

## **Statement of Common Ground**

Between Cove Construction Ltd, Peter Catt,  
Vincent Catt and Neil Catt and the South  
Downs National Park Authority

Appeal against the refusal of application  
SDNP/21/04848/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*

SDNPA application reference: SDNP/21/04848/FUL

PINS Ref: APP/Y9507/W/23/3314274

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**Client**

Cove Construction Ltd

**Our reference**

COVR3001

April 2023

# 1. Introduction and Background

- 1.1 This Statement of Common Ground ('SoCG') sets out those matters upon which the South Downs National Park Authority (the 'SDNPA') and Cove Construction Ltd, Peter Catt, Vincent Catt and Neil Catt (the 'Appellants') have common ground and identifies those areas where disagreement lies.

## **Background to the Appeal**

- 1.2 This appeal is submitted as a consequence of the SDNPA refusing to grant full planning permission for residential development on the Liss Forest Nursery site, Petersfield Road, Greatham.

- 1.3 The application forming the subject of this appeal was validated and given the application reference SDNP/21/04848/FUL. The description of development states:

*"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."*

- 1.4 The SDNPA's Officers recommended that the application should be refused. At the meeting of the SDNPA Planning Committee meeting held on 14<sup>th</sup> July 2022, it was determined that the application would be refused for the following reasons:

