

**Agenda Item 6**  
**Report PC21/22-56**

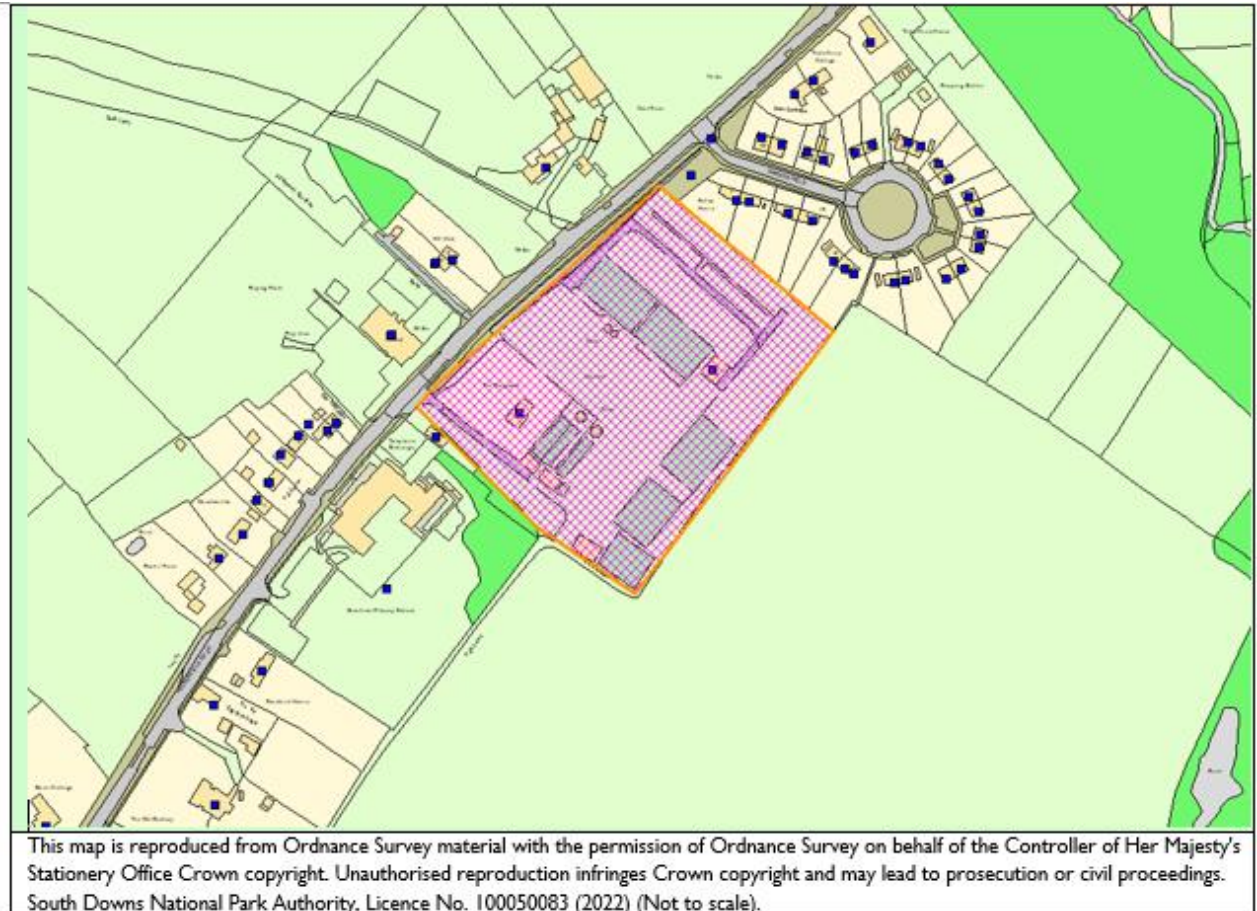
Report to **Planning Committee**  
Date **14 July 2022**  
By **Director of Planning**  
Application Number **SDNP/21/04848/FUL**  
Applicant **Cove Construction Ltd, Peter Catt, Vincent Catt and Neil Cat**  
Application **Development of 37 dwellings (including affordable homes), alterations to existing access onto Petersfield Road, hard and soft landscaping, drainage and all other associated development works**  
Address **Liss Forest Nursery, Petersfield Road, Greatham, Liss GU33 6HA**

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**Recommendation: That the application be refused as set out in paragraph 10.1 of this report**

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## Site Location Map



## Executive Summary

- The application site is a large horticultural nursery within the defined settlement policy boundary of Greatham. It is situated on Petersfield Road adjacent to the primary school and opposite to the village hall and recreation ground. It is also predominantly on higher ground compared to Petersfield Road, from which glasshouses can be seen. The site is within the proximity of Wealden Heaths Phase II Special Protection Area (SPA) and Woolmer Forest Special Area of Conservation (SAC).

