

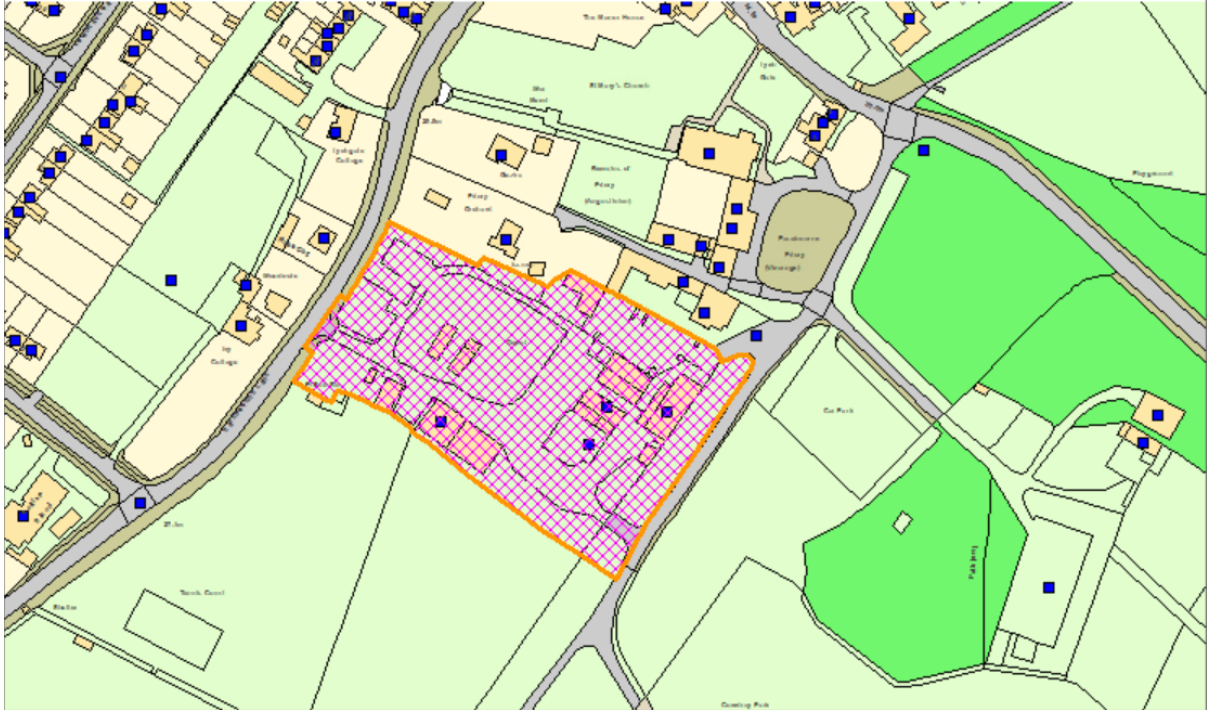
Report to	Planning Committee
Date	13 April 2023
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/21/04040/FUL
Applicant	Metis Homes and Cowdray Estate
Application	Hybrid Application: Full - Erection of 20 dwellings with associated access, parking and landscaping following demolition and site preparation; and Outline - construction and change of use of up to a combined total of 1,000sq.m of commercial floorspace (Class E(a), (Eb) and E(g)(i) Uses only) with all matters reserved
Address	Cowdray Works Yard, Easebourne Lane, Easebourne, GU29 9BN

Recommendation:

- 1) That planning permission be granted subject to:**
- (i) the conditions set out in Section 9 of this report;**
 - (ii) Natural England agreement to the floorspace sought under the outline part of this application sourcing water from the existing Cowdray Estate private supply at an annual amount no greater than the limit set out under condition 40, or equivalent alternative agreement satisfactory to the Director of Planning;**
 - (iii) the completion of a Legal Agreement, the final form of which is delegated to the Director of Planning, to secure:**
 - a. Five affordable rented homes on site;**
 - b. Affordable housing review mechanism;**
 - c. Water neutrality including on-site reduction and off-site offsetting for the residential development and capped private supply for the commercial development;**
 - d. Five passive houses on site (to be the proposed affordable dwellings);**
 - e. Pedestrian crossing on Easebourne Lane;**
 - f. Publicly accessible pedestrian route through the site to Cowdray Park; and**
 - g. Estate management plan to cover management and maintenance of communal elements.**
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- 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 13 April Planning Committee meeting.
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Site Location Plan



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Executive Summary

The application proposes 20 dwellings and up to 1,000sqm commercial floorspace on a site within the settlement boundary of Easebourne allocated for 16-20 dwellings and up to 1,500sqm commercial floorspace under policy SD66 in the South Downs Local Plan. The majority of the site is currently used as the Cowdray Estate's maintenance yard, a sui generis use. The remainder is currently in commercial use as part of the Estate's farm shop cluster. The site lies within a sensitive historic context.

The layout, form and design of the proposal recognises the distinctions between the historic residential core on the frontage to Easebourne Lane and the industrial working heritage of the remainder of the site. The site would deliver a new public route between Easebourne Lane and Cowdray Park and open up the culvert along with five passive house certified affordable homes and a mix of medium-sized market homes. The proposed commercial space would complement and enhance the existing provision. The proposal is sympathetic to the sensitive historic context and complies with the criteria of allocation policy SD66.

The application is being brought before Members as it forms one of a number of concurrent applications, from the same applicant, to develop the three allocated sites (policies SD66, SD67 and SD68) within Easebourne Village (see also items 7, 8 and 9 on the agenda). Local concerns have been raised regarding scale, design and layout, and cumulative impacts. While each will be considered on its own merits, there are various advantages to be secured through the combination. It is proposed that all permissions are tied with a single legal agreement to ensure full delivery on all the policy outcomes.

Taking all matters into account, the proposal is considered a good quality addition on its own merits. The proposal is recommended for approval subject to the conditions and obligations set out below.

1. Site Description

- 1.1 The application site is located immediately east of the A272 Easebourne Lane and south of the A272 Petworth Road in Easebourne. It is used as a maintenance yard for the Cowdray Estate.
- 1.2 The site borders the Grade II* Registered Park and Garden for Cowdray House to the south east and south west, with the application boundary including a small part of the Registered Park containing the existing maintenance access and a section of the line of established trees. Just beyond this is an adopted public footpath that connects southwards into Midhurst, northwards towards the A272 and the historic core of Easebourne and south east into the designated park.
- 1.3 The site frontage onto Easebourne Lane is part of the Easebourne Conservation Area, which includes Grade II Listed Ivy Cottage opposite the site entrance and Grade II Listed Lychgate Cottage opposite and due north of the site boundary. The Conservation Area wraps around to the north of the site to include the Grade I Listed Priory and Refectory, Grade I Listed Church of St Mary with churchyard and Grade II Listed properties at 2 and 3 Petworth Road. The site has high archaeological potential.
- 1.4 The land to the south of the site, part of the Registered Park, is used by Conifers School as a sports ground. There is established residential development beyond the A272 to the west.
- 1.5 The site includes a series of buildings of various sizes, constructed of either timber, stone or brick and some have metal frames. They are simple and typical of 19th – early 20th century workshops. The main building mid-way along the southern boundary is significantly larger than the others and more distinctive in its appearance and detailing. The majority of the site is open storage, access and parking. The site includes the delivery access route to the farm shop stores from Easebourne Lane.
- 1.6 The site is higher than the road, with banks supported by stone retaining walls that abut the edge of the pavement. Once within the site it is fairly level.
- 1.7 The main vehicular access is close to the south western corner and includes a dark green palisade fence with gates. The southern boundary is lightly marked with mostly low level scrub vegetation with some trees. The eastern boundary has a stone wall to the northern end, from which two buildings branch off, and a hedge with palisade fencing and gates to the southern end. The northern boundary is marked with fencing, with a cluster of planting in the north western corner.
- 1.8 A culverted section of the River Ez cuts through the site, with a short section of open watercourse close to the boundary with neighbouring residential dwelling Priory Orchard. The watercourse opens up beyond the site into the Registered Park.
- 1.9 There is currently no public access to the main part of the site. The north eastern part is accessible from the north to access the farm shop, café and small retail units.