*"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.*

*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.”*

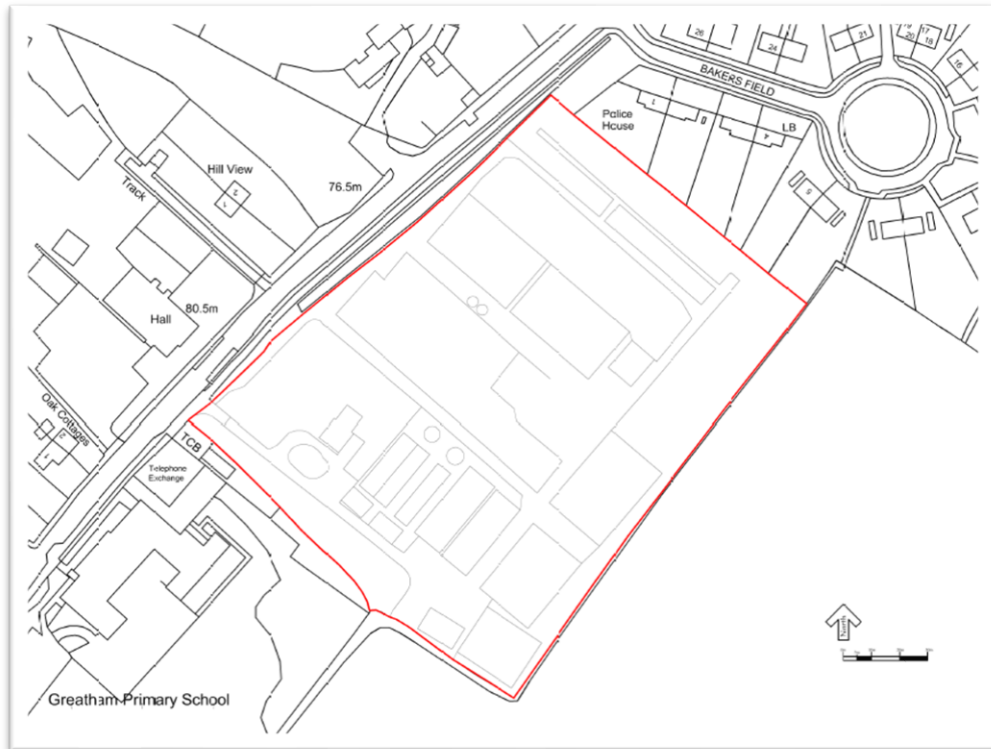
## **Statement of Common Ground**

- 1.5 This Statement of Common Ground covers the following matters:
- Description of the Site and Surrounding Area (Section 2)
  - The Proposed Development and Application Material (Section 3)
  - List of Plans and Documents to be Determined (Section 4)
  - Planning History (Section 5)
  - Planning Policy Context (Section 6)
  - Matters not in Dispute (Section 7)
  - Matters in Dispute (Section 8)
  - Conditions and Obligations (Section 9)
  - Core Documents (Section 10)
- 1.6 The Appellants will engage with the LPA and use this Statement of Common Ground to record the progress made in addressing disputed matters and seeking to increase the scope of common ground.
- 1.7 The Appellants expect that this draft document will form the basis of a General Statement of Common Ground relating to the application and associated planning matters.
- 1.8 The Appellants expect that it will assist the Inspector and the parties to the appeal for a separate Statement of Common Ground to be prepared in relation to matters of viability and affordable housing provision.

## 2. Description of the Site and Surrounding Area

### The Appeal Site

- 2.1 The site comprises 2.4 hectares of land to the south-east of Petersfield Road in Greatham within the South Downs National Park. It is located to the north of Greatham Primary School and to the south of the residential cul-de-sac of Baker's Field. A site location plan, showing the site outlined in red is illustrated in Figure 2.1.



**Figure 2.1: Site Location Plan**

- 2.2 The site is currently used as a horticultural nursery and includes a small office and bungalow to the south-west, as well as a number of greenhouses and other buildings and polytunnels extending across most of the site.
- 2.3 The site is accessed from Petersfield Road at the western corner of the site and there is a parking area located along the driveway which runs south-west from the site access.
- 2.4 The site is bound by a mixture of trees and hedges and there is a Tree Preservation Order (EH948) covering some trees on the south-western boundary.
- 2.5 The Greatham Conservation Area lies a little over 100m to the south of the site and there is a Grade II Listed Building to the west at Deal Farm.
- 2.6 The site lies within a Minerals and Waste Consultation Area for Superficial Soft Sand and Gravel.

- 2.7 The site is within close proximity to Public Right of Way (PROW) Route 10. Route 10 is located to the east of the site and facilitates access to the bus stop on Bakers Field to the north. Local PROWs surrounding the site provide useful connections to pedestrian infrastructure and provide several leisure walking routes.
- 2.8 The site is contained by existing built-form on three sides with the north-western boundary formed by Petersfield Road, the north-eastern boundary abuts the rear gardens of properties on the Bakers Field estate and the south-western boundary abuts Greatham Primary School. The south-eastern boundary abuts an arable field.
- 2.9 The site is located within Flood Zone 1 which indicates the site has a low probability of flooding.
- 2.10 The Wealden Heaths Phase II Special Protection Area (SPA) lies approximately 600m east of the site.
- 2.11 Greatham contains a number of community facilities including a primary school, village hall, recreation ground, pub, church and church hall. The closest bus stops are located on Petersfield Road to the north and south of the site and are accessible within a 2-minute walk of the existing site access. Several bus services are accessible from these stops and provide access into neighbouring strategic centres such as Alton, Petersfield, Liss, Purbrook and Holybourne, connecting residents to a wider range of local services and amenities.
- 2.12 The Appeal Site is bordered by existing development on three sides, with the south eastern boundary adjacent to open countryside.

### **Designations**

- 2.13 The primary designations relating to this Appeal Site as shown on the SDNPA's Policies Map are its allocation under Policy SD71 and location within the Settlement Boundary of Greatham.

### **Greatham**

- 2.14 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.