### Key considerations:

- The site is allocated for residential redevelopment in policy SD71 of the South Downs Local Plan 2019 for 35-40 dwellings, associated open space and a new shop.
- A 37 dwelling scheme is proposed which seeks to address previous reasons for refusal for a scheme of similar size in March 2021. The proposed layout is largely similar to the previous scheme and the majority of revisions have focussed on the design of the dwellings, including materials, siting and orientation.
- The Parish Council have raised a broad range of concerns including the design of the scheme, sustainability and car parking, lack of a shop, amongst other matters. The proposed revisions have gone sufficiently far to address the previous reason for refusal, albeit third party representations and consultees (design and landscape officers) raise concerns.
- A 21.6% affordable housing contribution is proposed, based on submitted viability appraisal information. This has been scrutinised by the SDNPA's surveyors (Bruton Knowles) who have raised sufficient concern to justify a reason for refusal insofar as a higher provision is deemed possible. The application is recommended for refusal on this basis.
- The scheme would have a likely significant effect upon the SPA and SAC in regard to increased recreational disturbance from new residential development, which needs to be mitigated for. Such mitigation involves a financial contribution, which has been agreed with

the Applicant, for various measures outlined in the report.

- Given the first reason for refusal of lack of affordable housing, a second reason for refusal is recommended which requires that the SPA/SAC mitigation and other matters are secured via a Legal Agreement.
- The second reason also includes other matters that would also need to be secured, including contributions towards highways, securing the public open space, and a permissive path through the open space between Petersfield Road and the south east corner of the site to join up with the adjacent public right of way.
- The application is placed before committee due to the scale of the development, the policy considerations and design issues, the level of local interest and previous committee consideration.

## **I. Site Description**

- 1.1 Greatham is a small village with a conservation area, primary school, village hall and playground and has good access to the main A3 via its road links at the north and south ends of the village. There is an eclectic mix of styles, ages, forms and detailing of properties and varied building lines and setbacks from roads, as well as differing boundary treatments and planting. Ironstone is a material seen in properties and boundary walls of older properties.
- 1.2 The application site is in the northern part of Greatham and comprises of a horticultural nursery, which is still active. There are various large greenhouses, poly tunnels, storage areas, and hardstanding areas. The site is bordered by a mix of fencing, hedging and trees, including an area of mature trees at its south west edge which are subject to a group TPO.
- 1.3 The site access onto Petersfield Road is adjacent to the primary school and opposite the village hall and recreation ground. From the road, the site slopes downwards towards its north east corner but it is also on higher ground to Petersfield Road, from which glasshouses can be seen. On the opposite side of Petersfield Road is a listed farmhouse (Deal Farm). Within the field south east of the site, there is a public right of way from which the glasshouses are visible. The site is approximately 115m north of the conservation area.
- 1.4 The site is within the vicinity of the Wealden Heaths Phase II Special Protection Area (SPA) and Woolmer Forest Special Area of Conservation (SAC) and the Longmoor MOD camp which is designated as a Site of Special Scientific Interest (SSSI).

## **2. Relevant Planning History**

- 2.1 SDNP/18/01316/SCREEN: Screening Opinion sought in relation to residential development up to 55 dwellings. Decision issued 28.03.2018; Environmental Impact Assessment (EIA) not required.
- 2.2 SDNP/17/05087/PRE: Redevelopment of the site with different options; (1) 39 dwellings plus a care home; (2) 65 dwellings including flats; and (3) 59 dwellings. Advice provided 23.01.2018.
- Loss of a business use in favour of housing being considered through Local Plan process.
  - Need to demonstrate that the scheme meets emerging policies and specifically the allocation policy.
  - Considered major development in NPPF terms.
  - Provision of care home contrary to policy.
  - All 3 development options were an unacceptable scale of development.
  - Proposals for a shop need to be given consideration.
  - Appropriate housing mix required.
  - Policy compliant affordable housing provision required.
  - A landscape-led and eco-systems services approach required.
  - Sense of place within the scheme needs to be achieved through layout, public realm, scale, appearance, architecture and materials.
  - A contemporary architectural approach may be acceptable.

- Encourage use of Design Review Panel, once evidence base has been progressed.
- 2.3 SDNP/18/06111/FUL: Development of 37 dwellings (including affordable homes), alterations to existing access onto Petersfield Road, hard and soft landscaping, drainage and all other associated development works. Application refused (via SDNPA Planning Committee) on 15.03.2021 for the following reasons (no Appeal was submitted):
- The layout, particularly the siting of dwellings in a uniform approach and design of the proposed dwellings, including the use of materials, not satisfactorily informed by the surrounding built character, the settlement pattern, and the site's edge of village location.
  - Unacceptable suburban development which would not contribute to local distinctiveness and sense of place, nor result in a positive contribution to the overall character and appearance of the area and National Park landscape.
  - Not satisfactorily demonstrated that 50% on-site affordable housing contribution could not be achieved.
  - Lack of mitigation for recreational pressures from new development upon the Wealden Heaths Phase II Special Protection Area (SPA) and the Woolmer Forest Special Area of Conservation (SAC).
  - Absence of a S106 Legal Agreement to secure (1) on site open space, an affordable housing contribution, transport contributions; and a permissive path between Petersfield Road and the eastern site boundary.