2. Relevant Planning History

- 2.1 The application was preceded by a pre-application enquiry for up to 20 dwellings SDNP/20/04751/PRE with a focus through Officer and Design Review Panel advice on proactively using local evidence to inform the development of concepts and design approaches.
- 2.2 The relocation of the Estate Maintenance yard to a site elsewhere in the Estate, at Kennels Farm, Selham Road, West Lavington, Midhurst GU29 0AU, was subject to an appeal determined in June 2022. The Inspector determined that the proposed change of use from a dairy farmyard to an estate management yard with ancillary uses would be lawful as both sites formed part of the same planning unit, namely the Cowdray Estate. References: SDNP/20/01635/LDP and APP/Y9507/X/20/3259115.

3. Proposal

- 3.1 This a hybrid application. The proposed 20 dwellings, associated access, servicing and landscaping is proposed in detail for full planning permission. Up to 1,000sqm commercial floorspace, comprising new and change of use of existing, is proposed on the northern part of the site, for which outline planning permission is sought with all matters reserved.
- 3.2 With regard to the commercial element, the application site boundary includes the joinery, stable, retail buildings, takeaway building, the farm shop store and the courtyard, but excludes the farm shop itself, its terrace, and the café. Permission is sought for uses within classes E(a) retail, E(b) food/drink mostly on premises and E(g)(i) office.
- 3.3 The residential element comprises a total of 20 dwellings, 4 x 2 bed and 1 x 3 bed affordable rented homes, 13 x 3 bed and 2 x 4 bed market homes. There would be one detached and a pair of semi-detached homes on the Easebourne Lane frontage, and a terrace of three, one terrace of four and two terraces of five two storey properties within the site. Each would have a private garden and allocated parking either on plot or in a shared yard, some of which would be covered. Brick would be the dominant building material, complemented by stone and timber, with clay and slate tiles.
- 3.4 The proposal includes the opening up and straightening of culverted watercourse and creation of a pond, together with associated landscaping and ecological enhancements. A new public non-motorised route is proposed through the site to connect Easebourne Lane with Cowdray Park. The existing access from Easebourne Lane is to be retained for vehicles, with a separate pedestrian route provided.
- 3.5 The properties would meet sustainable construction standards throughout, and in addition the terrace of five affordable homes would be passive house certified.

4. Consultations

4.1 Easebourne Parish Council: Comments

- Recognise need for more homes, especially affordable
- Concerns about traffic survey information, significant concerns about traffic volumes and road safety. Request traffic calming and crossing on Easebourne Lane
- Pleased to see that some improvements have been made, but considers that the overall designs remain disappointing. The Parish Council continues to request a more industrial design narrative for these dwellings.
- Supports provision of safe walking and cycling routes, affordable housing (pepper potted) EV charging, and seeks to maximise ecological provisions
- Concerns about single access via Easebourne Lane and limited parking on site, request second entrance/exit onto A272 to north
- Seek assurance on infrastructure capacity
- Urge a robust construction management plan

4.2 Archaeology Officer: No objection

Potential for medieval or post-medieval deposits appropriately investigated through a pre-commencement condition, in accordance with the submitted desk-based assessment.

4.3 Conservation Officer: Comments

- The large industrial shed on the subject site links the site to its history and its loss would be regrettable. Support retention of small brick building on the boundary
- Development along Easebourne Lane should relate to the pattern of development along Easebourne Lane, specifically those to the west of the subject site (Woodcote, Rose Cottage and Ivy Cottage)

- Retention of boundary wall along Easebourne Lane welcomed as it makes a positive contribution to the Conservation Area. Double wall behind poor, use site contours instead
- Canopies on plots 1-3 do not relate to the Conservation Area
- Commercial element particularly sensitive in relation to setting of Grade I Listed Priory, Refectory and Grade II* Cowdray Park and Garden. Outline application should include a parameters plan as a minimum, to demonstrate no harm to sensitive designated historic assets
- Joinery workshop cannot facilitate a mezzanine

4.4 **Design Officer:** Objection

- Passive house provision supported
- Terrace with repeated gables has a positive character, referencing the industrial history of the site, but otherwise, the opportunity to replicate the character of the large existing workshop building, with its eclectic mix of materials and details, has been missed, with buildings of much more suburban scale and design
- At surface channel and new pond and permeable surfacing for car parking are positive, but opportunities for further site wide multi-functional SuDS with raingardens and rills (Easebourne characteristic) have been missed
- Positive removal of commercial access through Park but pedestrian route should be direct and not partly hidden behind parking
- Poor design and layout choices have resulted in garden boundaries adjacent to public realm, poor relationship of parking areas to properties, lack of active elevations including on Plot 8
- No green roof provisions, no design reason why they are not included particularly for ancillary buildings
- Garden sizes too small for plots 15-16 and will be in shade for a large part of the day
- Materials and finishes to be conditioned, surfacing materials to be locally characteristic not suburban (avoid concrete herringbone block pavers), any demarcation of spaces to be simplified and minimised

4.5 **Drainage:** No objections

- The site is in Flood Zone 1
- The proposed means of surface water drainage is through the use of SuDS features (permeable paving and storage within the sub-base), followed by an attenuated and restricted discharge to a local watercourse. This has been informed by site-specific evidence and is acceptable
- Pleased to see that the proposals include the daylighting straightening and re-grading of the existing culverted watercourse (River Ez) that runs through the site
- Drainage details including climate change allowance, management and maintenance to be secured by conditions

4.6 **Ecology:** No objections

- Revisions have improved biodiversity net gain. Report updates confirm site conditions, bat tubes to be integrated. Recommend green corridor along southern boundary
- Adverse impacts on habitats and protected species will be avoided/minimised and the proposals will result in an overall net gain in biodiversity. Condition compliance with recommendations in the submitted ecological reports

4.7 **Environmental Health:** No objections

- Potential for land contamination and ground gas identified, recommend further site investigation after demolition with appropriate remediation strategy, secured by conditions
- Conditions recommended to secure acoustic mitigation recommendations, control noise and air pollution from commercial plant and equipment, implementation of parking and EV charging and construction management plan. Lighting details are acceptable

4.8 **Environmental Housing:** Comment

- All bedrooms should be a minimum of 6.5 sq. ms for single bedrooms and 9.5 sq. ms for double bedrooms

4.9 **Highways Authority:** No objection

- No concerns from an access (for the residential element) capacity, accessibility and parking perspective. No modifications needed to existing access from west.
- New pedestrian and cycle route through the site would provide better connection along the wider public rights of way network
- Employment access from the north benefits from existing bellmouth and visibility
- Shared surface suitable for sites of less than 100 vehicle movements per hour
- Increased vehicular movements would be generated however not a concern
- Cumulative impacts of all three allocations would not be severe
- Site specific highway improvements to be secured, as pedestrian crossing point by the Yard entrance
- Condition access and footway implementation and construction management plan

4.10 **Historic England:** No comments

Defer to specialist advisers.