### 3. The Proposed Development and Application Material

- 3.1 The following Section explains the development proposals.
- 3.2 As part of the development, all of the existing buildings and structures within the Site would be demolished and removed.
- 3.3 The appeal proposals comprise the redevelopment of the site with 37 dwellings, 29 of which would be open market dwellings and 8 affordable dwellings of a shared ownership tenure.
- 3.4 On that basis, 8 affordable dwellings equates to 21.6% of the total proposed.
- 3.5 The housing mix proposed is as follows:

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	37

- 3.6 All of the proposed dwellings are two storeys in height with varying ridge heights as is characteristic of Greatham. The proposed dwellings will be a mix of forms including detached, semi-detached and short terraces.
- 3.7 The approximate siting of the existing access into the Site would be retained (and moved slightly northwards), and then upgraded to serve the development. The area of protected trees adjacent to the access would be retained.
- 3.8 93 car parking spaces are proposed, including 8 visitor spaces. There would be a minimum of 2 off street spaces per dwelling.
- 3.9 The fabric of the dwellings would achieve a 13.99% reduction in CO2 emissions and a combination of renewable technology is proposed, such as solar PV and air source heat pumps, to the extent that a minimum 39% reduction on CO2 emissions would be achieved. Each dwelling is proposed to include measures to reduce water consumption and will be served by electric vehicle charging points.
- 3.10 Foul drainage would converge on the new underground pumping station which in turn would be connected to the mains sewer on Petersfield Road. The pump station would be located in the north east corner of the site, which is the lowest part of the site, and

would have a grasscrete surfaced access through the open space. A site investigation was carried out by Leap Environmental Ltd in October 2017 and test results concluded that the use of infiltration devices would not provide a suitable means of draining surface water. A sustainable drainage strategy, involving the implementation of SuDS, is proposed for managing the disposal of surface water runoff from the proposed development. As the use of infiltration devices is not feasible it is proposed that surface water drainage is managed by flow balancing methods comprising a detention basin, swales, rainwater gardens and large diameter pipes, in order to attenuate water runoff to greenfield runoff rates with discharge to the local watercourse.

### **The Application Material**

3.11 Upon submission, the following information was provided to the SDNPA as part of the application (a full list of which is contained at Table 3.1):

- Application form;
- CIL forms;
- Site-wide plans and drawings including the location plan and block plan;
- Dwelling plot elevation drawings and floorplans;
- Design and Access Statement, prepared by Carlton Design;
- Ecosystems Services Statement, prepared by EPR;
- Sustainability Statement, prepared by Southern Energy Consultants;
- Landscape and Visual Appraisal, prepared by Hankinson Duckett Associates;
- Ecological Impact Assessment, prepared by EPR;
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared by ACD Environmental Ltd;
- Transport Statement, prepared by Paul Basham Associates;
- Flood Risk Assessment and Surface Water Drainage Strategy, prepared by PFA Consulting;
- Heritage Desk-Based Assessment, prepared by Orion Heritage;
- Lighting Assessment, prepared by Designs for Lighting;
- Phase 1 Desk Study, Site Reconnaissance and Phase 2 Site Investigation Report, prepared by Leap Environmental Ltd;
- Environmental Noise Impact Assessment, prepared by Sound Advice Acoustics Ltd; and
- Financial Viability Statement, prepared by Turley.

3.12 On 9<sup>th</sup> November 2021, the Appellants provided a response to comments made on the application by the Lead Local Flood Authority (LLFA).

3.13 On 31<sup>st</sup> May 2022 the Appellants provided a response to comments received from the SDNPA dated 18<sup>th</sup> February 2022, as well as other concerns that have been raised. That submission included a series of revised plans as listed at Table 3.2.

3.14 On 31<sup>st</sup> May 2022, the Appellants provided a response (prepared by CBRE) on viability to the comments received from the SDNPA's advisors, Bruton Knowles.



