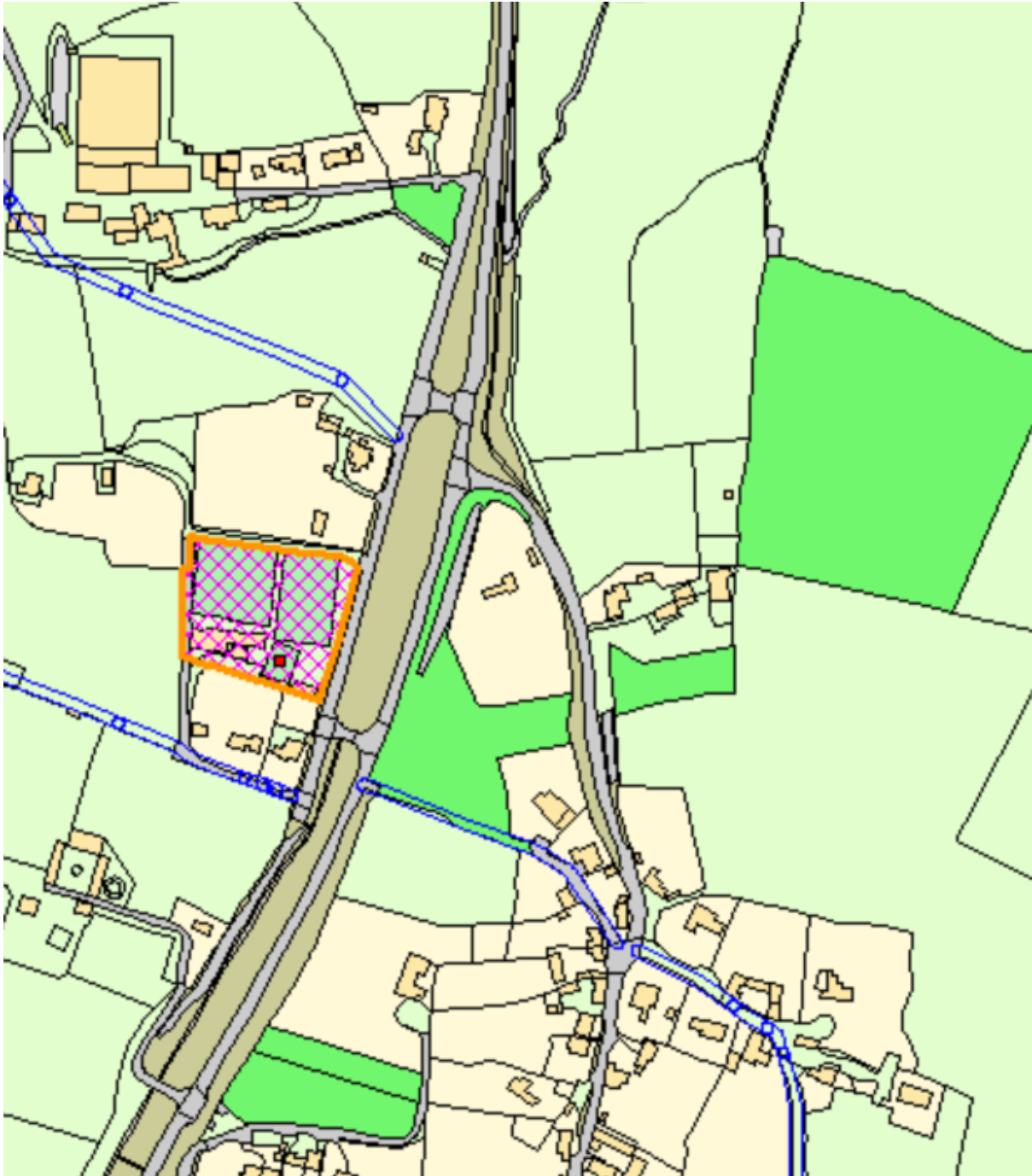


Report to	Planning Committee
Date	9 February 2023
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/21/05619/FUL
Applicant	MJH Executive Homes
Application	Demolition of existing glasshouses and associated horticultural structures and erection of 7 no. C3 residential dwellings and 7 no. commercial workspace suites (class E(g)), including access, landscaping and associated works.
Address	Hillside Nursery, Bury Common, Bury, RH20 1NR

Recommendation:

- 1) That planning permission be granted subject to:**
 - (i) the conditions set out in Section 9 of this report;**
 - (ii) no contrary direction being received from Natural England on the matter of water neutrality before 23rd February. In the event of an objection being received from Natural England, determination of the application be delegated to the Director of Planning, in consultation with the Chair of Planning Committee, and**
 - (iii) the completion of a Legal Agreement, the final form of which is delegated to the Director of Planning, to secure:**
 - a. Two affordable homes on site;**
 - b. Phasing plan for the delivery of the site as a whole to ensure integrated provision of the commercial floorspace and affordable homes; and**
 - c. Marketing programme for the commercial element; and**
 - d. Estate management plan to cover management and maintenance of communal elements.**
 - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the Legal Agreement is not completed or sufficient progress has not been made within 6 months of the Planning Committee meeting of 9 February 2023.**
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Site Location Plan



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Executive Summary

The application relates to a protected rural employment site under the made Bury Neighbourhood Plan, for which no alternative commercial operator has been able to be secured as a result of a fair and reasonable pre-application marketing exercise. The previous horticultural with retail business closed in August 2020.

This application seeks to redevelop the site to provide 7 units (650 sqm GIA) Class E(g) floorspace (office, research and development, light industry), alongside 5 no. market homes of a range of sizes and 2 no. affordable homes. The mix of uses and balance between new commercial floorspace with market and affordable homes is an acceptable and positive use of the site.

Officers have worked with the applicant to develop a scheme that responds sensitively to the particular characteristics of the site including the topography, dispersed settlement pattern, neighbour amenity, built vernacular and agricultural surroundings. The resultant development puts the commercial use in a prominent position that provides an active frontage to the street, with the dwellings behind forming a courtyard with a strong building hierarchy. The scheme makes good use of opportunities to naturally manage and convey water at surface and integrates green roofs. The proposal successfully blends contemporary architecture with characteristic features of Bury and the locality. The proposal would meet sustainable construction requirements and deliver over 30% net gain in biodiversity.

The application complies with the Purposes and Duty of the South Downs National Park and the South Downs Partnership Management Plan. The proposal also accords with the key policies relevant to this application, SD4, SD5, SD28 and SD34 of the South Downs Local Plan and policies BNDPI1 and BNDPI2 of the made Bury Neighbourhood Plan.