4.11 **Housing Enabling Officer:** Support

The proposed market mix is not in line with policy SD27 as it provides too many 3+ bed units to which local housing stock is already weighted in favour. Notwithstanding the viability issue, require 1 x 1 bed, 4 x 2 bed, 4 x 3 bed and 1 x 4 bed market homes and 2 x 1 bed, 5 x 2 bed and 3 x 3 bed affordable homes.

The most up to date information from the Housing Register is the need for 9 x 1 bed, 7 x 2 bed and 4 x 3 bed affordable homes in Easebourne. A policy compliant scheme would deliver 2 First Homes, 2 Social Rented and 1 Affordable Rent. However recognise viability circumstances have resulted in 5 Affordable Rent with 2 prioritised for Cowdray Estate workers. A pragmatic and holistic approach would deliver policy compliance across the 3 sites as a single project. While there are concerns about securing satisfactory implementation, recognise unique circumstances here and bespoke approach.

4.12 **Landscape Officer:** Objection

- The Yard is characterised by large buildings and proportionately large open spaces producing a light rural-industrial character, historically and recently is facilitating the maintenance of the Estate
- The partial daylighting of the River Ez is well-supported in principle. The retention of the existing access to Easebourne Lane with trees, is positive
- Architecturally the buildings have been clearly inspired by industrial character, with plots 4-8 being most successful. The success of this is tempered however by being an industrial character on a domestic-scale building without the existing variation of materials and non-matching facades

- The concept of seeking to use a traditional approach to the architecture of the detached properties is agreed. It is unfortunate however, that they express an 'anywhere' style reducing their contribution to the street
- The proposal has potential to create awkward relationships between residential and commercial both for people and character. The outline nature means this cannot be resolved as part of this application. The experience of entering the site from here is poor, with side elevations and parking, not appropriate for proximity to a Grade II* Registered Park and Garden
- Hard and soft landscaping schemes, and ancillary structures including car barns and bin stores not currently supported
- Overall, this quirky, interesting and characterful historic estate site has been undermined by standardisation, repetition and domestic scale buildings. Larger-scale buildings would have better achieved a characteristic scheme in terms of built form, enabling this site's distinctive qualities and history to be celebrated
- If approved, condition characteristic hard landscaping, soft landscaping, boundaries and materials throughout

4.13 Lead Local Flood Authority: No objection

Low risk of surface water flooding, high risk of groundwater flooding, watercourse runs across the site. SuDS details to be agreed. Ordinary Watercourse Consent required.

4.14 Midhurst Town Council: Support in principle

4.15 Natural England: Comments

Residential full element: No objection subject to mitigation comprising offsetting and water reduction measures being secured.

Outline commercial element: further information required on the potential impacts and scope for mitigation of the 1,000sqm commercial use, including evidence of capacity in the licenced Easebourne private water supply to serve the development, and that the increase in water will not impact upon water dependant designated sites.

4.16 Portsmouth Water: No comment

Not in Source Protection Zone for public water supply.

4.17 Southern Water: No objection

Additional foul sewage demand may require additional network reinforcement, responsibility of Southern Water to assess and mitigate. Request conditions for foul and surface water drainage details pre-commencement and occupation tied to confirmation of foul network capacity. Water supply can be provided.

4.18 Tree Officer: No objection

Minimal tree loss, partial removal of low quality hedging. Demolition and construction impacts on retained trees to be minimised.

4.19 WSCC Fire and Rescue: No objection

Condition details and provision of fire hydrants.

5. Representations

5.1 Objections received from 7 contributors, and 1 neutral, including from the Midhurst Society, (objections and neutral) and Easebourne Residents Action Group (objections). Positive comments within these representations have been listed separately under 'Support'. A summary of the comments is set out below:

5.2 Objections

Access, traffic, parking

- Existing traffic, speed concerns, congestion, junction capacity. Development would make this worse. Traffic calming required
- Traffic assessments don't take into account changing travel patterns and should consider full village/wider area
- Parking already extremely difficult, public transport not sufficiently frequent or widespread
- Only one access will increase traffic, could use existing or new Park route as well for residents and servicing
- Access for Yard too close to access for Egmont Road development
- Narrow access
- Where will parking take place for the commercial patrons/employees

Design, landscape and amenity impact

- Developments don't accord with the developer's stated principles – sympathetic expansion of Easebourne, stitch sites into settlement, embrace heritage, reveal setting and significance of listed buildings, enhance landscape and biodiversity and foster strong and healthy communities. Doesn't conserve and enhance Easebourne or Midhurst
- Has the Easebourne Parish Design Statement been used to inform the scheme?
- Higher density than surroundings, too high with small gardens and large parking areas. Lower density, more green space to sit in harmony with the Park
- No more than 16 homes
- Homogenised and suburban, missing views of the Park
- Lacks originality
- Frontage development more sympathetic and not continued for the rest of the site
- Too similar to proposals on the other two sites
- More sympathetic designs required that benefits and enhances the local area
- Higher sustainability standards required to future proof, including carbon neutral heating and EV charging

Affordable housing

- Lack of evidence on absence of affordable housing, need a mix of private and affordable on each, evenly spread
- Will the homes be genuinely affordable?

Environmental matters

- Area of high flood risk, support sustainable drainage methods
- Request green corridor along southern boundary
- Increased light and noise pollution from commercial buildings

Outline element

- Impact and significance of commercial space not fully understood

Other matters

- Phasing of development, seeking permission and building out one by one
- Negative and significant cumulative impact of combined developments on infrastructure and community

- Technical reports must be independently scrutinised
 - Lack of community engagement
 - Objections to allocation(s)
- 5.3 Neutral
- Relocation of works yard functions to be resolved first
- 5.4 Support
- Contemporary architecture and higher density housing on the Yard would be welcome
 - Opportunity for live-work
 - Pedestrian and cycle access through the Park to Midhurst
- 6. Planning Policy**
- 6.1 Legislative provisions relevant to heritage assets are detailed in Appendix I.
- 6.2 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
 - SD12 Historic Environment
 - SD28: Affordable Homes
 - SD34: Sustaining the Local Economy
 - SD66: Cowdray Works Yard, Easebourne
- 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
 - Section 16 – Conserving and enhancing the historic 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
 - Easebourne Parish Design Statement (SPD)
- 6.5 Most relevant Policies of the South Downs Management Plan (2020-2025)
- Policy 1: Conserve and enhance
 - Policy 9: Historic environment
 - Policy 25: Water efficiency
 - Policy 48: Towns and villages as social and economic hubs

- Policy 50: Housing to meet local needs, of high design and energy efficiency standards

7. Planning Assessment

Principle of development and policy context

7.1 The site lies within the settlement boundary of Easebourne and is allocated for 16-20 dwellings and up to 1,500sqm commercial floorspace under policy SD66. Therefore, the proposed development is acceptable in principle. An assessment against the criteria in policy SD66 and other policies, is set out in the following paragraphs. Reference is also made to the Easebourne Parish Design Statement (PDS) which was adopted in February 2023 and is a material consideration.