**Table 3.1: Application Submission Documents and Plans**

<b>Report Reference</b>	<b>Document Title</b>	<b>Document Author</b>
<b>Reports and Forms</b>		
	Cover Letter	Turley
	Application Form for Full Planning Permission	Turley
	CIL Additional Information Form	Turley
September 2021	Planning Statement	Turley
Rev C – September 2021	Design & Access Statement	Carlton Design Partnership
	Ecosystem Services Statement	Ecological Planning and Research
SEC/cs/ESS- 3693/-	Energy & Sustainability Statement	Southern Energy Consultants
C795-DOC01-FRA Issue 4	Flood Risk Assessment and Drainage Strategy	PFA
COVE21437aia-amsD	Arboricultural Impact Assessment and Method Statement	ACD Environmental
096.0004/NTS/2	Transport Statement	Paul Basham Associates
17/36 – 2D	Ecological Impact Assessment	Ecological Planning and Research
871.1 Rev 04	Landscape and Visual Appraisal	Hankinson Duckett Associates
PN1999/2021	Heritage Desk Based Assessment	Orion Heritage
LP01457 Rev 3	Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report	Leap Environmental
0904-DFL-LIA-001 Rev G	Lighting Impact Assessment	Designs for Lighting
SA – 5824/5	Environmental Noise Impact Assessment	Sound Advice Acoustics
September 2021	Financial Viability Statement	Turley
<b>Site Plans</b>		
150715/LP	Location Plan	Carlton Design Partnership

Report Reference	Document Title	Document Author
150715/SL37/01 Rev 3	Site Layout	Carlton Design Partnership
150715/SL37/08/CSL Rev G	Coloured Site Layout	Carlton Design Partnership
150715/SL37/03/DT Rev G	Dwelling Types Plan	Carlton Design Partnership
150715/SL37/09/EP Rev D	Enclosures Plan	Carlton Design Partnership
150715/SL37/12/HCP Rev B	Existing / Proposed Hardstanding Comparison	Carlton Design Partnership
150715/SL37/07/MP Rev N	Materials Plan	Carlton Design Partnership
150715/SL37/05/PP Rev H	Parking Plan	Carlton Design Partnership
150715/SL37/11/SP Rev B	Potential Solar Panel Positions	Carlton Design Partnership
150715/SL37/10/PA Rev C	Private Areas Plan	Carlton Design Partnership
150715/SL37/06/RP Rev H	Refuse Plan	Carlton Design Partnership
150715/SL37/02/SH Rev H	Storey Heights Plan	Carlton Design Partnership
150715/SL37/04/TP Rev H	Tenure Plan	Carlton Design Partnership
0904-DFL-LSD-001 Rev G	Horizontal Illuminance Plan	Designs for Lighting
<b>Elevations and Floor Plans</b>		
150715/37/HT/ROM_VYN/EL Rev D	The Romsey & Vyne (A) – Stone & Brick Elevations	Carlton Design Partnership
150715/37/HT/ROM_VYN/FP Rev C	The Romsey & Vyne (A) Plans	Carlton Design Partnership
150715/37/HT/VYN-T/EL Rev E	The Vyne (B) – Tile Elevations	Carlton Design Partnership
150715/37/HT/VYN-PB/EL Rev E	The Vyne (B) – Painted Brick Elevations	Carlton Design Partnership
150715/37/HT/VYN/FP Rev E	The Vyne (B) Plans	Carlton Design Partnership
150715/37/HT/VYN-D/EL Rev D	The Vyne (A) – Detached – Brick & Tile Elevations	Carlton Design Partnership
150715/37/HT/VYN-D/FP Rev B	The Vyne (A) – Detached Plans	Carlton Design Partnership
150715/37/HT/VYN_LON_VYN/EL Rev D	The Vyne (C), Longstock & Vyne (A) Elevations – Painted Brick	Carlton Design Partnership
150715/37/HT/VYN_LON_VYN/FP Rev C	The Vyne (C), Longstock & Vyne (A) Plans	Carlton Design Partnership
150715/37/HT/LON/EL Rev C	The Longstock – Semi – Brick & Tile Elevations	Carlton Design Partnership