### 3. Proposal

3.1 The following housing mix is proposed:

Dwelling size	Market	Affordable	Total
1 bed	-	2	2
2 bed	9	4	13
3 bed	10	2	12
4 bed	7	-	7
5 bed	3	-	3
Total	29	8	<b>37</b>

3.2 Out of the 37 dwellings proposed, 29 would be open market whilst the remaining 8 would be affordable dwellings with a shared ownership tenure. These 8 dwellings equate to a 21.6% affordable housing contribution.

#### Proposed layout

3.3 The siting of the existing access would be retained and upgraded to accommodate the development. The area of protected trees adjacent to the access would be retained. The dwellings would be set back within the site and arranged in a perimeter block layout, with public open space around the periphery which dwellings would face onto.

3.4 There would be semi-detached and link-detached properties on the north west side, facing Petersfield Road, which would be a denser street frontage in comparison to the opposite south eastern side where there would be a row of larger detached properties. Within this perimeter arrangement, a central area of dwellings is also proposed which would face onto a shared surface and new landscaping. The internal road would have a varied width and curvature around the site to try to achieve a more rural character and manage vehicle speeds. A row of 9 dwellings are proposed along the north east site boundary with rear gardens backing onto Bakers Field.

### Parking

- 3.5 93 car parking spaces are proposed, including 8 visitor spaces. There would be a minimum of 2 off street spaces per dwelling predominantly arranged as tandem parking, whilst driveways for the detached properties would be wide enough for cars to park side by side and have more parking. Single garages are proposed whilst others would have car ports. The visitor spaces and 3 unallocated spaces would be provided around the internal road.

### The dwellings

- 3.6 A traditional style of architecture is proposed with a mix of gabled and hipped roofs. All dwellings would be 2 storey and, overall, there would be a range of porches, architectural detailing and features including projecting brick courses, cills and arches, quoining, bay windows and trellis work on porches. Window styles also vary between dwelling typologies. Chimneys are also proposed. Attached single garages would have pitched roofs and be set back from front elevations. Car ports between the link detached properties would have flat green roofs and be set back also. A variety of facing materials are proposed. These include brick, tile hanging, white painted brickwork and ironstone.

### Sustainable Construction

- 3.7 The fabric of the dwellings would achieve a 13.99% reduction in CO2 emissions. In addition renewable technology is proposed either via solar PV and air source heat pumps to the extent that a 39% reduction on CO2 emissions would be achieved. Each dwelling is proposed to include measures to reduce water consumption to meet policy SD48. Electric vehicle charging points would be fitted to all dwellings.

### Drainage

- 3.8 Foul drainage would converge on the new underground pumping station which in turn would be connected to a mains sewer. This would be in the north east corner of the site and would have a grasscrete surfaced access through the open space.

Surface water would be managed via a piped system to the Suds basin and a grate system and some swales would be created. Some isolated rain water gardens are proposed alongside the internal road. These are more extensive than the previous application.

## **4. Consultations**

- 4.1 The following consultee responses have been received. Amended plans involving relatively minor alterations were received during the application process and consultees were notified of this.
- 4.2 Arboriculture: No objection.
- 4.3 Archaeology (HCC): **No objection.**
- 4.4 Drainage Engineer (EHDC): **No objection, subject to conditions.**
- 4.5 Greatham Parish Council: **Objection for the following reasons:**
- No objection in principle; improvement on previous submission but still have concerns.
  - Inadequate consultation with the Village; further public engagement required.
  - Density and number of dwellings too high given settlement pattern and village character and creates pressure upon amount of hardstanding, parking, wildlife and local services.
  - Poor integration with the village; need to explore idea of a community hub (café, shop).
  - Concerned private management company maintaining the site as residents may feel cut off from rest of village; parish or district council responsibility preferred.
  - No completed S106 Agreement to secure contributions towards village amenities and mitigation regarding Wealden Heath.
  - Drainage scheme needs to avoid additional surface water flooding issues for neighbours.
  - The 'Goat Path' should be preserved.

#### Parking, access and traffic

- Increased traffic congestion; access close to school entrance and traffic calming area could create issues at peak times, hazardous to children walking to school.
- Require improved crossing point to access the village hall.
- Poorly designed parking provision; tandem parking not supported, will lead to on-street parking, insufficient visitor parking.
- Highways contribution should fund improvements to off road walking and cycling routes.

#### Sustainability

- Further green roofs and rain water capture needed.
- Minimum proposed to satisfy requirements; development should be fossil free, maximise renewable technologies, home insulation and EV charging points.

#### Design

- Materials proposed improve upon previous proposals but UPVC not appropriate.
- Design of the houses is more varied and includes features which reflect Greatham.
- Open space near entrance needs to be more interesting and inviting for place making.