I. Site Description

- I.1 The 0.6ha application site is located at Bury Common, approximately 0.5 miles (and on the opposite side of the A29) from the historic centre of the village of Bury. The village is at the foot of Bury Hill, south of the South Downs escarpment. The site forms part of a dispersed cluster of development west of the A29, which is primarily agricultural with a small number of dwellings. Many of these have connections to the working use of the land, most date from the late 19th century onwards. This cluster is accessed by a D category road (Bury Common Road) which is separated from the A29 by a deep verge with mature vegetation.
- I.2 The site was last in use as a horticultural nursery, which was open for sales of plants to the public. It comprises two large glasshouses, supported by three buildings for ancillary functions such as potting, storage and site maintenance, and an outdoor plant display and sales area on the site frontage. Two further smaller glasshouses located in the centre southern part of the site had collapsed at the time of application. The site closed in August 2020 and is in a dilapidated condition.
- I.3 The site slopes significantly with an 8m fall south-west to north-east. The large glasshouses step down the slope, while the buildings and yards in the southern part of the site are mostly on artificially levelled ground. There is a tall well-established predominantly hazel hedge along the western boundary with the field and deep hedging that is mostly evergreen to the neighbours on the southern boundary. There is no boundary to the north along the access to the Hillview bungalow although the trees and hedgerows on the opposite side of this narrow residential access are mature. The site is higher than the road with the glasshouses set back behind a sloped planted bank. The south eastern corner is concealed behind a hedge and there are two prominent evergreen trees on the site frontage. The section of footway abutting the Bury Common Road is outside the red line of this application.
- I.4 The site has one narrow access point into a small surfaced space for deliveries, otherwise it has no vehicular access with all staff and public parking when the use was active taking place informally within the road. There are public footpaths running approximately east-west both to the north and south of the site. The southern route is part of the Coffin Trail which continues into Bury village to the recreation ground and beyond linking up with other public rights of way. There is a further unadopted path southwards towards the primary school on

West Burton Road. There are bus stops on the A29 within 140m (southbound) and 230m (northbound). The local farm shop is within a surfaced 350m walk of the site.

2. Relevant Planning History

- 2.1 The site appears to have been established for horticultural purposes in the early 1960s, when a series of planning applications were submitted. Permission was granted for a new glasshouse for flower production under a horticultural improvement scheme on 23rd March 1967 (BY/4/67). This is now known as Greenhouse 1. At the time of permission the site was larger, included a range of glasshouses and supporting buildings, one dwelling on site (now 1 and 2 Hillside) and a new bungalow to the rear (Hillside Bungalow).
- 2.2 There are no complete planning application records of subsequent changes to the site. The site last changed hands in 1994 to the current owner and was operated by a tenant between 2014 and its closure in 2020.

3. Proposal

- 3.1 The application seeks to demolish all existing buildings and structures and construct 7 commercial units, and 7 dwellings with associated parking, servicing and landscaping.
- 3.2 The proposed commercial floorspace comprises a parallel range of two buildings enclosing a courtyard for access and parking. The frontage building onto Bury Common Road would abut the pavement and contain 3 units each with a first floor, and include a covered access route into the yard. The rear building would be single storey and provide 4 units. Each would have their own toilet/washroom and kitchenette facilities. An amenity space for staff is shown to the north of the yard and building two, adjacent to the SuDS pond which serves the development as a whole. The total employment floorspace proposed is 650sqm GIA.
- 3.3 The residential development would consist of 2 x 2 bed, 3 x 3 bed and 2 x 4 bed properties, of which the 2 x 2 bed would be affordable intermediate tenure. The dwellings would be arranged to the south and west of the site, with a semi-detached pair on the Bury Common Road frontage, a gatehouse type property opposite the rear commercial building and a courtyard of 4 dwellings to the rear. Vehicle parking would be provided using a combination of enclosed or part enclosed private parking, open air private or shared parking, some of which would be green roofed, with two spaces for plot 1 on the Bury Common Road. EV charging is proposed across the site, with 6 out of 7 dwellings having one space each and the commercial floorspace would be provided with 2 spaces. Cycle parking and refuse and recycling facilities are integrated into the commercial buildings and provided on-plot for the residential element. Separate maintenance access is shown along the southern and part of the western boundaries, with existing boundary planting excluded from private curtilages.
- 3.4 Surface water would be managed through a combination of infiltration and attenuation methods, using swales, rain gardens, permeable and impermeable paving, hard drainage channels and under surface storage all leading to an attenuation pond, which would discharge into the existing sewer at a substantially lower volume than the existing arrangement and in a more controlled way. The swale through the centre of the site approximately follows the line of a historic field boundary.
- 3.5 Each building has been designed individually, with each taking strong design and material or tonal cues from local positive buildings. The relationships between buildings and spaces and treatment of levels is also rooted in the local context. The Design and Access Statement provides a clear narrative through the design process including detailed analysis of contextual evidence and demonstrates a good understanding of character. The proposal includes a range of positive elements to achieve sustainable construction criteria and can demonstrate over 30% biodiversity net gain, (including significant new hedgerow planting), as well as the retention of the existing key planted boundaries.

4. Consultations

- 4.1 **Bury Parish Council:** Objection. Pre-application discussions have been positive, BPC pleased to have its voice heard. Revised proposal is a positive step change from the previous but unfortunately 3 serious concerns on aspects of detail remain:

1. Commercial barn roof (building 1) Bold and convincing single building and roof form lost through recent revisions, proposed alternative lacks conviction and confidence in a prominent part of the site. Gate suggests keep out.
2. Residential car barns. Farmstead yard has taken a backwards step from earlier sketches with the use of flat green roof car barns instead of pitched roof links between the larger building forms. Lost the spatial and characterful continuity and looks too mid-20th century suburban.
3. Car parking for cottages. Most of the parking is largely screened or hidden other than the 4 spaces close to the frontage (plot 2 and 3) which would be clearly seen in the layered view from the road. Layout here remains unconvincing.

If approved, recommend conditions requiring no parking on the street secured by management plan, fencing and boundary treatment details to be agreed, commercial barn fenestration details to be scrutinised by BPC before any approval.

- 4.2 **Design Officer:** No objection subject to conditions. Scheme as revised now adopts a landscape-led approach.

Revised layout has improved substantially, including sustainable management of surface water, positive response to topography, embedded GI protection and enhancement and acknowledgement of time depth of site. Frontage completes street scene and prioritises commercial uses. There is a clear building hierarchy with shared architectural language and palette of materials. The proposal meets sustainability requirements, parking needs and provides open space for commercial users. There are some missed opportunities, including treatment of boundaries, lack of shade in large hard surfaced areas and the accesses could be narrower. Absence of characteristic green banks and reliance on retaining walls. Query suitability of the grey brick, which is not found locally.

- 4.3 **Drainage:** (Original plans) The potential for on-site infiltration should be investigated via winter groundwater monitoring and winter percolation testing. If on-site infiltration is proven to be unviable, only then would on-site attenuation followed by an appropriately restricted discharge to an existing watercourse be acceptable. Existing sewer likely to be a highways system. Pleased to hear that new surface water drainage proposals, incorporating more SuDS features will be submitted in due course.

No comments received on revised plans.

- 4.4 **Ecology:** No objection subject to conditions. Ecological Impact Assessment is acceptable. Site layout improved by including a pond, open swales, green roofs, rain gardens, meadow areas and hedgerows. Of most value on site is the native mostly hazel hedge along the western boundary that is being retained. Precautionary approach advised for reptiles.