<b>Report Reference</b>	<b>Document Title</b>	<b>Document Author</b>
150715/37/HT/LON/FP Rev B	The Longstock – Semi Plans	Carlton Design Partnership
150715/37/HT/LON_VYN_LON/EL Rev C	The Longstock, Vyne (A) & Longstock – Brick & Tile - Elevations	Carlton Design Partnership
150715/37/HT/LON_VYN_LON/FP Rev C	The Longstock, Vyne (A) & Longstock Plans	Carlton Design Partnership
150715/37/HT/LON_VYN/EL Rev G	The Longstock & Vyne (C) – Stone Elevations	Carlton Design Partnership
150715/37/HT/LON_VYN/FP Rev E	The Longstock & Vyne (C) Plans	Carlton Design Partnership
150715/37/HT/PEM/EL Rev E	The Pemberley (A) – Tile & Brick Elevations	Carlton Design Partnership
150715/37/HT/PEM/FP Rev D	The Pemberley (A) Plans	Carlton Design Partnership
150715/37/HT/HOU/EL Rev C	The Houghton Elevations – Painted Brick	Carlton Design Partnership
150715/37/HT/HOU/FP Rev B	The Houghton Plans	Carlton Design Partnership
150715/37/HT/DEA-D/EL Rev D	The Dean – Detached – Brick Elevations	Carlton Design Partnership
150715/37/HT/DEA/FP Rev B	The Dean – Detached Plans	Carlton Design Partnership
150715/37/HT/DEA-S/EL Rev C	The Dean – Semi – Brick & Tile Elevations	Carlton Design Partnership
150715/37/HT/DEA-S/FP Rev B	The Dean – Semi Plans	Carlton Design Partnership
150715/37/HT/DEA_PEM/EL Rev D	The Dean/Pemberley (B) – Brick & Tile Elevations	Carlton Design Partnership
150715/37/HT/DEA_PEM/FP Rev C	The Dean/Pemberley (B) Plans	Carlton Design Partnership
150715/37/HT/HYD/EL Rev D	The Hyde – Stone Elevations	Carlton Design Partnership
150715/37/HT/HYD/FP Rev B	The Hyde Plans	Carlton Design Partnership
150715/37/HT/OAK/EL Rev C	The Oakleigh – Brick Elevations	Carlton Design Partnership
150715/37/HT/OAK/FP Rev B	The Oakleigh Plans	Carlton Design Partnership
150715/37/HT/ALV/EL Rev D	The Alverstoke – Brick & Tile Elevations	Carlton Design Partnership
150715/37/HT/ALV/FP Rev E	The Alverstoke Plans	Carlton Design Partnership

<b>Report Reference</b>	<b>Document Title</b>	<b>Document Author</b>
150715/37/HT/AVI-I/EL Rev D	The Avington – Ironstone Elevations	Carlton Design Partnership
150715/37/HT/AVI-I/FP Rev B	The Avington – Ironstone Plans	Carlton Design Partnership
150715/37/HT/AVI/EL Rev B	The Avington – Brick Elevations	Carlton Design Partnership
150715/37/HT/AVI/FP Rev D	The Avington Plans	Carlton Design Partnership
150715/37/HT/HIL/EL Rev C	The Hillier – Brick & Tile Elevations	Carlton Design Partnership
150715/37/HT/HIL/FP Rev B	The Hillier Plans	Carlton Design Partnership
150715/37/HT/HIL-H/EL Rev D	The Hillier – Hipped – Brick & Tile Elevations	Carlton Design Partnership
150715/37/HT/HIL-H/FP	The Hillier – Hipped Plans	Carlton Design Partnership
150715/37/HT/ORM-T/EL Rev C	The Ormeley – Render Elevations	Carlton Design Partnership
150715/37/HT/ORM/FP Rev B	The Ormeley Plans	Carlton Design Partnership
150715/37/HT/ORM-DG/EL Rev C	The Ormeley – Double Gable – Stone – Elevations	Carlton Design Partnership
150715/37/HT/ORM-DG/FP Rev C	The Ormeley – Double Gable Plans	Carlton Design Partnership
150715/37/AB/SG1/EP Rev B	Single Garage Elevations & Plan	Carlton Design Partnership
150715/37/AB/SCP1/EP	Single Car Port 1 Elevations & Plan	Carlton Design Partnership
150715/37/AB/DCP1/EP Rev B	Double Car Port 2 Variant Elevations & Plan	Carlton Design Partnership
150715/37/AB/DCP1-G/EP	Green Roof Double Carport Elevations & Plan	Carlton Design Partnership
150715/37/AB/SCP1-G/EP	Green Roof Single Carport Elevations & Plan	Carlton Design Partnership
150715/37/AB/SUB/EP Rev A	Substation Elevations & Plan	Carlton Design Partnership
<b>Street Scenes</b>		
150715/37/CSS Rev D	Coloured Street Scenes	Carlton Design Partnership