4.6 Ecology: **No objection, subject to condition.**

4.7 Environmental Health (pollution): **No objection subject to conditions.**

4.8 Environmental Health (ground contamination): **No objection, subject to conditions.**

4.9 Highways Authority: **No objection, subject to conditions and a financial contribution of £75,000 being secured via a S106 Legal Agreement.**

- Contribution would go towards improving more sustainable travel infrastructure, such as cycle infrastructure towards Liss railway Station, bus service infrastructure, and improving pedestrian crossings, Travel Plan and monitoring.

4.10 Housing (EHDC): **Objection.**

- Policy compliant scheme of affordable housing not proposed.
- Affordable housing as a wholly shared ownership tenure unacceptable.
- Siting of affordable dwellings within the scheme acceptable.
- Viability needs to be scrutinised before agreeing affordable housing provision.

4.11 Landscape and Design (joint response): **Objection on sustainable construction grounds, neutral in all other respects.**

#### Layout and design of dwellings

- Landscape strategy of the layout acceptable and provides good space for landscaping and public open space, but suburban character unavoidable in developed area given number of units and house types.
- Layout and road design improved but perimeter block layout does not reflect the contextual urban grain of the village.
- Variety in street scenes improved but limited by using house types.
- Boundaries could be improved with more hedging, walls and less close board fences.
- Pumping station is overly emphasised in the design by surrounding hedgerow.

#### Landscaping & drainage

- Landscape scheme needs to be characteristic of Greatham.

- Rain water gardens, swales and ponds need to maximise multiple benefits (eg. positive spaces for wildlife) and be of a naturalistic design.

#### Elevations

- Better detailing shown but still to a degree not locally characteristic as reliant on standard house types; more bespoke design needed.

#### Materials

- Red brick, clay tile hanging, clay tiles and slate roofs acceptable and use of ironstone positive, but latter insufficient in buildings and boundaries.

#### Sustainability

- Reduction in CO2 emissions of 14% through fabric and 25% via solar PV and air source heat pumps would achieve an overall 39% reduction and water consumptions target met.
- No passive house dwellings proposed.
- Support the EV charging points.
- Insufficient green roof provision.

4.12 Lead Flood Authority (HCC): **No objection, subject to condition.**

4.13 Natural England: **Objection.**

- Mitigation towards increased recreational pressure upon designated sites (Woolmer Forest SSSI and SAC, which is also part of the Wealden Heaths Phase II SPA).required. A proportionate financial contribution towards a local project for recreation enhancements would be an acceptable approach.

4.14 Portsmouth Water: **Response received, no comments.**

4.15 Public Rights of Way (HCC): **No response received.**

4.16 Southern Water: **No objection.**

## **5. Representations**

5.1 60 objections have been received. These raise the following considerations:

- Object in principle; is major development and loss of the nursery.
- Concerns of local community not addressed and lack of engagement.
- Insufficient affordable homes and poorly sited.
- Lacks connection with the village and opportunity to create a centre missed. No community benefits, need for a new shop/café/community hub to integrate the scheme.
- Capacity of the school and doctors surgery.

#### Scale & design

- Too many dwellings high density, too many large dwellings and smaller properties including bungalows required, plus garden sizes too small and too much hardstanding.
- Some limited general support for improved design of properties but predominantly concerns on house sizes and designs and use of materials not locally distinctive.
- Layout and architecture too suburban, not in keeping with village and rural character; doesn't fit in with the settlement character and poor relationship with existing dwellings.
- Wish to see self-build plots to allow a mix of characters.
- Roof heights excessive which will make dwellings too visible, block wider views and have an urbanising impact on rural and historic character of Petersfield Road and too visible.
- Concern whether open space can be used by existing residents and landscaping/open space needs to join up with pilot pollinator project in the village.

- Impact on listed buildings and boundary walls.
- Site has poor drainage and flooding of Bakers Field rear gardens will be exacerbated from increased development.

#### Sustainability

- Development needs to be a carbon neutral scheme with good use of renewable technologies and EV charging points; avoid gas boilers.
- Need to better utilise rainwater harvesting, rain gardens and SUDs.

#### Landscape & ecology

- Not sensitive to the National Park context setting of Greatham in the landscape; harm to openness and sense of place and dark night skies, plus impact on views from PROW.
- More native landscaping and a reduction in proposed hardstanding required.
- Impact on wildlife and insufficient biodiversity enhancements.

#### Parking & access

- Need broader consideration of parking and traffic congestion associated with the school and parent's using village hall car park at peak times; highway safety issues.
- Concern parents parking in new development to pick up children.
- Increased traffic and highway safety concerns due to poor visibility of access.
- Onsite parking insufficient and obtrusive in street scenes; don't support tandem parking.
- Concern of overflow parking onto Petersfield Road and village hall car park.
- Need improved cycle/walking routes to Liss.

#### Amenity

- Harmful overlooking, loss of privacy, outlook, noise and light pollution as well as impacts during construction including upon the school.