- 4.5 **Environmental Health:** No objection. Conditions required to address contamination risks, noise from commercial plant, deliveries to commercial units, lighting and construction management.

- 4.6 **Highways Authority:** No objection to highway safety or capacity of the revised layout.

Comments on original scheme still apply. Visibility splays are acceptable for a 20mph speed limit along the access road. No incident reports within the last 5 years near the site access. Estimate that the proposed use would generate less trips at peak time than the former horticultural and retail use. No detrimental effect on the operation of the local highway network. SDNP parking tool has been used to calculate parking demand and cycle parking is included. Swept path diagrams are acceptable. The site is fairly sustainable from a highways perspective. Recommend conditions to secure details and implementation for vehicle and cycle parking, EV charging, access, vehicle turning, and construction management.

- 4.7 **Housing Enabling Officer:** Support. The 2 x 2 bed homes do not meet the latest affordable rented needs in the parish (1 x 1 and 1 x 3 bed dwelling) and there is difficulty attracting a Registered Provider for rented homes on smaller rural sites. Encourage applicant to engage with Landspeed, a Registered Provider who provide a Shared Equity affordable model in perpetuity, which would be a pragmatic approach in these circumstances.

- 4.8 **Landscape Officer:** Comment. The principles of the Scheme are supported and successful – the layout and separation of domestic and commercial have a clear narrative and rationale based upon well-considered evidence. Positive landscape-led aspects include the response to topography in built form and boundaries, the large area of hardstanding (yard) and the positive principles of Green Infrastructure (GI) and water management. Some of the design details depart from the positive principles and include common contemporary elements that do not speak strongly enough of Bury such as square chimneys, and the barn style property is too domestic in character. Too many and suburban hard surface materials; this could be addressed using conditions.
- 4.9 **Lead Local Flood Authority:** No objection. Low risk of surface water flooding and groundwater flooding, no ordinary watercourse nearby, no records of historic flooding. Sustainable methods of managing surface water should be used with betterment on existing sought. WSCC Highways do not accept surface water connections into the highway drainage network unless there is a historic connection.
- 4.10 **Natural England:** (original scheme) No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. No comments received at the time of writing on detail of Appropriate Assessment for current proposal.
- 4.11 **Southern Water:** Comment. No public surface water sewer in vicinity, no surface water should be permitted to enter the foul system in order to protect downstream properties from flooding. Drainage authority to check and verify SuDS details, management and maintenance. Pollution control measures to be included.
- 4.12 **Sustainable Rural Economy Officer:** Support. The need for genuinely flexible employment space, supported by digital infrastructure and good transport links is clearly articulated in SDNPA policy and supporting evidence. The re-energising of a once key employment site for the Bury community, which also provides affordable housing, is of great benefit to this rural village.
- 4.13 **Sustainability Officer:** Support. The proposal complies with the Sustainable Construction SPD in key areas particularly over 40% improvement on 2013 Part L across the site, with individual units all meeting 19% fabric and 20% renewable energy generation targets. The water calculation figures and sustainable materials strategy are acceptable. Secure EV charging.

5. Representations

5.1 13 objections, 11 support and 2 neutral representations have been received. A summary of the comments is set out below:

5.2 Objections

- No reason to demolish nursery, or if lost revert to green field
- Unsuitable location for housing, outside settlement boundary, A29 dangerous to cross, change to character of the area
- Detrimental to operation of the farm due to parking on Bury Common Road, obstructing access to fields, dog activity impacts on livestock, litter, concerns about complaints from noise and smells from farm
- Contrary to Bury Neighbourhood Plan
- Concerns commercial will become residential, competing with units at former Carringdales site nearby
- Scale of development still excessive after revisions
- Pressure on local infrastructure
- Surface water flooding on the roads and fields already waterlogged
- Pond would be dangerous especially for children and would increase flood risk

- Impact on views and protected countryside
- Boundaries insufficient to protect amenities, overlooking from plots 6-7 to garden
- Farmstead approach unsuitable, commercial units have no design merit, stark appearance, would be imposing on frontage, tall gate gives industrial keep out appearance
- Plans don't complement neighbouring properties
- Dark night skies impacts
- Potential damage to access roads and driveways
- Trees outside applicant's control identified for removal
- Overspill parking on the road

5.3 Support

- Much needed new housing including affordable, and employment opportunities
- Enabler for small businesses to grow / local investment to the village / enterprise opportunities
- Existing site unsightly and neglected, health and safety concern
- Stronger sense of community and links on the west side of the A29, safer access to school. Opportunities to improve A29 crossing
- In spirit of Bury Neighbourhood Plan
- Hopes this will address allocated parish housing need (*6 dwellings*)
- Mix of materials and design
- Low level lighting and EV charging
- Home working spaces
- Space and privacy

5.4 Neutral

- Still supports principle of development but concerned by number, size and industrial look of commercial units and overflow parking on the access lane

6. **Planning Policy**

6.1 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (a longer list of other relevant policies can be found in Appendix I)

- SD4: Landscape Character
- SD5: Design
- SD25: Development Strategy
- SD28: Affordable Homes
- SD34: Sustaining the Local Economy

6.2 Most relevant Policies of Bury Neighbourhood Plan

- BNDP2: Built Character
- BNDP4: Unallocated Residential Development
- BNDP11: A Strong Local Economy
- BDNP12: The Small Business Economy

6.3 Key Relevant Sections of National Planning Policy Framework:

- Section 2 - Achieving sustainable development

- Section 5 – Delivering a sufficient supply of homes
- Section 6 – Building a Strong Competitive Economy
- Section 12 – Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment

6.4 Other relevant policy documents (including SPDs and TANs)

- Habitat Regulations Assessments (HRAs) TAN
- Affordable Housing SPD
- Sustainable Construction SPD
- Design Guide SPD
- Parking SPD

6.5 Most relevant Policies of the South Downs Management Plan (2020-2025)

- Policy 1: Conserve and enhance
- Policy 25: Water efficiency
- Policy 48: Towns and village as social and economic hubs
- Policy 50: Development to meet social and economic needs
- Policy 55: Diversified economic activity

7. Planning Assessment

Principle of development

- 7.1 The proposal includes three elements: alternative commercial development, market housing and affordable housing.

Alternative commercial development

- 7.2 The South Downs Local Plan (SDLP) and the Partnership Management Plan (PMP) recognise the important contribution small and local businesses in particular make to the economic wellbeing, sustainability and health of communities within the National Park, and their residents, which is integral to achieving the statutory duty. The need for genuinely flexible employment space, supported by digital infrastructure and good transport links is clearly articulated in the SDLP Policy SD35 and supported by PMP Outcome 10. Policies SD35 and SD34 of the SDLP both promote and protect sites for economic activity.

- 7.3 This is an allocated site for continued employment provision under the made Bury Neighbourhood Development Plan (BNDP) policy BNDP11, and criteria 4 (b) (local employment sites) of SDLP policy SD35. As such the first stage for assessment on principle is to test whether the existing horticultural with retail use could continue or if not, if an alternative use could be reasonably found to maintain the 100% employment use of the site. Appendix 3 of the SDLP sets out the Authority's expectations in general terms, while the BNDP applies its own requirements. On the basis that the BNDP pre-dates the SDLP and to recognise the unusual economic circumstances that coincided with the second part of the marketing period, the 18 month minimum duration from the SDLP has been used in place of the shorter 12 month duration from the BNDP.