**Table 3.2: Schedule of Revised Submission Documents (31<sup>st</sup> May 2022)**

Original Submission Report Reference	Revised Submission Document Report Reference	Document Title	Document Author
<b>Reports and Forms</b>			
	N/A	Cover Letter	Turley
	N/A	Application Form for Full Planning Permission	Turley
	N/A	CIL Additional Information Form	Turley
September 2021	N/A	Planning Statement	Turley
Rev C – September 2021	N/A	Design & Access Statement	Carlton Design Partnership
	N/A	Ecosystem Services Statement	Ecological Planning and Research
SEC/cs/ESS- 3693/- 16 <sup>th</sup> September 2021	SEC/cs/ESS- 3693/- 17 <sup>th</sup> May 2022	Energy & Sustainability Statement	Southern Energy Consultants
C795-DOC01-FRA Issue 4	N/A	Flood Risk Assessment PFA and Drainage Strategy	
C795-FN06	N/A	File Note Dealing with PFA LLFA Comments dated 19 October 2021	
COVE21437aia-amsD	N/A	Arboricultural Impact Assessment and Method Statement	ACD Environmental
096.0004/NTS/2	N/A	Transport Statement	Paul Basham Associates
17/36 – 2D	N/A	Ecological Impact Assessment	Ecological Planning and Research
871.1 Rev 04	N/A	Landscape and Visual Appraisal	Hankinson Duckett Associates
PN1999/2021	N/A	Heritage Desk Based Assessment	Orion Heritage
LP01457 Rev 3	N/A	Phase I Desk Study, Site Reconnaissance	Leap Environmental

Original Submission Report Reference	Revised Submission Report Reference	Document Title	Document Author
		and Phase II Site Investigation Report	
0904-DFL-LIA-001 Rev G	N/A	Lighting Impact Assessment	Designs for Lighting
SA – 5824/5	N/A	Environmental Noise Impact Assessment	Sound Advice Acoustics
September 2021	N/A	Financial Viability Statement	Turley
N/A	31/05/2022	Viability Review Response	CBRE

Drawing Number	Original Submission Report Revision	Revised Submission Drawing Revision	Drawing Title
<b>Site Plans</b>			
150715/LP	-	N/A	Location Plan
150715/SL37/01	Rev 3	Rev 4	Site Layout
150715/SL37/08/CSL	Rev G	Rev H	Coloured Site Layout
150715/SL37/03/DT	Rev G	Rev H	Dwelling Types Plan
150715/SL37/09/EP	Rev D	Rev E	Enclosures Plan
150715/SL37/12/HCP	Rev B	Rev C	Existing / Proposed Hardstanding Comparison
150715/SL37/07/MP	Rev N	Rev P	Materials Plan
150715/SL37/05/PP	Rev H	Rev J	Parking Plan
150715/SL37/11/SP	Rev B	Rev C	Potential Solar Panel Positions
150715/SL37/10/PA	Rev C	Rev D	Private Areas Plan
150715/SL37/06/RP	Rev H	Rev J	Refuse Plan
150715/SL37/02/SH	Rev H	Rev J	Storey Heights Plan
150715/SL37/04/TP	Rev H	Rev J	Tenure Plan
0904-DFL-LSD-001	Rev G	N/A	Horizontal Illuminance Plan