## 6. **Planning Policy**

### 6.1 Relevant Sections of National Planning Policy Framework:

- NPPF02 - Achieving sustainable development
- NPPF05 - Delivering a sufficient supply of homes infrastructure
- NPPF11 - Making effective use of land
- NPPF12 - Achieving well-designed places
- NPPF - Conserving and enhancing the natural environment

### 6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 2)

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD10 - International Sites
- Strategic Policy SD28 - Affordable Homes
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD71 – Land at Petersfield Road, Greatham



- 6.3 The following policies of the Hampshire Minerals and Waste Plan 2013 are relevant to this application:
- Policy 15: Safeguarding minerals
- 6.4 The SDNP designated the Greatham Neighbourhood Area on 12 June 2019. This is the first stage in developing a Neighbourhood Development Plan (NDP) in defining the area that the NDP will apply. At present, an initial draft NDP has not been published for consultation and therefore there are no draft policies to consider applying any weight to.
- 6.5 Relevant Policies of South Downs Management Plan (2020-2025)
- Partnership Management Plan Policy 1
  - Partnership Management Plan Policy 3
  - Partnership Management Plan Policy 50
- 6.6 Other Relevant Policy Documents (including SPDs and TANs)
- Adopted Affordable Housing Supplementary Planning Document (SPD)
  - Adopted Parking SPD
  - Adopted Sustainable Construction SPD
  - Draft Design SPD
  - Dark Skies Technical Advice Note (TAN)
  - Ecosystems Services Statement TAN

## **7. Planning Assessment**

### Background

- 7.1 This current application is the second scheme before Members. The first application was refused in March 2021 and no subsequent appeal was lodged. Instead, the same applicant has sought to address the reasons for refusal through revisions and further information including a viability appraisal concerning affordable housing provision. These aspects are considered in more detail below.

### Principle of Development

- 7.2 The proposed development does not constitute major development for the purposes of the NPPF and policy SD3. The scheme is an allocated site for new residential development in the Local Plan, which has undergone consideration during the Local Plan adoption process. At this application stage, the layout scale and design of the scheme and the site's context of being enclosed by development on 3 sides would result in the scheme not having a significant adverse impact on the purposes for which the area has been designated or defined.
- 7.3 As an allocated site, the principle of development is established. Policy SD71 states a range of 35-40 dwellings, associated open space, and a shop would be permitted. The 37 dwellings proposed are clearly within this range.
- 7.4 A shop was included in the very original scheme of the first application. However, through discussions at that time it was omitted. The current proposals continue to omit a shop, however, local representations have raised concern again regarding its omission. It's not an absolute requirement of SD71, rather, it would be acceptable in principle were it to be proposed.
- 7.5 Criteria (2) and (3) of SD71 outline a range of requirements and, overall, the scheme meets with these, as below:

<b>Policy SD71 criteria</b>	<b>Met?</b>	<b>Comment</b>
2a- Provide a clear transition in form, layout and build intensity from Petersfield Road eastwards towards the countryside.	Yes	Via the design of the scheme.
2b –Conserve and enhance the setting of local heritage assets and use local building materials to reinforce local distinctiveness.	Yes	Via the design of the scheme.
2c – Provide suitable mitigation towards the Wealden Heath SPA	Yes	But not secured via S106.
2d – Mitigate any increases in surface water flooding	Yes	Via the design of the scheme.
2e – No significant harm to groundwater resources.	Yes	Suitable foul and surface water drainage scheme proposed and no objection from consultees.
2f – Retain the existing vehicular access and provide safe access/egress; improve access and off site highway works	Yes	New upgraded junction with pedestrian crossing.
2g-Provide publicly accessible pedestrian route from Petersfield Road to existing PROW east of the site.	Yes	Via the design of the scheme, but not secured via S106.
2h - Provide significant open space which also provides a transition with the countryside	Yes	Via the design of the scheme.
2i - Retain existing mature trees and site boundaries	Yes	Via the design of the scheme.
3 (a) and (b) To positively contribute to ecosystems services; (a) protect and enhance trees and new tree planting required; and (b) new planting be suitable for pollinating species.	Yes	Via the design of the scheme.

7.6 In addition, the scheme would accord with policy SD2 Through a detailed landscape design and open space provision, the proposals could meet a range of its policy criteria which could include:

- Better and more joined up habitats through the landscape scheme to enhance biodiversity.
- Managing and mitigating the risk of surface flooding.
- Increasing the ability to store carbon through new planting.
- Improving opportunities for people’s health and wellbeing with increased open space and better access to the countryside.

7.7 Policies SD9 and SD10 seek to conserve internationally and nationally protected sites. The Woolmer Forest SSSI and Wealden Heaths SPA are in close proximity to Greatham. Through discussions with the Applicant, Natural England and SDNPA officers a financial contribution towards mitigating recreational pressures has been devised. This has not yet, however, been secured via a Legal Agreement and as such a reason for refusal is recommended given the position regarding affordable housing.