- 7.4 The marketing programme began while the site was operational in early 2019 and concluded in April 2021, 8 months after the close of business when the sole offer was accepted. This was for the principle of a mixed use redevelopment that has evolved into the proposal now before the Committee. Having evaluated the evidence provided, officers are satisfied that the process to seek an alternative operator or acceptable alternative commercial use in full was appropriate, including while the site was a going concern, and of an acceptable duration to comply with policy expectations. This demonstrated that there was no reasonable expectation of an alternative operator for the horticultural premises, or re-use or

redevelopment of the site for horticultural purposes or other commercial uses suitable to the scale of the site and its rural location. On that basis the redevelopment of the site in principle would comply with policy.

- 7.5 The BNDP recognises the vibrant small business economy within the parish that echoes the position more widely across the National Park. This has inspired BNDP policies 11 (a strong local economy) and 12 (the small business economy). The fact that the proposal for redevelopment included a meaningful provision of alternative employment development to meet a recognised need counts strongly in its favour. This carries significant weight in the assessment.

Residential

- 7.6 The application site is not in a Settlement Boundary, however it is an allocated employment site with support in principle for alternative uses. The site is within an established albeit loose knit and incidental cluster of development. It is a reasonably sustainable location, close to a range of local facilities and services in Bury. It is accepted that the A29 separates the site from the village but it is not an insurmountable barrier, there is an uncontrolled crossing with island south of the site by the road leading to the school. The school, employment opportunities and the farm shop are on the west side within walking distance of the application site. In the context of the above, the criteria within part 2 of BNDP policy 4 and part 2 (a – allocated and safeguarded sites) and (d – appropriate re-use of previously developed site) of SDLP Policy SD25 are sufficiently met. The principle of some residential development to complement and support the commercial is therefore supported.
- 7.7 The provision of a policy-compliant quota of affordable housing as part of the mixed use redevelopment weighs strongly in favour of the proposal, as the delivery of affordable homes is a high priority for the Authority.

Commercial provision

- 7.8 The proposed new floorspace would be provided in the Class E(g) category, which includes office, research and development and light industry, all of which can be carried out in a residential area without detriment to amenity. While the total amount of floorspace is not comparable to the land-intensive horticultural operations, the Class E(g) uses would provide more jobs and more flexibility (over the type of commercial / employment floorspace already available in the area). The plans show the floorspace subdivided into 7 units ranging from 60sqm (646sqft) to 130sqm (1,400sqft). The three units proposed at the front of the site have a mezzanine floor, the four proposed behind the front units would be single storey, with options for operators to take one or multiple spaces. There is a demonstrable need for genuinely flexible employment space. This proposal would provide a good range of options for small to medium sized businesses and the site should have a positive appeal to the market.
- 7.9 The proportion and type of commercial floorspace complies with SDLP policy SD34 expectations, including (d) providing for and supporting small and micro businesses through the provision of small, flexible, start-up and move-on business units. The BNDP also supports the small business economy under policy BNDP12 with which this proposal complies. The proposal would also help deliver on Outcome 10 and policies 48, 55 and 55 of the PMP.
- 7.10 Various public comments refer to concerns about the continued need and justification for more commercial space given the development under construction at Bury Gate (known locally as the Carrindale site) approximately 1 mile north of the site. That scheme (SDNP/13/01164/FUL) included refurbishment of an existing car showroom, together with new commercial buildings. The majority of units were designed to suit light industry or research and development (old B1b/c class) or storage and distribution uses (B8 class), with tall ceilings and roller shutter doors, and ancillary retail space. These units start at around 150sqm. The office spaces have large open plan floorplans with shared core facilities. In contrast, the proposed facilities on this site offer much smaller self-contained units starting from 60sqm, designed for low-key or self-contained businesses with facilities aimed at the office end of the market. The proposal would provide a different offer and complement that

available elsewhere.

- 7.11 With the opportunities in mind and the policy context in place, the focus has been on securing the maximum amount of floorspace in an appropriate use for the characteristics of the site and surroundings, and ensuring as far as is possible that any proposed alternative business premises would be deliverable. The applicant has an existing portfolio of commercial properties in the region and has set out their intentions in writing to build and manage the proposed space. Therefore it is reasonable and appropriate to secure the details via obligations within a Section 106 Legal Agreement. Officers are satisfied that the commercial element has been designed as a key part of the proposal and it would be delivered as such.

Housing Mix and Affordable Housing

- 7.12 The proposal would provide 7 homes. The established pattern of development in Bury Common is sporadic and incidental, including large detached houses in substantial plots, barn conversions, semi-detached houses, small clusters or short runs of detached homes and modest bungalows. It is important to find a balance between securing a viable and mixed use of the site which makes efficient use of land and delivers a positive response to the contextual evidence. The proposed 7 dwellings alongside the 7 commercial units is an acceptable balance.
- 7.13 The proposed residential element would provide 2 x 2 bed affordable homes for intermediate tenure (Registered Provider-led shared equity or shared ownership) alongside 3 x 3 bed and 2 x 4 bed market homes. The homes are a mix of sizes, with the affordable a little over national space standard minimums and the market homes ranging from 129sqm (3bed 6 person) to 262sqm (4 bed 8 person). Policy SD27 typically requires at least 10% 1 bed, 40% 2 bed and 40% 3 bed and up to 10% 4 bed market homes unless an alternative mix is locally justified. Meeting this range is challenging on very small sites such as this where only 5 market homes are proposed. Criteria 2(b) allows for flexibility using site-specific considerations. The proposed market mix achieves over half the dwellings as 3 bed, would deliver a range of sizes in each bed category and is acceptable in this case in order to secure the commercial floorspace, the policy compliant affordable provision and in order to achieve an acceptable scheme in all other respects.
- 7.14 The proposal would provide 2 no. affordable homes, which is policy compliant under the sliding scale set out under SDLP policy 28. These would be 2 bed 3 person homes. Whilst affordable rented tenures are the first choice (as set out in the Affordable Housing SPD), no providers are currently known to be available to take on two rented homes in this area. The Housing Authority has recommended Landspeed, a Registered Provider with a record in the housing area for delivering and managing shared equity and shared ownership forms of affordable units including on small rural sites. These homes would meet the definitions of affordable housing, would be made available to those with a local connection and would be able to be secured in perpetuity. The developer has engaged with Landspeed who have confirmed their interest in the site under these terms. This is considered to be a pragmatic approach in the circumstances and is therefore acceptable.