<b>Drawing Number</b>	<b>Original Submission Report Revision</b>	<b>Revised Submission Drawing Revision</b>	<b>Drawing Title</b>
<b>Elevations and Floor Plans</b>			
150715/37/HT/ROM_VYN/EL	Rev D	N/A	The Romsey & Vyne (A) – Stone & Brick Elevations
150715/37/HT/ROM_VYN/FP	Rev C	N/A	The Romsey & Vyne (A) Plans
150715/37/HT/VYN-T/EL	Rev E	N/A	The Vyne (B) – Tile Elevations
150715/37/HT/VYN-PB/EL	Rev E	N/A	The Vyne (B) – Painted Brick Elevations
150715/37/HT/VYN/FP	Rev E	N/A	The Vyne (B) Plans
150715/37/HT/VYN-D/EL	Rev D	Rev F	The Vyne (A) – Detached – Stone Elevations
150715/37/HT/VYN-D/FP	Rev B	N/A	The Vyne (A) – Detached Plans
150715/37/HT/VYN_LON_VYN/EL	Rev D	Rev F	The Vyne (C), Longstock & Vyne (A) Elevations – Painted Brick and Brick
150715/37/HT/VYN_LON_VYN/FP	Rev C	N/A	The Vyne (C), Longstock & Vyne (A) Plans
150715/37/HT/LON/EL	Rev C	N/A	The Longstock – Semi – Brick & Tile Elevations
150715/37/HT/LON/FP	Rev B	N/A	The Longstock – Semi Plans
150715/37/HT/LON_VYN_LON/EL	Rev C	N/A	The Longstock, Vyne (A) & Longstock – Brick & Tile – Elevations

<b>Drawing Number</b>	<b>Original Submission Report Revision</b>	<b>Revised Submission Drawing Revision</b>	<b>Drawing Title</b>
150715/37/HT/LON_VYN_LON/FP	Rev C	N/A	The Longstock, Vyne (A) & Longstock Plans
150715/37/HT/LON_VYN/EL	Rev G	N/A	The Longstock & Vyne (C) – Stone Elevations
150715/37/HT/LON_VYN/FP	Rev E	N/A	The Longstock & Vyne (C) Plans
150715/37/HT/PEM/EL	Rev E	N/A	The Pemberley (A) – Tile & Brick Elevations
150715/37/HT/PEM/FP	Rev D	N/A	The Pemberley (A) Plans
150715/37/HT/HOU/EL	Rev C	Rev E	The Houghton Elevations – Brick
150715/37/HT/HOU/FP	Rev B	N/A	The Houghton Plans
150715/37/HT/DEA-D/EL	Rev D	N/A	The Dean – Detached – Brick Elevations
150715/37/HT/DEA/FP	Rev B	N/A	The Dean – Detached Plans
150715/37/HT/DEA-S/EL	Rev C	N/A	The Dean – Semi – Brick & Tile Elevations
150715/37/HT/DEA-S/FP	Rev B	N/A	The Dean – Semi Plans
150715/37/HT/DEA_PEM/EL	Rev D	N/A	The Dean/Pemberley (B) – Brick & Tile Elevations
150715/37/HT/DEA_PEM/FP	Rev C	N/A	The Dean/Pemberley (B) Plans
150715/37/HT/HYD/EL	Rev D	N/A	The Hyde – Stone Elevations
150715/37/HT/HYD/FP	Rev B	N/A	The Hyde Plans