### Design considerations

- 7.8 Policies SD4 and SD5 are pertinent regarding the design of the scheme. Whilst there are concerns raised jointly by the design and landscape officers, overall, the scheme is considered to sufficiently address these policies for reasons below.
- 7.9 The previous application was not considered in design terms to have sufficiently achieved a locally distinctive approach. A key aspect of this was that whilst the dwellings were of a traditional style, there was too much of a consistent approach to house typologies in terms of footprints and building forms within the street scenes to create a good varied character. As an example, the Petersfield Road frontage included three large virtually identical houses, roofs throughout the street scene were of an overall similar form and height and similar spaces between dwellings. This produced quite a repetitive street scene. Within individual elevations there were features which reflected the character of Greatham but were still insufficient.
- 7.10 Turning to the current proposals, improvements have been made to address such previous concerns. The broad principles of the layout are supported along with the provision of open space. The widths of the perimeter road have been adjusted to appear less uniform and landscaped 'build outs' projecting into the road have been introduced to help create a rural appearance and manage vehicle speeds.
- 7.11 Dwellings have been sited with varied building lines, spaces between them, and orientations to help to reduce the suburban characteristics within the scheme. In addition, dwellings styles, roof forms, architectural features and use of materials have also sought to vary the street scenes.
- 7.12 Collectively, the above aspects have improved the scheme since the previous decision. Whilst the design and landscape officers raise concerns, notwithstanding their 'neutral' stance overall, ultimately the layout seeks to efficiently accommodate 37 dwellings (mid range within SD71) and retain notable areas of open space as well as provide the transition in development between Petersfield Road and the countryside. A perimeter block layout is a successful way of achieving this, which consequently affects how dwellings are laid out and create new street scenes. It also helps to maximise the space available for a new landscape scheme and sustainable drainage features, as proposed. In these respects, it is considered that the scheme is much improved and is a good design approach for developing the site. Representations also raise concern about the design of the parking. It is considered that tandem spaces next to properties is the most efficient way to help screen cars and not create overly car dominated street scenes.
- 7.13 There is now sufficient variety in dwelling typology within street scenes to avoid undue repetition in terms of dwellings sizes, roof forms, heights, and architectural features. The use of materials is also sufficiently varied and relatable to Greatham. The scheme is acceptable in all of these respects. Consultees have raised concern about the insufficient use of ironstone the need to use it more on the most publicly visible areas of the scheme to achieve a more locally distinctive scheme. Its use has been increased following discussions and it is included on 9 properties. 7 out of the 15 properties facing Petersfield road use it including the most visible corner property at the site entrance. In these respects, the extent of its use within the dwellings is acceptable.
- 7.14 In conclusion, the dwellings adopt a traditional form of architecture and variety of house typologies, their siting and orientation and forms, as well as the use of materials would create a sufficiently positive contribution to the character and appearance of the area and Greatham.

### Sustainable Construction

- 7.15 Overall, the scheme would achieve a 39% reduction in CO<sub>2</sub> emissions. Essentially, the energy efficiency savings from the fabric of the building would be 14%, which is lower than SD48 prescribes, but this is made up for via the use of renewable technologies. Water efficiency measures would meet SD48. The scheme does not, however, achieve any on site passive house dwellings. The Applicant contends that delivering passive house and a 10% requirement for green roofs fall outside of the scope of SD48 and that these cannot legitimately be requested solely through the SPD, which is guidance to help deliver SD48 rather than a document where new policy is introduced. Whilst this approach is disappointing, the scheme does achieve a 39% reduction in CO<sub>2</sub> emissions and includes green roofs on car ports. On balance, this is sufficient.

### Housing Mix

- 7.16 The proposed mix is overall acceptable. Policy SD27 prescribes a range of dwellings with a predominance for 2 and 3 bed dwellings for open market and affordable tenures. 68% of the proposed dwellings are 2 and 3 beds which, although lower than the prescribed 80% in policy, is supported and a smaller proportion (27%) are 4 and 5 bed properties. Whilst there is a larger percentage of larger dwellings this would help to deliver affordable housing and to achieve a transition in density through the scheme as required in SD71. The previous application proposed a similar mix and was not refused on these grounds.

### Impacts upon neighbouring amenities

- 7.17 The third party representations have raised concerns about a variety of impacts and consultee advice on drainage and flood risk for example has satisfied officers that those concerns have been addressed. Concerns about parking are also addressed above.
- 7.18 The proposed layout involves dwellings which would back onto Bakers Field. Given the siting of the proposed dwellings, distances from existing properties and potential new boundary planting, whilst there is a difference in levels whereby the proposed dwellings would be on higher ground there would not be any significantly harmful impact upon their amenity to justify a reason for refusal.
- 7.19 The scheme would also not have an unacceptable impact upon residential properties on the opposite side of Petersfield Road given the distances involved and particularly as the proposed dwellings would be set back within the site.
- 7.20 Once constructed, the dwellings and open space would not have a significant impact upon the adjacent school and concerns about the proposed access have been addressed above.