Landscape-Led Design including sustainable construction

- 7.15 The applicant has adopted a landscape-led approach to the creation of the proposal as currently presented, embedding considerations of such matters as: landscape character and patterns, time-depth, routes, views from public rights of way, topography within and outside the site, green and blue infrastructure, relationships between buildings and spaces including impacts on neighbours, sustainability opportunities and local distinctiveness into the development layout. This understanding and analysis has been proactively used to inform the design detail. The evolution of the project and proactive use of the evidence underpinning it is explained clearly in the submitted Design and Access Statement. The result is a development that makes efficient use of land in a manner that is contextually appropriate. The proposal is therefore considered to enhance the site and surroundings, consistent with the expectations of SD1, SD4, SD5, SD6 and SD7, BDNPI3 to 17, and the Design Guide SPD.

- 7.16 The commercial segment has been clearly designed for employment purposes, with a simple layout and shared parking, access and amenity spaces. It has a separate access to the residential to accommodate the changing site levels and for practical operational reasons. The buildings have a contemporary functional aesthetic that successfully blends agricultural and commercial style and would be practical for use. It is markedly different from the residential in character but with sufficient compatibility to demonstrate a cohesive whole development.
- 7.17 Key features include a stepped partly over-sailing roof with diagonal eaves line on the frontage building to accord with the falling ground, with a more traditional hipped clay tiled roof to building 2, integrated rain gardens and agricultural inspired but commercially appropriate detailing throughout. The over-sailing roof was introduced instead of a break in the building form in response to the latest Parish Council concerns. The main glazing is on the internal elevations to minimise impacts on the environment including in relation to dark skies. It is a bold building but a positive one that makes a strong contribution to the street scene and helps to advertise itself as an appealing business location. It is also distinctly not a residential building in form or function which, in combination with the commitments to be secured by condition and obligation, will help secure its business use and resist a change of use away from employment floorspace. This is a positive response to the characteristics of the site and intended uses, makes efficient use of the site and will enhance the site and locality in accordance with SDLP policy SD5.
- 7.18 Each building within the residential part of the scheme has also been designed individually to respond to its function and particular siting and relationships. Notable features stemming from the design process included the need to respect the agricultural and dispersed character of the locality. The use of fewer larger buildings with robust gaps (especially at first floor) is considered a sympathetic response. A straight access route, buildings directly fronting routeways, some irregular angles, varying access widths and more open areas, a range of parking and amenity space arrangements and working positively not against the topography were all important factors informing the design evolution and development detail. The use of two different character areas relates the development both to its residential frontage and agricultural context. In addition to robustly justifying the layout, the Design and Access Statement helpfully takes the reader through plot by plot to explain the design evolution with examples of attractive local vernacular buildings used to directly inspire each individual building.
- 7.19 The BNDP policy 2 seeks a traditional approach; whereas here a contemporary approach strongly inspired by the local traditional vernacular has instead been proposed to good effect. Varied combinations of vertical timber cladding, brick and roofing materials including the traditional slate and tile alongside metal are proposed. The main buildings are complemented by the flat roof green roof covered parking areas which would deliver benefits in the yard space in four areas – amenity, natural drainage, discrete low level form and biodiversity value. Walling or post and rail fences mark boundaries, with walling also assisting with sense of enclosure, reducing visual impact of parking, and management of levels.
- 7.20 Overall the proposal is considered to be of good design and has an acceptable appearance. Final details of materials and finishes including samples would be secured by condition. Conditions are also proposed to secure finer details of architectural features such as window reveals, eaves, chimneys and green roofs.

Sustainable construction

- 7.21 In addition to the layout elements, such as SuDS and soft landscaping, the buildings would take a fabric-first approach to minimise energy consumption and generate energy from renewable sources. Air source heat pumps would provide the main source of power, for heating and hot water, highly efficient fixtures and fittings are included, windows designed to assist daylight and reduce overheating, materials chosen from local sustainable sources where possible, re-use of materials, proposed green roofs, integrated cycle storage and EV charging throughout. A detailed Sustainable Construction and Energy assessment has been provided. This demonstrates the proposal can achieve the 19% reduction in CO₂ emissions

using fabric efficiencies against 2013 building regulations requirements plus a 20% reduction in emissions through integration of renewable energy generation for the residential properties as a minimum. The commercial floorspace would achieve a 22% reduction through fabric and a 24% reduction of carbon dioxide emissions for the commercial space which is in excess of the policy requirement. The proposal therefore complies with SDLP policy SD48 and the Sustainable Construction SPD and compliance with the stated commitments is secured by condition. The renewable energy generation equipment is also subject to a condition requiring further details to ensure appropriate integration into the built form.

Impacts on Local Amenities

- 7.22 The nearest existing dwellings are side on to the north, separated by private garden and a third party driveway. To the south, there is a line of three existing properties which have side gardens with parking or rear gardens backing onto the site. The combination of the layout, arrangement and orientation of proposed properties, together with the topography and existing gardens, routeways and parking areas means that no adverse impact will result on privacy or amenity to existing dwellings or immediate private garden areas around those dwellings. For example, plots 6-7 have a single narrow first floor opening per plot looking north, but at over 30m from the nearest dwelling, 15m from the garden boundary and on the opposite side of a mature tree line and third party driveway, the relationship is considered acceptable.
- 7.23 Matters relating to farm access and operation are referred to below. No environmental health concerns have been raised due to proximity to the working dairy farm. Noise levels from commercial unit plant would be restricted by suitably worded conditions.

Green and Blue Infrastructure

- 7.24 Positive principles of both green and blue infrastructure were embedded in the design evolution and integrated into the presented scheme in accordance with SDLP policies SD2, SD9, SD17, SD45 and SD50 with accompanying TANs, Design Guide SPD and BNDP policies 16 and 17.
- 7.25 The site currently drains surface water almost entirely into a sewer system that discharges into a watercourse to the north of the site. The proposal relies on a combination of infiltration, at surface routes and attenuation to naturally filter, manage and convey water into and across the site towards the pond at the lowest point in accordance with the drainage hierarchy. Storage capacity on site has a 40% climate change allowance built in. The residual water would then discharge into the existing sewer at a controlled rate, to then discharge as existing to the watercourse. This represents a significant improvement from the existing piped unrestricted solution and would help to reduce flood risk locally. It would also reduce potential contamination risk with reference to SDLP policies SD17 and SD55. The features such as swales, rain gardens, pond, green roofs and at-surface drainage channels add value for biodiversity and amenity as well as contributing to the character of the site. This is a positive approach to the constraints and opportunities on site and complies with SD49 and SD50. Finer details would be secured by condition.
- 7.26 The site currently has low value for protected species, with a small amount of potential reptile activity being the most notable element. A precautionary approach to mitigation that involves relocation and creation of new habitat has been agreed to comply with SD9. Biodiversity net gain of 33% for habitat and 217% for hedgerows exceeds the expectations in the BNG TAN, which would be secured by condition. The retention and protection of the hazel dominated western boundary would be secured, which is the strongest in habitat terms of the site at present and filters views of the site from the Coffin Trail. Planted boundaries have been excluded from private gardens, with a second level of boundary treatment included per plot, which helps ensure the retention and management of the site boundaries for landscape and biodiversity value. It would also provide a buffer to help protect the amenities and operation of the neighbouring working farm and amenities of residential properties.