7.2 Various local concerns have been raised about the scale of development and cumulative impacts on the community and its facilities and services. The South Downs Local Plan was robustly prepared, independently tested and found sound. It remains a live local plan which has primary status in the determination of planning applications. The allocation of up to 20 dwellings on this site and up to 60 for Easebourne across the three identified sites (policies SD66, SD67, SD68) is clearly set out in the Plan. There are no additional on-site bespoke infrastructure requirements identified by the Authority, or its consultees, as necessary to facilitate or mitigate for this development.

Outline element

7.3 The allocation policy supports a mixed-use scheme. Under this application, the proposed residential element of 20 dwellings is sought in full with the proposed additional commercial space sought in outline with all matters reserved.

7.4 The application site boundary includes the southern portion of the existing courtyard adjacent to the Priory which is identified to deliver the commercial floorspace. This is slightly beyond the allocation site boundary, but is acceptable as the area identified is already in active commercial use and in the heart of the village.

7.5 The application proposes retail (Use Class E(a)), food/drink mostly consumed on the premises (Use Class E(b)) and office (Use Class E(g)(i)) uses. Advised by the illustrative material submitted and confirmed in the description, the total of 1,000sqm would include a combination of change of use, replacement buildings and new floorspace. Conditions would be imposed to ensure the split between and total floorspace per use complies with policy SD66, which limits E(a) and E(b) uses to no more than 280sqm each. The lower limit of 1,000sqm is necessary in response to the sensitivity of the site.

7.6 Although illustrative details remain light with all matters reserved, officers are satisfied that there is scope to deliver a combination of additional and change of use floorspace here for the uses stated up to a maximum of 1,000sqm total, in a sensitive manner. While access is reserved, the principle of the proposed floorspace is acceptable in terms of highway safety and capacity. The proposed uses would not have a detrimental effect on amenities of existing properties or the proposed new dwellings due to the nature of the uses and layout considerations, and conditions can be used to minimise impacts from plant, equipment, deliveries and hours of operation. It is intended that the commercial floorspace will remain on the Cowdray Estate's private water supply, which has been demonstrated by the applicant to have sufficient capacity to accommodate the additional provision under the headroom of their abstraction licence and the additional use would not impact any water sensitive sites. Natural England have been asked to confirm if this position is acceptable; part 1 (ii) of the recommendation refers. All details will be subject to further detailed assessment at reserved matters application stage including the extent of conversion, alteration, replacement and new floorspace. Conditions are also proposed to secure necessary details such as archaeology, contamination, and infrastructure, and to specify the uses approved.

Heritage assets and their settings

7.7 This is a sensitive site for its own heritage value and its contribution to the setting of Grade I and Grade II Listed buildings, a Grade II* Registered Park and Garden Cowdray Park (the site also includes a small part of the Park) and the boundary and setting of the Easebourne

Conservation Area. It is also highly archaeologically sensitive. In addition to the legislative provisions in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act and the NPPF provisions, Policy SD66 expects development of this site to comprise high quality form and fabric which sympathetically conserves and enhances the setting of local heritage assets. This applies alongside heritage policies SD12, SD15 and SD16, landscape and contextual design policies SD4 and SD5, and objective 2 of the Easebourne Parish Design Statement (EPDS).

- 7.8 Firstly, the proposal retains two buildings and two boundaries of heritage value within the site. The stone joinery workshop and brick stable form part of the outline permission for continued commercial use, the tall stone boundary wall to the south east onto Cowdray Park is retained, and the stone retaining walls and access onto Easebourne Lane which forms part of the Conservation Area remains almost unaltered. Here, a separate opening is proposed for non-motorised users through a new gap in the wall, instead of widening the vehicular entrance to facilitate footways. This approach is highly characteristic of the Easebourne Conservation Area and would enhance its character.
- 7.9 The proposed layout recognises the sensitivity of the boundaries with the Grade II* Registered Park, particularly along and immediately adjacent to the south eastern boundary and the southern corner, where new built form has been avoided and existing buildings of value have been retained. This protects the views of and the hierarchy of historic buildings that increase in size and prominence leading northwards towards the Grade I Listed Priory, and the boundary walls to which they relate. The proposed scale of buildings is appropriate given the sensitive context and key views. A stronger connection between the site and the adjacent courtyard and Priory grouping beyond is also achieved through this newly open hard landscaped space south of the joinery workshop that will be appreciated from the new public route through the site. Retention of the sequence of established lime trees along the Registered Park boundary is also important to the conservation and enhancement of heritage assets in addition to their amenity and biodiversity value. The southern part of the proposed development is set further from the boundary than existing, with roofs at first floor level pitching away from the boundary, the retention of existing trees and lower level vegetation. Boundary treatments would be post and rail and new planting proposed, including a belt of new planting along the southern boundary, to complement and enhance the existing and align with the design guidelines in the EPDS.
- 7.10 While recognising that the Estate currently have maintenance access directly into the Park for vehicular use, vehicular access for residential or commercial purposes is not supported here due to the detrimental impacts on the Registered Park, there are existing suitable accesses and the harm caused by a new vehicular access would clearly outweigh the benefits. Removing the vehicular access and providing a new public pedestrian route into the Park would be positive.
- 7.11 On the western side of the site, the proposal respects the setting of the Conservation Area and recognises the distinct differences between the character of the road frontage and the main working part of this site. Development here picks up on the looser knit and more organic domestic vernacular of the historic core in contrast to the stronger functional rural commercial character of the remainder. The more extensive use of stone, domestic detailing including window patterns, porches and dormers, and defined front gardens is consistent with existing development in the Conservation Area and therefore acceptable. The character and appearance of the designated area would be preserved. The forms, details and relationships accord with the design guidelines in the EPDS. The final site levels and quality of materials are subject of conditions.
- 7.12 Furthermore, the scheme includes the creation of an open watercourse channel and a pond, features reinstated from earlier phases of its evolution as a working yard for the Estate. This also marks the transition between historic core domestic frontage and stronger functional character of the eastern part of the site. The benefits of this in terms of green and blue infrastructure provisions and site amenity value are discussed below.
- 7.13 It was not practical to re-use and adapt the existing large storage barn and office building on site, however the form and design detailing of this building along with the positive elements

of the other stores and workshops on site have been used proactively to inform a new building in the approximate location of the existing large structure.

- 7.14 The archaeological sensitivities of the site have been reviewed and can be properly investigated and understood through the imposition of a pre-commencement condition for both elements of the project, which accords with policy SD16.
- 7.15 In summary on this issue, special regard has been had to the desirability of preserving the setting of Listed Buildings and the Registered Park and preserving or enhancing the character and appearance of the Easebourne Conservation Area. Any harm identified to designated assets would be less than substantial and outweighed by the public benefit of developing this allocated site in the manner proposed. The proposal complies with policies SD12 and SD15.