### Affordable Housing

- 7.21 The level of proposed on-site affordable housing is a significant concern which has not been satisfactorily addressed following the previous refusal of Planning Permission.
- 7.22 Policy SD28 requirements for affordable housing have been underpinned by a robust evidence base on viability which was tested during the process of adopting the Local Plan. The NPPF advises that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable and that it is up to applicants to demonstrate whether particular circumstances justify the need for a viability assessment to demonstrate that any relevant contributions are not possible.
- 7.23 The current application is accompanied by a Viability Appraisal as the proposals do not meet the 50% required by SD28. This has been critiqued by the SDNPA's surveyors Bruton Knowles (BK) who raised concerns about its robustness. In response, the Applicant's surveyor provided further supporting information, which BK have reviewed.
- 7.24 On the basis of BK's advice, it is considered that there is scope to achieve a higher number of affordable dwellings on site than proposed. Key areas of concern focus on the gross development value (GDV) of the scheme, which is based on end values for the dwellings. Whilst the GDV was increased within the further information provided, it is considered that this is still too conservative based on BK's analysis. In this respect, it is considered that the scheme has been undervalued in the absence of more robust information on comparable sales values from the Applicant.
- 7.25 BK also have queried the information relating to build costs. An updated cost plan has been provided and BK have suggested further scrutiny of this is needed. Whilst it is accepted that higher build costs are necessary to achieve a high quality scheme, this, in any case, is part of a basic requirement to build in a National Park in compliance with design policies and not a reason to reduce affordable housing. Also, this requirement is part of an adopted Local Plan that has been tested robustly at Examination in terms of viability. In addition, BK has appraised other inputs such as professional fees, finance costs, contingency fees, abnormal costs and profit and, overall, query some of the figures cited. Adjustments to some of these inputs cumulatively can yield different results.

7.26 In light of the above, the application is recommended for refusal due to insufficient affordable housing provision.

#### Access and parking arrangements

7.27 The Highway Authority does not object on highway safety grounds to the use of the existing access and the proposed works. Local concerns have been raised about conflict with the school, however, given consultee advice and the proposed design the access arrangements are acceptable.

7.28 A key issue in representations is concern about overspill parking and on-street parking within the scheme. The proposed 93 spaces is higher than the previous application (82) and would be an acceptable provision in terms of the SDNPA's Parking SPD requirements, and having considered local concerns and the views of the Highways Authority. The strategy for accommodating off street parking between and adjacent to dwellings and the visitor parking is also an acceptable design approach which helps to reduce street scenes being visually dominated by parking.

7.29 Concerns have also been raised in regard to additional traffic on Petersfield Road. The number of dwellings is however within the range advocated in SD71 and the housing mix is acceptable. The Highways Authority requested a financial contribution of £75,000 (see section 4), however, upon further scrutiny it is considered that a £65,000 contribution can be justified having examined what the contributions would be spent on and general costings. These include improvements to bus stops along with new kerbing and waiting areas, pedestrian refuges for a crossing points, a bus shelter with real time display information for example.

7.30 A pedestrian route from Petersfield Road to the PROW east of the site is proposed within the layout, to accord with SD71. Its siting and route are acceptable and this would need to be secured as part of any future Legal Agreement.

#### Ecosystems services and ecology

7.31 The proposals accord with a number of criteria within policy SD2. These include the ability to store carbon and create biodiversity enhancements through the landscape scheme, as well as manage and mitigate the risk of flooding through the surface water drainage scheme.

7.32 Policy SD9 requires proposals to demonstrate that they have identified and incorporated opportunities for net gains in biodiversity. The County ecologist has not raised any concerns. Net gain could be achieved through the landscape scheme primarily through the breadth and extent of new planting, subject to detailed design. The different environments between the Suds basin, swales, other areas of open space and gardens would provide for a variety species. No concerns are raised in regard to net gain and safeguarding protected species.

#### Pollution

7.33 Policy SD71 requires the scheme to not cause demonstrable harm to ground water resources. Consultees have not raised concerns in this regard, subject to conditions.

#### Flood risk and drainage

7.34 No objections have been received from specialist consultees in these regards. The current site has approximately 1.27ha of hardstanding and the proposals would reduce this to 0.86ha. Concern has been raised from SDNPA design and landscape officers that the means of managing surface water could be more sustainable with greater provision of green roofs, further swales and rainwater gardens. The drainage engineer and Southern Water have not raised an objection in principle to the foul water drainage scheme.

#### Cultural Heritage

7.35 The site is opposite a grade II listed farmhouse (Deal Farm) and the conservation area is located approximately 115m south of the site. Given the distances from these heritage assets, intervening topography, vegetation and other development it is considered that the scheme would not cause harm to their setting. It is even debatable as to whether the scheme would be within their setting but enhancements could arise from the loss of the existing greenhouses, the laying out of the proposed public open space and siting development further back from Petersfield Road.