- 7.27 There is a line of tall mature trees, mostly Sycamore, outside the red line north of the site, on the opposite side of a third party driveway. These would all be retained and protection measures would be in place during construction in accordance with SDLP policy SD11. Compliance will be secured by condition. The proposed landscaping plan includes further planting including trees, and a condition is proposed to refine the detail to maximise use of native species for amenity and biodiversity value and to assist with adaptation to climate change.

Access and Highways

- 7.28 In transport terms the site is considered fairly sustainable and accessible, with a range of facilities and services within walking and cycling distance, bus stops within 300m and a main line train station within 3km. The Highways Authority is satisfied that the proposed uses and quantum of development will not cause a detrimental impact on the local highway network or have a detrimental impact on road safety.
- 7.29 The site layout has been designed with visibility splays of 2.4m x 25m at each access point, in line with a 20mph design speed appropriate to the D class road that serves the site. The internal road layout of the site has been designed with consideration to national (Manual for Streets) and local (West Sussex County Council) guidance. It has also been designed to respond positively to the character of roads within Bury and be of a low status commensurate with its use and location. Drawings and information provided demonstrate access can be achieved for a range of private, commercial and service vehicles.
- 7.30 The SDNPA's adopted Parking SPD has been used to determine the baseline parking demand for the residential element. Of the 16 spaces required, 14 are provided on site, of which 12 would be allocated (2 per home as required by the BNDP policy 19), and 2 unallocated for visitor use, with Plot 1 served by unallocated spaces along the road. The Sustainable Construction SPD expects all homes with on-plot or other suitable car parking to have an EV charge point where feasible. Here all plots with at least one allocated space within the site would be provided with an EV vehicle charge point. The parking strategy is an acceptable arrangement for the characteristics of this site. The proposal complies with SDLP policy SD22, the Parking SPD and the Sustainable Construction SPD.
- 7.31 Under the Parking SPD, the commercial floorspace Class E(g) use generates a baseline requirement for 21 parking spaces, of which 18 including an accessible space are provided within the dedicated courtyard. BNDP sets no criteria for commercial parking. While there is a slight under provision against the SPD, there is sufficient space for the small additional demand to be accommodated along the Bury Common Road.
- 7.32 The absence of any on-site parking for the previous use is material here, as all parking demand for the horticultural and retail employment use did until summer 2020 take place within the Bury Common Road. The use of the road for up to 5 vehicles using an unallocated arrangement therefore meets the requirement of BNDP policy 19 which requires no increase in on-street parking as a result of development. The Highway Authority supports the proposed arrangement. Although the farm activity concerns are noted, there are no planning or highway reasons to restrict parking along the Bury Common Road as a result of this proposal.

Water Neutrality

- 7.33 The site lies within the Sussex North Water Resource Zone. The proposal therefore has to demonstrate water neutrality to avoid adverse effects on the integrity of the Arun Valley SPA, SAC and Ramsar site, in compliance with the Habitat Regulations and policies SD9 and SD10. The existing nursery had a high water use, evidenced by bills for its period of operation. Highly efficient equipment is proposed within each building to minimise fresh water use, sufficient to result in a neutral position for supply against the baseline. This would result in water use of no more than 87.5 litres per person per day for plots 1 to 4 and 90.3 litres per person per day for plots 5 to 7, compared to the standard Sustainable Construction SPD expectations of 110 litres per person per day. The commercial space would be designed to achieve less than 19 litres mains usage per person per day for employees. Officers are satisfied that the Appropriate Assessment has been undertaken

using the best available evidence and that conditions will ensure these commitments, that informed the Appropriate Assessment, will be delivered on site.

Contamination

- 7.34 The potential for contamination risk due to previous and historic uses, and the deteriorated condition of the site, will be minimised and managed through suitably worded conditions.

8. Conclusion

8.1 This is a well-conceived scheme that has been driven by a solid understanding of the special qualities of the site and surroundings. The provision of 7 commercial Class E units and 2 affordable homes supported by the 5 market properties strikes the right balance between securing continued employment use and making a contribution to the area's housing need. The layout and details of the built form successfully combine the multiple layers of green infrastructure, SuDS, local character and heritage, access, topography and amenity. The commercial floorspace would be practical and deliverable.

8.2 The proposal complies with the South Downs Local Plan, Bury Parish Neighbourhood Development Plan and the NPPF, together with SPDs and would deliver on a range of priorities from the Partnership Management Plan.

9. Recommendation and Conditions

9.1 It is recommended to grant planning permission subject to the completion of Section 106 legal agreement (the final form of which is delegated to the Director of Planning) to secure the obligations set out in paragraph 9.2 and the conditions set out in paragraph 9.3. This is subject to no insurmountable matters being raised by Natural England on the matter of water neutrality, and on the basis that the Legal Agreement can be completed within 6 months.

9.2 The conditions would be considered broadly standard for this type of development and include specific references to materials, drainage, architectural details, ecological mitigation and enhancement measures, sustainable construction, parking and water neutrality measures.

9.3 Planning Obligations

- Two 2 bed affordable homes on site for intermediate tenure (shared ownership or equity) in perpetuity;
- Phasing plan for the delivery of the site as a whole to ensure integrated provision of the commercial floorspace and affordable homes;
- Marketing programme for the commercial element; and
- Estate Management and Maintenance Plan

9.4 Planning Conditions

Time limit – implementation

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).

Approved Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the plans and documents 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.

Contamination Action Plan

3. No development, including any demolition or site clearance, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The strategy shall include:

- a) A preliminary risk assessment which identifies all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on the above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
- c) The results of the site investigation and detailed risk assessment referred to above and an options appraisal with remediation strategy based on these, giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The above requirements shall be dealt with sequentially and in full unless any requirement is explicitly dispensed with in writing by the Local Planning Authority.

Reason: To avoid mobilising potential contaminants during the demolition, site clearance, preparation and construction phases of development and to ensure protection of the environment and human health during works and when the site is in use.

Reporting of Unexpected Contamination

4. 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, has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

Tree Retention and Protection

5. No development hereby permitted shall commence on site, including any site clearance work and any works of demolition or level changes, until the tree and hedge protection measures set out on the approved Tree Retention and Protection Plan (LLD2452-ARB-DWG-002-02) supported by Section 3 of document LLD2452-ARB-REP-001-01 Arboricultural Impact Assessment and Method Statement have been erected on site. Works shall then only proceed in full accordance with the provisions set out on the approved details, including compliance with BS5837:2012 and use of hand tools in sensitive areas. All trees marked on the Tree Retention and Protection Plan for retention shall be retained notwithstanding any information to the contrary on the accompanying schedule LLD2452-ARB-SCH-001.

Reason: To protect the trees and hedges on and around the site which make an important contribution to the environment of the site and locality.