Design and amenity matters

- 7.16 The detail of the layout, form and detailing of the residential development has been inspired by an understanding of the distinctive qualities of the site and its local context and to ensure delivery on all the criteria of policy SD66, and the overarching objectives of policies SD4, SD5, SD6, SD7 and SD8.
- 7.17 Two of the key objectives for the layout were the opening up of the culverted watercourse and the provision of an easily accessible public route through the site connecting Easebourne Lane with the Registered Park (including wider connections to the public spaces and rights of way within and the adjacent farm shop/courtyard). The footpath is an important alternative quieter pedestrian route to/from Midhurst and the Park provides valuable recreational space for the community. Delivering this route is a significant benefit of the scheme under policy SD66.
- 7.18 This site is suitable for a higher density development which responds positively to the working character. This has resulted in the overall impression being of multiple large buildings arranged around hard spaces, consistent with the character of a working yard. Each block relates to a routeway or waterway which is characteristic of the historic pattern of working buildings. The simplicity of the forms and consistent use of gables also responds positively to the cluster of important heritage and ancillary functional buildings to the north of the site. The use of stone alongside brick and vertical timber complements the existing traditional materials palette.
- 7.19 Plots 4-8 actively engage with the new open watercourse and associated amenity space. Plots 9-17 form an intimate group with direct front-to front relationship across a shared access and yard used for parking. Plots 1, 8, 9-20 also provide natural surveillance via windows serving primary rooms, to the new pedestrian and cycle route through the site.
- 7.20 The replacement “big barn” would remain the largest structure on site, with an unbroken gable ended roof, vertical cladding and brickwork, regular rhythm and fenestration patterns. The relief of the existing building used in part for office and enclosed stores and in part open fronted, is picked up in the new building with wide openings at ground floor level for parking under the first floor and the back wall detailed with hit and miss style brickwork. The overhang over entrance doors is echoed to the rear where part concealed balconies are proposed.
- 7.21 The three additional blocks are simpler in form with each block different in form, character and detailing. Plots 4-8 have a good rhythm of repeated gables and active frontages onto the watercourse and access route. Parking is tucked to the rear in a shared yard, with boundaries to the public realm and the commercial area marked with walls to provide security and framing of the main street.
- 7.22 The pair of buildings framing the rear courtyard have long simple roof forms with northwest/southeast ridge lines. Plots 9-13 include decorative brick detailing that corresponds with the use of this detailing albeit to a different extent on plots 4-8. Vertical timber boarding is used on plots 14-17 to pick up on the existing workshop buildings and this visually connects this building with the largest structure, containing plots 18-20. A combination of narrow long, and wider shorter window openings provides variety and references existing development albeit in a more domestic context.

- 7.23 The separation of the residential and commercial elements of this proposal is necessary to ensure conflict is avoided. This relates in particular to two elements: alternative access and amenity impacts.
- 7.24 The existing service access from Easebourne Lane would be removed through the redevelopment however the existing access from the A272 to the north will be retained therefore the existing courtyard uses can continue to operate. Any further amendments to access to facilitate the commercial uses will be determined at reserved matters stage.
- 7.25 The nearest residential properties would be either separated from the commercial area by 10m long rear gardens in the case of plots 9-13, or abutting the corner of the commercial plot side on, in the case of plot 4. Due to the nature of the uses and the existing established commercial uses, these relationships are acceptable. Conditions are proposed to control any plant and equipment noise, and operating hours of the new commercial floorspace.

Housing mix and tenure

- 7.26 The development was subject to an extensive period of negotiation on viability, the outcome of which has influenced the housing mix and tenures and overall number of homes. The viability of the development was independently assessed by the Authority's viability consultant and negotiated resulting in an increase from zero provision initially to three affordable homes. The provision of off-site financial contributions from the King Edward VII development within Easebourne parish provided the opportunity to increase the affordable provision on the application site. The independent viability assessor confirmed that £250,000 of the KEVII affordable housing Section 106 receipts would make the development viable with two additional affordable rented homes, taking the total on site provision to five. Additionally, it was agreed that all five of the affordable homes would be passive house certified to maximise the efficiency of these homes and minimise running costs for occupants.
- 7.27 The five affordable homes would comprise 1 no 3 bed and 4 no 2 bed homes, all for affordable rent. The SPD allows for this with minimum not maximum percentages for rented tenures. Two would be offered first as rented homes for essential workers employed by and working full time on the Cowdray Estate otherwise unable to afford to live locally, with equivalent restrictions on occupancy to tied agricultural or forestry dwellings. The other three would be affordable rent for occupants from the Local Housing Authority's register. In these circumstances and in light of local needs for small rented homes, this provision is supported. The Section 106 legal agreement would secure the delivery and retention of the affordable homes and includes a viability review mechanism. The delivery of all of the affordable homes as passive houses is a particular positive of the scheme.
- 7.28 The market housing mix provides 13 no 3 bed and 2 no. 4 bed homes. The dwellings are modest in size to align with design objectives and viability position for this site. For example, the optimal design solution of flats or apartments detrimentally affected the viability and would likely therefore have jeopardised the affordable provision. Although the majority of the houses proposed are 3 bed, the sizes are on the smaller side and there is variety in the accommodation.
- 7.29 Whilst in isolation the housing mix proposed is more larger homes, once all the viability information is taken into account, the mix is considered to be the optimum outcome based on current circumstances and is in accordance with policies SD27 and SD28, the Affordable Housing SPD and NPPF.

Access and Parking

- 7.30 The existing vehicular access point onto Easebourne Lane has been confirmed by the Local Highways Authority as suitable and acceptable for use for the proposed residential element of the development, and this arrangement complies with policy SD19. The positive impact of this on the Conservation Area has been discussed above. The proposed commercial development is also acceptable in highways terms as identified in paragraph 7.6 above.
- 7.31 The scheme provides two improvements for pedestrian access; the public route through the site to the Park and a crossing point on the A272 near the site entrance on Easebourne Lane

linked into this public route (with a new separate opening through the boundary wall). These are strong positives of the scheme in accordance with policies SD66, SD19, SD20 and SD21 and will be secured through a combination of conditions and obligations within the Section 106 Legal Agreement.

- 7.32 Ideally the pedestrian route through the site would be direct and not dog leg into the corner. This route has been shown in this way in order to use the existing surfacing, avoid a double gap or overly wide gap in the existing hedging, and to avoid any potential detrimental impacts on the belt of trees that edge the historic park which are important considerations. The finer details of this entrance and route can be improved (by narrowing in parts northwards) which would also serve to prevent unauthorised vehicular use, and therefore a suitably worded condition has been included to address this.
- 7.33 48 parking spaces are proposed, a combination of on plot, allocated street and allocated covered, with visitor and accessible spaces. This accords with the requirement in the Parking SPD. EV charging is provided for every home. Cycle parking is provided on plot per home. The layout is acceptable for access by servicing and emergency vehicles and includes turning space.

Sustainable Construction

- 7.34 This proposal caters for almost the full passive house requirement for all three allocated sites, SD66, SD67 and SD68, with the shortfall of 0.8 of a house acceptable in lieu of the five passive house units all being delivered as affordable rented tenures which is a significant benefit; the ability to secure the affordable homes as passive houses is over and above the provisions of Policy SD48 and the accompanying SPD which simply seek a percentage of the total. These homes would be secured as passive through a combination of conditions to secure design-stage details, and the Section 106 Legal Agreement to ensure full delivery.
- 7.35 All dwellings would also achieve a reduction of 19% carbon emissions through a fabric first approach and 20% renewable energy generation using PV panels to be installed on each south facing roof slope. Water usage has been designed to not exceed 100 litres of mains water per person per day. EV charging facilities, covered secure cycle storage and waste and recycling facilities will be provided throughout.