## The Conservation of Habitats and Species Regulations 2017

- 7.36 To fulfil the requirements under the Habitats Regulations (2017), officers are required to assess the likely significant effects of development on the European protected sites. Whilst this is an allocated site, given its proximity to the SPA and SAC the proposals aren't immune from these considerations. The legislation requires mitigation for recreational impacts associated with residential development so as not to adversely affect the integrity of these designated sites.
- 7.37 Following an Appropriate Assessment, the residential scheme has the potential for likely significant effects upon the SPA from recreational pressures, which would need to be mitigated. It has been determined that an off site contribution of £15,000 to largely be spent on specific projects associated with the Heathland Re-united scheme would be sufficient to mitigate the impact.
- 7.38 This contribution would go towards contributing to a new boardwalk within the SPA to help manage visitor access, new fingerposts/signage, interpretation boards promoting sustainable and responsible access in the SPA and funds towards a programme of community engagement within the Heathlands Reunited project. Natural England has informally agreed to this mitigation and we are currently awaiting their final agreement. Members will be updated on their consultation response but it is considered that this issue has been addressed as the competent authority.

### Minerals (silica sand)

- 7.39 The site lies within a minerals safeguarding area for silica sand as defined in the Hampshire Minerals and Waste Plan (2013). Policy 15 seeks to safeguard mineral resources within the area but permits development provided it would not be appropriate to extract them, hinder their possible extraction, sterilise them or the merits of the development outweighs the need to safeguard them. In this instance, the site is allocated for residential development on a previously developed site whereby the merits of its re-development outweigh safeguarded resources. The site is also in use as a commercial operation so is not available in any instance for minerals use.
- 7.40 The Plan is currently subject to a review where updates to it are proposed. This review is currently afforded limited weight given its stage in the process of updating the Plan.

## **8. Conclusion**

- 8.1 The proposed development is acceptable in principle insofar as the site is allocated for new housing. The scheme accords with the Local Plan in terms of the criteria in policy SD71. The assessment above explains why, overall, the proposed design has sufficiently addressed the previous reason for refusal both through the layout and design of the dwellings, including the use of materials.
- 8.2 The scheme does not accord with SD28 insofar as it falls short of the 50% affordable housing requirement and there is sufficient uncertainty regarding the robustness of the submitted viability appraisal and supporting information to justify that the proposed 21.6% contribution is the maximum that can be achieved.
- 8.3 In light of a recommendation to refuse the application on affordable housing grounds, it follows that a second reason refusal relating to a lack of S106 Agreement to secure the following is necessary:
- Measures to secure the public open space requirements of the development;
  - On-site affordable housing;
  - Suitable measures to mitigate increased recreational pressures upon the Wealden Heaths Phase II Special Protection Area (SPA) and the Woolmer Forest Special Area of Conservation (SSSI and SAC).
  - Financial contribution and measures to support sustainable modes of transport.
  - To secure a permissive path between Petersfield Road and the eastern site boundary for improved accessibility to the adjacent Public Right of Way.

## 9. Added Value

9.1 Discussions have resulted in amendments to the proposed design to improve the scheme overall.

## 10. Reason for Recommendation and Conditions/Reasons for refusal

10.1 It is recommended that the application be refused for the reasons set out below.

- 1) Based on the information provided, it has not been satisfactorily demonstrated that the proposed development cannot deliver an on-site affordable housing provision that is greater than the proposed 21.6%, and that the provision of 50% on-site affordable housing cannot be achieved. The proposals are therefore contrary to policy SD28 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021, the adopted Affordable Housing Supplementary Planning Document (2020), the English National Parks and the Broads: UK Government Vision and Circular 2010 and statutory duty of a National Park.
- 2) In the absence of a completed S106 Legal Agreement to secure the following:
  - Measures to secure the public open space requirements of the development;
  - On-site affordable housing;
  - Suitable measures to mitigate increased recreational pressures upon the Wealden Heaths Phase II Special Protection Area (SPA) and the Woolmer Forest Special Area of Conservation (SSSI and SAC).
  - Financial contribution and measures to support sustainable modes of transport.
  - To secure a permissive path between Petersfield Road and the eastern site boundary for improved accessibility to the adjacent Public Right of Way.

10.2 The proposals fail to mitigate against its direct impacts and does not satisfy policies SD1, SD9, SD10, SD19, SD20, SD28 and SD71 of the South Downs Local Plan 2019, National Park Purposes and statutory duty of a National Park.

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Appendices: Appendix I - Information concerning consideration of applications before committee

SDNPA Consultees: Legal Services, Development Manager

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

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

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

[SDNPA supplementary planning documents and technical advice notes](#)

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

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

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

**Major Development**

Paragraph 177 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 177 whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

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

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

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

**The Conservation of Habitats and Species Regulations 2017**

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

**Relationship of the Development Plan to the NPPF and Circular 2010**

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered compliant with it.



### **The South Downs National Park Partnership Management Plan 2020-2025**

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

### **South Downs Local Plan**

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

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

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD10 - International Sites
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD12 - Historic Environment
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD28 - Affordable Homes
- Strategic Policy SD45 - Green Infrastructure
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

### **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