Construction Environmental Management Plan

6. No development hereby permitted shall commence on site, including any site clearance work and any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
- A programme for carrying out the works;
 - Hours of construction;
 - The parking of vehicles by site operatives and visitors;
 - The location of site office and welfare facilities, and sales office;
 - The timings of deliveries to site;
 - The method of access and routing of vehicles during construction;
 - Storage of plant and materials used in construction of the development;
 - The erection and maintenance of security hoarding;
 - Phased programme of demolition and construction works;
 - The anticipated number, frequency and types of vehicles used during construction;
 - Measures to minimise the noise (including vibration) generated by the demolition / construction process;
 - Measures to control the emission of dust and dirt during the demolition / construction process;
 - A scheme for minimising, re-using, recycling and suitably disposing of waste resulting from demolition and construction works;
 - 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 where necessary);
 - Any lighting, including location, height, type and direction and that lighting has been designed to minimise impacts on ecological sensitivities and neighbour amenity;
 - Other ecological mitigation measures, including method statements and measures to be adopted to avoid and manage impacts on the adjacent designated sites, protected species and other important habitats in accordance with the approved Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2021) and Biodiversity Net Gain Assessment (Lizard Landscape Design and Ecology December 2022) and
 - Public engagement both prior to and during the construction works.

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in the interest of maintaining a safe and efficient highway network, in the interests of amenity, to conserve and enhance the landscape character and biodiversity of the area and to ensure no adverse impacts on designated sites and protected species.

Flood Risk and Drainage

7. No development hereby permitted shall commence (excluding demolition and site clearance) until final details of the proposed means of foul and surface water disposal including on and / or off site works, have been submitted to and approved in writing by the Local Planning Authority.

In accordance with the submitted plans and studies, the final details shall include swales, green roofs, rainwater gardens, attenuation basins, drainage ponds, at-surface water transfer features and water butts, along with other opportunities within the landscaped areas across the development to receive surface water.

The written approval of the Lead Local Flood Authority (or its agent) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on site would be required. The written approval of the Local Highways Authority (or its agent) will be required for the discharge of any water to a sewer that provides for highway drainage.

The scheme shall subsequently be implemented in full accordance with the approved details.

Reason: To ensure satisfactory provision of foul and surface water drainage.

Levels Details including Finished Floor

8. No development hereby permitted shall commence (excluding demolition and site clearance) until details, including plans and cross sections of the existing and proposed ground levels of the development, the boundaries of the site, retaining features, the height of the ground floor slabs of each building and damp proof course, in relation to a nearby datum point have been submitted to and approved by the Local Planning Authority in writing. The development have been completed in accordance with the approved details.

Reason: In order to secure a satisfactory standard of development and these details are required prior to commencement of development as they relate to the construction of the development.

Sustainable construction

9. Development shall only proceed in accordance with the specifications in the Energy and Sustainability Report (ECE Architecture dated January 2023) in particular the minimum requirement of 39% reduction in CO2 emissions against Part L of the 2013 Building Regulations through 19% fabric efficiencies and 20% renewable energy generation and usage, and all measures to limit mains water usage in accordance with the approved Water Neutrality Assessment (Smith Simmonds Partners January 2023).

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation and adaptation to climate change and to comply with the Habitat Regulations (water use).

Materials and Finishes

10. Notwithstanding the details on the approved plans, no development shall be carried out above ground floor slab level until a full schedule of all external materials and finishes for buildings, hard landscaping and boundary treatments, any street furniture and EV charging facilities in the public realm, together with samples of the walling and roofing materials for buildings, materials for boundary walls, and hard surfacing treatments to be used on the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include the source of materials.

Samples shall be made available for inspection on site including a sample walling panel of finished brickwork with mortar and another of finished flintwork with mortar and any quoining, at a minimum size of 1.5m x 1.5m.

Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the development and the character of the area and to enable the Local Planning Authority to properly consider the development detail and ensure a positive contextual response.

Boundary treatments

11. Notwithstanding the details on the approved plans, no development shall be carried out above ground floor slab level until full details of boundary treatments including the position, height, design, materials and type of all boundary treatments and retaining features, and related ground levels, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments for the site boundaries shall be completed before any building or unit is first used or occupied. The approved boundary treatments for each plot shall be completed before buildings hereby approved within that plot are first used or occupied. Boundaries shall then be retained as approved.

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

Architectural details

12. No development shall be carried out above ground floor slab level until full details of the following architectural features and equipment drawn at an appropriate scale have been submitted to and approved in writing by the Local Planning Authority.

- a) Residential development
 - (i) Window reveals
 - (ii) Eaves details
 - (iii) Green roof construction
 - (iv) Rainwater goods
 - (v) Chimneys
 - (vi) Rain gardens
 - (vii) Relationship between different materials to external elevations
 - (viii) Measures to reduce glint, glare and light spill from glazing
 - (ix) Renewable energy generation equipment (including technical details to minimise impacts on amenity)
 - (x) EV charging equipment, one point per space where allocated parking
- b) Commercial development
 - (i) Glazing reveals
 - (ii) Slatted covered fenestration
 - (iii) Eaves details
 - (iv) Rainwater goods
 - (v) Rain gardens
 - (vi) Relationship between different materials to external elevations
 - (vii) Measures to reduce glint, glare and light spill from glazing
 - (viii) Signage and numbering
 - (ix) Renewable energy generation equipment (including technical details to minimise impacts on amenity)
 - (x) EV charging equipment, a minimum of 2 points within the parking yard

Once approved the details shall be used in the development.

Reason: To ensure the development details are considered fully in order to deliver a high quality and distinctive development.

Utilities and Telecommunications

13. No development above slab level shall be carried out until details of how superfast broadband connection will be provided (or an equivalent alternative technology) and installed on an open access basis (including the location and appearance of any above ground equipment), have been submitted to and approved in writing by the Local Planning Authority. All new communication and power lines shall be laid underground.

Thereafter, the development shall be carried out in full accordance with the approved details.

Reason: To provide a suitable broadband connection for new residential occupiers and commercial users and to protect the landscape character of the area.

Soft landscaping

14. No development shall be carried out above ground floor slab level, and notwithstanding the details on the approved plans, until a detailed scheme of soft landscaping including planting has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall integrate all elements of the Biodiversity Net Gain commitments (Lizard Landscape Design and Ecology December 2022), Ecological Mitigation and Enhancement (Lizard Landscape Design and Ecology November 2021) set out in the approved documents and plans, Arboricultural Assessment details (Lizard Landscape Design and Ecology updated December 2022), details of sustainable drainage secured under Condition 7 and sustainable construction and resource use details secured under Condition 9. The scheme shall prioritise native species suitable to the location, climate and soils of the site and the approved uses and take climate change into account. All such work as may be approved shall then be fully implemented within the first planting season that contains or follows the date of approval of details whichever is the earlier and completed strictly in accordance with the approved details.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include management and maintenance requirements including responsible parties and a schedule of actions.

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

Biodiversity Net Gain

15. The Development hereby permitted shall be carried out in full accordance with Section 4.0 Biodiversity Net Gain Assessment, Appendix A - Detailed Results and Figure no. 02 Habitats Created - Proposed plan within the Biodiversity Net Gain Assessment Report (Lizard Landscape Design and Ecology, 22 December 2022), supported by the Net Gain Assessment spreadsheet.

Reason: To ensure the development delivers as a minimum the biodiversity net gain committed to at the time of decision, in accordance with the NPPF and Natural Environment and Rural Communities Act 2006.