Green and Blue Infrastructure

- 7.36 The new straightened and open channel for the River Ez would help alleviate existing flood risk by removing existing blockage points. The short section of culvert under the new road is acceptable and the hard engineering to create the channel and pond are necessary and would be characteristic of the existing features in the village. The proposed drainage system will make use of this new infrastructure and has been informed by site-specific investigations. Final drainage details including climate change allowance, management and maintenance will be secured by condition, and enable minimising piped solutions and use of porous or permeable surfaces, natural solutions such as rain gardens and use of soft landscaping.
- 7.37 The proposed new open route for the watercourse is a significant positive of the scheme. It will reduce flood risk locally, enhances the amenity of the site and the supporting landscaping will enhance the biodiversity value of the site. This provision also contributes to achieving compliance with policy SD45, together with the new pedestrian route through the site, the strengthening of the vegetation along the southern boundary and the retention of the mature planting in the south west corner of the site (due to the main site access being retained). Finer details for the watercourse, hard and soft landscaping and tree protection are subject of conditions.
- 7.38 The biodiversity value of the site is currently low. There is a small amount of bat activity recorded on an irregular basis and no other protected species found on site. Conditions are proposed to ensure suitable provisions are made for bats during works and in the new development in accordance with policy SD9. Site-wise, the proposed biodiversity and habitat value has been improved through revisions, including a belt of planting along the southern boundary, hedging to various boundaries, and new trees around the site. All the trees along the Cowdray Park boundary will be retained, as will the two buildings on the south eastern

boundary. The minimum enhancement would achieve 22% more habitat units and 100% net increase in hedgerows. Finer details to be agreed by condition can further improve the site conditions including species rich instead of amenity grassland, suitable soft landscaping throughout including around the pond and watercourse and new bat features within new buildings. The proposal complies with the BNG TAN.

Other matters

- 7.39 The site has a high potential for archaeological interest, that can be appropriately dealt with through a pre-commencement condition, to accord with policy SD16.
- 7.40 The site lies within the Sussex North Water Resource Zone. The existing site has no mains water usage so will rely on offsetting to be water neutral. This can be achieved by connecting a series of existing commercial and agricultural buildings on the Cowdray Estate currently served by mains water, onto boreholes. This is a joint approach between the suite of allocated sites in Easebourne and has been deemed acceptable by Natural England. On site the properties have been designed and specified to use water responsibly to ensure water neutrality. The commercial element will remain on the private water supply for which information to demonstrate sufficient capacity with no detrimental impact on water sensitive sites has been submitted. Natural England have been asked to confirm if this position is acceptable; part I (ii) of the recommendation refers. Conditions and obligations will ensure the commitments that informed the Appropriate Assessment, will be delivered on site. Private supply extractions are also regulated separately. The proposal complies with the Habitat Regulations and policies SD9 and SD10.

8. Conclusion

- 8.1 The proposed development of this allocated site complies with the requirements of policy SD66 and other policies within the South Downs Local Plan, the supporting SPDs and TANs including the newly adopted Easebourne Parish Design Statement, and the NPPF. The proposal would deliver the maximum amount of affordable housing that is viable, all of which would be passive house certified. All properties meet sustainable construction policy standards. The layout achieves the opening up of the culvert (River Ez) and associated amenity space, a new public route through the site to the historic Park and significant biodiversity net gain. The design approach has been informed by an understanding of the characteristics of the site and locality and protects the setting of sensitive designated historic assets. The additional commercial floorspace will make a positive contribution to the local economy. Overall the scheme is considered to be an appropriate and policy compliant development that will provide many advantages.

9. Recommendation and Conditions

- 9.1 Subject to a positive resolution on the water neutrality matter, 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 9.3 and the conditions set out in paragraph 9.4 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, landscaping including ecological enhancement, sustainable construction, parking and water neutrality measures.

9.3 Planning Obligations

It is proposed that a single legal agreement commits the developer and owner for the three allocated sites in Easebourne to obligations on a site by site and cumulative basis. For this site, the agreement will require:

- 5 Affordable rented homes on site
- affordable housing review mechanism
- 5 passive certified houses (plots 9-13, the affordable homes)
- water neutrality offsetting within the Cowdray Estate for the residential element

- commercial development to remain on private water supply with capped usage
- highway works to deliver the pedestrian crossing on Easebourne Lane
- securing the public pedestrian route through the site
- estate Management and Maintenance Plan

9.4 **Planning Conditions**

Implementation - Full

1. The development hereby permitted in full (as defined by the purple hatching on drawing 01486A_MP09_B_P04), shall begin 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).

Reserved matters

2. No development hereby permitted in outline form with all matters reserved within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04 shall commence until full details of the:
 - (i) Access;
 - (ii) Layout;
 - (iii) Scale;
 - (iv) Appearance; and
 - (v) Landscape;

(herein after called ‘the Reserved Matters’) have been submitted to and approved in writing by the Local Planning Authority. All applications for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

Implementation – Reserved Matters

3. The development hereby permitted in outline form with all matters reserved within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04, shall begin before the expiration of two years from the date of the approval of the last Reserved Matters, as defined in condition 2.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

Plans

4. The development hereby permitted shall be carried out in accordance with the plans and reports listed below under the heading ‘Plans Referred to in Consideration of this Application’, except where additional or amended information is required by a condition attached to this permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

Full development

Pre-commencement

Archaeology

5. No development hereby permitted, including any site clearance work and any works of demolition, in the area defined by the purple hatching on drawing 01486A_MP09_B_P04,

shall commence until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results including a timetable for the publication. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable the recording of any items of historical or archaeological interest.

Tree Retention and Protection

6. No development hereby permitted shall commence on site, including any site clearance work and any works of demolition or level changes, until an updated arboricultural method statement and protection plans to accord with the approved layout plan (01486A_MP01_B_P08) and showing additionally the retention and protection of T17 Lime and T18 Lime trees have been submitted to and approved by the Local Planning Authority and all protection measures have been installed on site. Works shall then 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.

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

Ecological protection and mitigation

7. No works shall commence until an updated Bat Survey Report has been submitted to and approved in writing by the Local Planning Authority. This shall be an update to the submitted report by WYG dated January 2020 and letter dated 5 November 2021 and include emergence surveys, recommendations for avoiding disturbance to bats during works, provisions for alternative roosting and hibernating during works and for the lifetime of the development including evidence to demonstrate integrated provisions of a minimum of 2 bat tubes into a minimum of 5 of the new dwellings.

Once approved, the recommendations shall be adhered to in full and integrated into the Construction Environmental Management Plan and used to inform the updated Biodiversity Net Gain Assessment and Biodiversity Management and Enhancement Plan required by Condition 20.

Reason: To ensure the development complies with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

Demolition and Construction Environmental Management Plans

8. No development hereby permitted, including any site clearance work and any works of demolition, in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence, until a Demolition Environmental Management Plan and a Construction Environmental Management Plan (or a combined document) have been submitted to and approved in writing by the Local Planning Authority. These shall include but not be limited to, details of the following:
 - a programme for carrying out the works;
 - hours of work;
 - the anticipated number, frequency and types of vehicles used during demolition and construction, routing and timing of access;
 - the parking of vehicles by site operatives and visitors;
 - the location of site office and welfare facilities, and sales office;
 - storage of plant and materials;
 - the erection and maintenance of security hoarding;

- measures to minimise noise and vibration, dust, dirt and other contaminants generated by the demolition and construction process;
- measures to avoid damage including protecting historic structures, trees, other vegetation and the water course including buffer zones, barriers, pollution control and avoiding vibration effects;
- 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 protected species and other important habitats in accordance with the details secured under condition, and
- public engagement both prior to and during the construction works.

