east of the site.

Therefore, a high quality, landscape-led design has not been achieved and the proposals

are contrary to policies SD1, SD2, SD4, and SD5 of the South Downs Local Plan 2019, policy HD9 of the Clapham Neighbourhood Development Plan 2016-2034, the National Planning Policy Framework (2021), Design Guide SPD and the First Purpose of a National Park.

2. Insufficient information has been provided, through appropriate survey investigations and mitigation, to satisfactorily demonstrate that the proposals would not cause harm to protected species, in particular bats, dormice and reptiles. In addition, insufficient information has been submitted to demonstrate that the application provides sufficient and satisfactory biodiversity net gain to enhance habitats and species. Insufficient detail has been provided on the submitted Masterplan to demonstrate that the 10m ecology buffer recommended by the aLynne ecology Preliminary Ecological Appraisal and Preliminary Roost Assessment (Version 002, dated 20.04.2022) could be provided. Therefore, the proposals are contrary to policies SD2 and SD9 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021, Biodiversity Net Gain Technical Advice Note, Ecosystems Services Technical Advice Note and the First Purpose of a National Park.
3. The proposed agricultural worker's dwelling does not meet the criteria of Policy SD32. In particular the scale of the horticultural enterprise is not sufficiently extensive nor does it contribute to the special qualities of the National Park. In addition, the residential dwelling on the existing site of the horticultural enterprise is within 2km of the application site and is currently available for occupation by an employee and it has not been demonstrated that the nature and demand of the horticultural enterprise proposed makes it essential for a worker to live at the site of their work. Furthermore, the proposals would not conserve or enhance the natural beauty of the South Downs National Park. As such, the proposals are contrary to the criteria set out in Policy SD32 "New Agricultural and Forestry Workers' Dwellings", and the NPPF (2021)
4. The proposed surface water drainage strategy fails to achieve a well-designed integrated SUDS scheme across the site which, in the absence of further infiltration testing, supports on site infiltration in the first instance whilst enhancing open space amenity, sufficient biodiversity net gain, and the landscape strategy to deliver a landscape-led and ecosystems services approach. The proposals are, therefore, contrary to policies SD1, SD2, SD4, SD5, SD9, SD25, SD45, SD50 of the South Downs Local Plan 2019, Policy ESI of the Clapham Neighbourhood Development Plan 2015-2035, The Design Guide SPD 2022, the National Planning Policy Framework 2021 and the First Purpose of a National Park.
5. Insufficient evidence has been provided to demonstrate that the proposal could achieve the minimum sustainable construction standards required by SD48 and the SDNPA Sustainable Construction SPD, relating to energy efficiency and low carbon energy savings. The proposal is therefore contrary to policy SD48 of the South Downs Local Plan, Policy BT7 of the Clapham Neighbourhood Plan, and the SDNPA Sustainable Construction Supplementary Planning Document (2020)
6. Insufficient information has been submitted to demonstrate that the proposals would not result in an unacceptable impact on the Strategic Road Network and on the local highway network. The proposal is therefore contrary to policies SD19 of the South Downs Local Plan 2019 and the National Planning Policy Framework 2021.

10. Crime and Disorder Implications

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

11. Human Rights Implications

- 11.1 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.

12. Equality Act 2010

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

13. Proactive Working

13.1 In reaching this decision the South Downs National Park Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

Tim Slaney

Director of Planning

South Downs National Park Authority

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Appendices: I. Information for determination at committee

SDNPA Consultees: Director of Planning, Legal Services

Background Documents: None

Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

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 the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, 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.

For the purposes of Paragraph 177 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.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 177 is undertaken in the Assessment Section of the main report.

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

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a

Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered compliant with it. 22 Agenda Item 6 Report PC21/22-56 Appendix I

The South Downs National Park Partnership Management Plan 2020-2025

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

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations. The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

All Relevant Policies of the South Downs Local Plan which are of relevance to this application

- SD1 - Sustainable Development
- SD2 - Ecosystems Services
- SD4 - Landscape Character
- SD5 - Design
- SD7 - Relative Tranquillity
- SD8 - Dark Night Skies
- SD9 - Biodiversity and Geodiversity
- SD11 - Trees, Woodland and Hedgerows
- SD12 - Historic Environment
- SD13 - Listed Buildings
- SD17 - Protection of the Water Environment
- SD19 - Transport and Accessibility
- SD20 - Walking, Cycling and Equestrian Routes
- SD21 - Public Realm, Highway Design and Public Art
- SD22 - Parking Provision
- SD25 - Development Strategy
- SD26 - Supply of Home
- SD32 - New Agricultural and Forestry Workers' Dwellings
- SD45 - Green Infrastructure
- SD48 - Climate Change and Sustainable Use of Resources
- SD49 - Flood Risk Management
- SD50 - Sustainable Drainage Systems

Human Rights Implications

These planning applications have 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.

Equality Act 2010

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

Crime and Disorder Implication

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