Pre-occupation/use verification (contamination)

16. Unless explicitly dispensed of in writing by the Local Planning Authority following the analysis of appropriate evidence, no building shall be brought into use (commercial or residential) until such time as a contamination verification report has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that all remediation measures secured under Conditions 3 and 4 have been implemented.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination.

Access construction

17. No part of the development shall be occupied or used until such time as the vehicular access serving that part of the development including the crossover to the highway has been constructed in accordance with plans and details submitted and approved in writing in advance by the Local Planning Authority.

Reason: In the interests of road safety.

Parking and turning

18. No part of the development shall be occupied or used until such time as the parking and turning space serving that part of the development has been constructed in accordance with approved plans 7224 – PL05 – P6 (site plan), 7224 – PL12 – P3 (plot 4) 7224 – PL30 – P3 (plot 7), 7224 – PL31 – P3 (plots 5 – 6) and details approved under Conditions 7, 10 and 11.

Reason: To ensure the new development is fully served by an appropriate level parking provision.

Refuse and recycling

19. Each dwelling and commercial unit within the development hereby approved shall not be occupied or first used until the refuse and recycling storage facilities that relate to that unit or dwelling as identified on plan 7224 – PL30 – P3 (domestic plots 1, 4 and 7), 7224 – PL31 – P3 (domestic plots 5 – 6) or 7224 – PL15 – P4 (shared facility for all commercial units) have been completed and made available for use. These facilities shall thereafter be retained for the approved use at all times.

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

Cycle provision

20. Each dwelling and commercial unit within the development hereby approved shall not be occupied or first used until secure and covered cycle storage facilities that relate to that unit or dwelling as identified on plan 7224 – PL30 – P3 (domestic plots 1, 4 and 7), 7224 – PL31 – P3 (domestic plots 5 – 6) or 7224 – PL15 – P4 (shared facility for all commercial units) have been completed and made available for use. These facilities shall thereafter be retained for the approved use at all times.

Reason: To ensure facilities are available to encourage more sustainable modes of travel.

Residential EV

21. Each dwelling within the development hereby approved shall not be first occupied until the EV charging facilities that relate to that dwelling approved under Condition 12 have been provided and are operational. These facilities shall thereafter be retained for use at all times.

Reason: To ensure such facilities are provided from the outset to reduce reliance on fossil fuels.

Commercial EV

22. No commercial unit shall be first used until the EV charging facilities approved under Condition 12 have been installed and are operational. These facilities shall thereafter be retained for use at all times.

Reason: To ensure such facilities are provided from the outset to reduce reliance on fossil fuels.

External lighting

23. Prior to first occupation or use of the development hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting plan must comply with the South Downs National Park Authority's Dark Skies Technical Advice Note. The lighting scheme shall also be

informed by the ecological sensitivities of the site. External lighting shall only be installed in accordance with the approved details and thereby retained as such.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of night time amenity, biodiversity interests, tranquillity and protect and conserve the International Dark Night Skies.

Use as stated

24. The commercial premises hereby approved shall be used for Class E (g) purposes; and for no other purpose including any other purpose in Class E; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To enable the Local Planning Authority to regulate and control the development of land, to protect amenities and the local environment.

Operational noise

25. Any external mechanical plant, or externally venting plant, associated with the commercial units shall not give rise to a rating level above the background sound level as measured 1m from the most sensitive residential dwelling and in accordance with BS4142:2014+AI:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

Reason: To protect amenities of sensitive receptors.

Parking and turning areas to be retained

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the accesses, car ports, parking and turning areas hereby approved within the site boundaries shall:

a) where allocated or available for domestic use, be used solely for parking purposes incidental to the occupation and enjoyment of the dwelling units and associated manoeuvring room;

b) where allocated or available for commercial purposes, be used solely for parking and manoeuvring purposes incidental to the use of the commercial units and shall not be used for external storage.

The accesses, car ports, parking and turning areas shall not be altered in use or physical form.

Reason: To ensure the retention of parking provision and turning space and help regulate development.

Deliveries to commercial units

27. No deliveries shall be made to the commercial units hereby permitted except between the hours of 08:00 to 18:00 Monday to Saturday, with no deliveries undertaken on Sundays, Public or Bank Holidays.

Reason: To protect residential amenity.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices Appendix I – Information concerning consideration of applications before committee

SDNPA Consultees Director of Planning, Legal Services

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

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

[South Downs Local Plan 2019](#)

[Supplementary Planning Documents and Technical Advice Notes](#)

[Bury-Neighbourhood-Plan-Made-Version-2018.pdf \(southdowns.gov.uk\)](#)

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 (NPPF) 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, the proposal is small in scale and considered not to represent major development for the purposes of Para 177.

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 occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment has been carried out and is set out in the Assessment section of the main report.

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.

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”.

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

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 – Safeguarding Views
- Strategic Policy SD7 – Relative Tranquillity
- Strategic Policy SD8 – Dark Night Skies
- Strategic Policy SD9 – Biodiversity and Geodiversity
- Strategic Policy SD10 – International Sites
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD17 – Protection of the Water Environment
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Strategic Policy SD21 – Public Realm, Highway Design and Public Art
- Strategic Policy SD22 – Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 – Supply of Homes
- Strategic Policy SD27 – Mix of Homes
- Strategic Policy SD28 - Affordable Homes
- Strategic Policy SD34 - Sustaining the Local Economy
- Strategic Policy SD35 - Employment Land
- Strategic Policy SD42 - Infrastructure
- Development Management Policy SD44 - Telecommunications and Utilities Infrastructure
- Strategic Policy SD45 - Green Infrastructure
- Development Management SD46 – Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds / Cemeteries
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Development Management Policy SD50 – Sustainable Drainage Systems
- Development Management Policy SD54 – Pollution and Air Quality

- Development Management Policy SD55 – Contaminated Land

Policies of the Bury Neighbourhood Development Plan which are of relevance to this application

- BNDP1: Settlement Boundaries
- BNDP2: Built Character
- BNDP4: Unallocated Residential Development
- BNDP11: A Strong Local Economy
- BNDP12: The Small Business Economy
- BNDP13: Landscape and Views
- BNDP14: Tranquillity
- BNDP15: Dark Night Skies
- BNDP16: Woodlands and Trees
- BNDP17: Local Habitats
- BNDP18: Permissive and Public Rights of Way
- BNDP19: Parking
- BNDP20: Creating a Safer Public Realm

Policy Documents (SPDs and TANs) which are of relevance to this application

- Design Guide, Supplementary Planning Document – adopted July 2022
- Parking for Residential and Non-Residential Development Supplementary Planning Document – adopted April 2021
- Sustainable Construction Supplementary Planning Document – adopted August 2020
- Affordable Housing, Supplementary Planning Document - adopted July 2020
- Dark Skies – technical advice note version 2, May 2022
- Biodiversity Net Gain – technical advice note, January 2022
- Habitats Regulations Assessment and Planning Applications – technical advice note, March 2021
- Ecosystems Services – technical advice note (non-householder)

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.