The approved Demolition and Construction Environmental Management Plans shall be adhered to throughout the demolition and construction periods. 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.

Contaminated Land

9. No development hereby permitted, excluding site clearance and demolition works, in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence, until a further Phase 2 intrusive investigation report (see section 6.1 of the Geo-Environmental report dated 6/4/21) has been submitted to and approved in writing by the Local Planning Authority. This shall detail all investigative works and sampling on site, together with the results of the analysis.. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

Contaminated Land Remediation

10. If the Phase 2 report submitted pursuant to Condition 9 identifies that site remediation is required then no development hereby permitted, excluding site clearance and demolition works, in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority specifying how the remediation will be undertaken, what methods will be used and what is to be achieved and any ongoing monitoring to be undertaken. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. Thereafter, the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

Unexpected Contamination

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 24

hours to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, to protect health and to ensure that risks from land contamination to neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

Foul drainage

12. No development hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence (excluding demolition and site clearance) until final details of the proposed means of foul water disposal including on and / or off site works, including evidence of an agreed timetable for delivery of any off-site capacity increases necessary to facilitate the development to coordinate with the build programme, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved foul drainage provisions shall be implemented as approved.

Reason: To ensure the development is adequately drained and to minimise flood risk.

Surface Water Drainage

13. No development hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence (excluding demolition and site clearance) until final details of the works to the watercourse and proposed means of surface water conveyance, management and disposal including on and / or off site works, have been submitted to and approved in writing by the Local Planning Authority.

The final details shall demonstrate how the surface water drainage design is integrated with the watercourse works subject to ordinary watercourse consent that will also be submitted under this condition, and shall include drainage ponds, at-surface water transfer features, rainwater gardens, and water butts, along with all opportunities within the landscaped areas across the development to receive and sustainably manage surface water. The surface drainage scheme shall include sufficient capacity to accommodate a 1 in 100 year critical storm event plus 45% for climate change. Full details of the management and maintenance of the watercourse and surface water drainage network on site shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Levels Details including Finished Floor

14. No development hereby permitted (excluding demolition and site clearance but including changes to ground levels) in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence until full details, including plans and cross sections of the existing and proposed ground levels of the development, the boundaries of the site, the height of the ground floor slabs of each building and damp proof course, in relation to a nearby datum point and including reference points taken from existing structures adjacent, have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out 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.

Fire Hydrants

15. No development hereby permitted, excluding site clearance and demolition works, in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence until details showing the proposed location of fire hydrants sufficient to ensure no dwelling is

more than 150m from a hydrant suitable for firefighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of health and safety and to comply with The Fire & Rescue Service Act 2004.

Sustainable construction

16. No development above ground floor slab level hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall commence unless and until a Design Stage Sustainable Construction report with accompanying plans has been submitted to and approved in writing by the Local Planning Authority. This report shall set out how the development will meet the requirements of the Sustainable Construction SPD (Appendix 4 checklist) 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 demonstrated through SAP data. The report shall also detail and confirm the integration of all measures to limit mains water use to a maximum of 100 litres per person per day and be in accordance with the recommendations in paragraph 6.4 of the Clarke Saunders Acoustic Design report ASI1775.210615.ADS.1.1 (Stage 2) | 19/07/21.

For Plots 9-13 (as shown on drawing 01486AMP-1_B_P08) details shall include a Passivhaus Planning Package (PHPP) report demonstrating design is on target for passive house certification covering: space heating demand; airtightness; u-values; overheating; renewables; primary energy.

Thereafter, the development shall be undertaken in full accordance with the approved details with all provisions retained in accordance with the agreed specifications. For the avoidance of doubt, like for like or equivalent replacement equipment installed during the life of the development that meets the minimum specifications approved would not require agreement from the Local Planning Authority.

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

Materials and Finishes

17. Notwithstanding the details on the approved plans, no development hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be carried out above ground floor slab level until a full schedule of all external materials and finishes for buildings including green roofs, 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 and environmental credentials of materials. External surfacing details shall be in accordance with the details approved under Condition 13 (drainage).

Sample walling shall be made available for inspection on site including a sample walling panel of finished brickwork with mortar and another of finished stonework with mortar and any quoining or other detailing, 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.

Architectural details

18. No development hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be carried out above ground floor slab level until full details of the following architectural features and equipment drawn at an appropriate scale and

supported by technical information where applicable have been submitted to and approved in writing by the Local Planning Authority.

- (i) Window reveals
- (ii) Eaves and soffit details
- (iii) Textured brick detailing
- (iv) Chimneys
- (v) Porches and canopies
- (vi) Balcony and rail detailing
- (vii) Rainwater goods
- (viii) Rain gardens (details to accord with condition 13)
- (ix) Boundary walling
- (x) Renewable energy generation equipment (including technical details to minimise impacts on amenity)
- (xi) EV charging equipment (including technical details to demonstrate suitability)

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

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

Utilities and Telecommunications

19. No development hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be carried out above slab level 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 as an essential utility.

Soft landscaping

20. Notwithstanding the details on the submitted plans, no development hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be carried out above ground floor slab level, 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 be supported by an updated Biodiversity Net Gain Assessment and Ecological Mitigation and Enhancement Plan alongside integrating all elements of Condition 7, together with the arboricultural commitments secured under Condition 6, details of sustainable drainage secured under Condition 13 and sustainable construction and resource use details secured under Condition 16. This shall include the narrowing of the existing maintenance access between the site and Cowdray Park to suit the new pedestrian only use.

The scheme shall prioritise native species suitable to the location, climate and soils of the site, maximise biodiversity value 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 and 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 which shall be complied with at all times.

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

Pedestrian Route

21. Notwithstanding the details on the approved plans, no dwelling in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be occupied until full details of the pedestrian access to the site from Easebourne Lane and through the site to Cowdray Park have been submitted to and approved in writing by the Local Planning Authority.

The details shall include elevations, plans and sections to demonstrate surfacing, gradients, widths boundary treatments and any demarcation or measures to prohibit vehicular or motorised use of these access points.

The pedestrian access shall be constructed in accordance with approved details and made available for use in accordance with a timetable to be agreed under this condition.

Reason: To ensure safe and practical access for pedestrians into and through the site.

Fire Hydrants

22. No dwelling in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be first occupied until the fire hydrants approved under Condition 15 have been installed and connected to a water supply appropriate in terms of both pressure and volume for the purposes of firefighting. The equipment shall be maintained to ensure it is suitable and available for use at all times.

Reason: In the interests of health and safety.

Pre-occupation/use verification (contamination)

23. Unless explicitly dispensed of in writing by the Local Planning Authority following the analysis of appropriate evidence, no dwelling hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be brought into use 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 9, 10 and 11 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.

Parking and turning

24. No part of the development in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be occupied or used until such time as the vehicle and motorcycle parking and turning spaces serving that part of the development have been constructed in the locations marked on approved plan 01486A_MP01_PO2_D and in accordance with details approved under Conditions 13, 17 and 18.

Reason: To ensure the new development is fully served by an appropriate level of parking and turning provision for motorised transport.

Refuse and recycling

25. No dwelling in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be first occupied until details of refuse and recycling storage facilities for each dwelling have been submitted to and approved in writing by the Local Planning Authority and installed on site in accordance with the approved details. The approved refuse and recycling storage facilities shall thereafter be retained as approved.

Reason: To ensure suitable provision per dwelling to encourage proactive management of waste and to preserve the residential and visual amenities of the locality.

Cycle provision

26. No dwelling in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be first occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles per dwelling have been submitted to and approved in writing by the Local Planning Authority and installed on site in accordance with the approved details. The approved cycle storage facilities shall thereafter be retained as approved.

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

Residential EV

27. No dwelling in the area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be first occupied until the EV charging facilities that relate to that dwelling approved under Condition 16 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.

External lighting

28. Notwithstanding the submitted details and prior to first occupation of the development hereby permitted in the area defined by the purple hatching on drawing 01486A_MP09_B_P04, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. 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.

Parking and turning areas to be retained

29. 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 area defined by the purple hatching on drawing 01486A_MP09_B_P04 shall be used solely for parking purposes incidental to the occupation and enjoyment of the dwelling units and associated manoeuvring room. The accesses, car ports, car barns, 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.

Outline development

Pre-commencement

Archaeology

30. No development hereby permitted within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04, shall commence until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results, including a timetable for the publication. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: To enable the recording of any items of historical or archaeological interest.

Construction Environmental Management Plans

31. No development hereby permitted including any site clearance work and any works of demolition within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04, until a Construction Environmental Management Plan (or a combined document) have been submitted to and approved in writing by the Local Planning Authority. These shall include but not be limited to, details of the following:
- a programme for carrying out the works;
 - hours of work;
 - the anticipated number, frequency and types of vehicles used during demolition and construction, routing and timing of access;
 - the parking of vehicles by site operatives and visitors;
 - the location of site office and welfare facilities;
 - storage of plant and materials;
 - The erection and maintenance of security hoarding;
 - measures to minimise noise and vibration, dust, dirt and other contaminants generated by the demolition and construction process;
 - measures to protect historic structures and other existing buildings and boundaries to be retained;
 - a scheme for minimising, re-using, recycling and suitably disposing of waste resulting from demolition and construction works;
 - 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 protected species and other important habitats, and
 - public engagement both prior to and during the construction works.

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

Reason: In the interests of highway and pedestrian safety, protection of amenities, the environment and heritage assets.

Ecology

32. The first reserved matters application will be submitted with an Ecological Impact Assessment that updates and expands the Ecological Appraisal by WYG dated November 2019, Bat Survey Report by WYG dated January 2020 and addendum letter by Tetra Tech dated 5 November 2021 to include the full extent of the outline site area. The recommendations of the Assessment shall be integrated into the detailed development proposals.

Reason: To ensure habitats and species are appropriately assessed at the time of submission, at it is important that the surveys reflect the situation at the time on any given impact occurring in order to ensure adequate mitigation and compensation can be put in place and to ensure that no offences are committed.

Contamination Action Plan

33. No development permitted, including any demolition or works that disturb the ground within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04, 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.

Unexpected contamination

34. If, during development within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Levels and sections

35. The reserved matters application(s) shall include plans and cross sections of the existing and proposed ground levels, including finished floor levels, associated with the development and their relationship to existing buildings, structures, landforms and features.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings which are particularly sensitive historically.

Foul and Surface Water Drainage

36. No development hereby permitted in the area defined by the yellow hatching on drawing 01486A_MP09_B_P04 shall commence until final details of proposed means of foul drainage, and surface water conveyance, management and disposal have been submitted to and approved in writing by the Local Planning Authority.

The surface drainage scheme shall maximise use of infiltration where feasible and at-surface water conveyancing features and include sufficient capacity to accommodate a 1 in 100 year critical storm event plus 45% for climate change. Full details of the management and maintenance of the surface water drainage network on site shall be submitted. The scheme shall subsequently be implemented in full accordance with the approved details.

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

Commercial noise

37. From the date of first occupation of the approved development within the area defined by the purple hatching on drawing 01486A_MP09_B_P04, no plant or other fixed noise source equipment within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04 shall be installed until a noise assessment in accordance with the requirements of BS4142:2014+A1: 2019 has been submitted to and approved in writing by the Local Planning Authority. The requirements of the assessment are to be implemented in full and thereafter retained.

Reason: To protect amenity and the quality of the local environment.

Compliance – during operation

38. The commercial floorspace hereby approved within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04, shall only be used for purposes within Class E(a), (Eb) and E(g)(i) 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.

The total commercial floorspace hereby granted shall not exceed 1,000sqm and within that 1,000sqm for uses falling within Class E(a) the maximum net sales floorspace shall not exceed 280sqm, and uses falling within Class E(b) the maximum net sales floorspace shall not exceed 280sqm.

For the avoidance of doubt this condition applies only from the date of first use of the development approved in outline form under planning permission SDNP/21/04040/FUL and does not affect the uses operating on site outside of the remit of that planning permission.

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

39. Operating hours for commercial space

The use of the commercial floorspace hereby approved within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04 hereby permitted shall not take place other than between the hours of:

- (i) 08:00 to 19:00 Mondays to Fridays
- (ii) 08:00 to 17:00 Saturdays
- (iii) 09:00 to 17:00 Sundays and Public/Bank Holidays

For the avoidance of doubt this condition applies only from the date of first use of the development approved in outline form under planning permission SDNP/21/04040/FUL and does not affect the uses operating on site outside of the remit of that planning permission.

Reason: To protect the residential amenities of the locality.

Maximum water use

40. The combined water usage from the total commercial floorspace hereby permitted within the area defined by the yellow hatching on drawing 01486A_MP09_B_P04, to include personal employee and business purpose usage, shall at no time exceed 891m³ per calendar year and shall not at any time be sourced from the mains supply network. Measures integrated into the development to comply with these requirements and otherwise minimise water use shall be included with the reserved matters application(s).

Reason: To ensure that future water usage at the site does not exceed the available licensed capacity within the Easebourne Private Supply or have an adverse ecological or hydrological impact.

Deliveries to commercial units

41. No deliveries shall be made to the commercial floorspace 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.

For the avoidance of doubt this condition applies only from the date of first use of the development approved in outline form under planning permission SDNP/21/04040/FUL and does not affect the uses operating on site outside of the remit of that planning permission.

Reason: To protect the amenities of the locality.

TIM SLANEY

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Appendices I. Information concerning consideration of applications before committee

SDNPA Director of Planning, Legal Services
Consultees

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](#)

[Easebourne Parish Design Statement \(southdowns.gov.uk\)](#)

Appendix I – 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, within the settlement boundary of an established village and considered not to represent major development for the purposes of Paragraph 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 the conclusions are set out in the Assessment section of the main report.

Legislation for Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining applications for planning permission and listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) establishes the general duty as respects conservation areas in exercise of planning function. Section 72 (1) requires “special attention to be paid to the desirability of preserving or enhancing the character and appearance of that area”.

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 SD42 - Infrastructure
- Development Management Policy SD44 - Telecommunications and Utilities Infrastructure
- Strategic Policy SD45 - Green Infrastructure
- 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
- Allocation Policy SD66 – Cowdray Works Yard, Easebourne
- Allocation Policy SD67 – Land at Egmont Road, Easebourne
- Allocation Policy SD68 – Easebourne Primary School, Easebourne

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)
- Easebourne Parish Design Statement – adopted February 2023

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.