<b>Drawing Number</b>	<b>Original Submission Report Revision</b>	<b>Revised Submission Drawing Revision</b>	<b>Drawing Title</b>
150715/37/HT/OAK/EL	Rev C	N/A	The Oakleigh – Brick Elevations
150715/37/HT/OAK/FP	Rev B	N/A	The Oakleigh Plans
150715/37/HT/ALV/EL	Rev D	N/A	The Alverstoke – Brick & Tile Elevations
150715/37/HT/ALV/FP	Rev E	N/A	The Alverstoke Plans
150715/37/HT/AVI-I/EL	Rev D	N/A	The Avington – Ironstone Elevations
150715/37/HT/AVI-I/FP	Rev B	N/A	The Avington – Ironstone Plans
150715/37/HT/AVI/EL	Rev B	N/A	The Avington – Brick Elevations
150715/37/HT/AVI/FP	Rev D	N/A	The Avington Plans
150715/37/HT/HIL/EL	Rev C	N/A	The Hillier – Brick & Tile Elevations
150715/37/HT/HIL/FP	Rev B	N/A	The Hillier Plans
150715/37/HT/HIL-H/EL	Rev D	N/A	The Hillier – Hipped – Brick & Tile Elevations
150715/37/HT/HIL-H/FP	-	N/A	The Hillier – Hipped Plans
150715/37/HT/ORM-T/EL	Rev C	N/A	The Ormeley – Render Elevations
150715/37/HT/ORM-I/EL	-	Rev A	The Ormeley – Stone Elevations
150715/37/HT/ORM/FP	Rev B	N/A	The Ormeley Plans
150715/37/HT/ORM-DG/EL	Rev C	Rev D	The Ormeley – Double Gable – Stone – Elevations
150715/37/HT/ORM-DG/FP	Rev C	N/A	The Ormeley – Double Gable Plans
150715/37/AB/SG1/EP	Rev B	N/A	Single Garage Elevations & Plan

<b>Drawing Number</b>	<b>Original Submission Report Revision</b>	<b>Revised Submission Drawing Revision</b>	<b>Drawing Title</b>
150715/37/AB/SCP1/EP	-	N/A	Single Car Port 1 Elevations & Plan
150715/37/AB/DCP1/EP	Rev B	N/A	Double Car Port 2 Variant Elevations & Plan
150715/37/AB/DCP1-G/EP	-	N/A	Green Roof Double Carport Elevations & Plan
150715/37/AB/SCP1-G/EP	-	N/A	Green Roof Single Carport Elevations & Plan
150715/37/AB/SUB/EP	Rev A	N/A	Substation Elevations & Plan
<b>Street Scenes</b>			
150715/37/CSS	Rev D	Rev E	Coloured Street Scenes

## 4. Planning History

4.1 Pre-application advice was sought from the SDNPA in 2017 (SDNP/17/05087/PRE) for the redevelopment of the site with 3 different options - (1) 39 dwellings plus a care home; (2) 65 dwellings including flats; and (3) 59 dwellings. The SDNPA issued its advice on 23.01.2018, summarised below:

- Loss of a business use in favour of housing being considered through the emerging Local Plan.
- All 3 development options were unacceptable scale of development.
- Proposals to meet emerging policies, specifically the allocation policy.
- Provision of care home contrary to policy.
- Considered major development in NPPF terms.
- Proposals for a shop need to be considered.
- Appropriate housing mix is required.
- Policy compliant affordable housing provision required.
- A landscape-led and ecosystems services approach required.
- Sense of place within the scheme needs to be achieved and a contemporary architectural approach may be acceptable. Encourage use of Design Review Panel, once contextual evidence progressed.

4.2 It is common ground that neither option (1), (2) or (3) were pursued.

4.3 A previous application (SDNPA ref: SDNP/18/06111/FUL) for residential development in relation to this Appeal Site was refused on 15<sup>th</sup> March 2021 for the following reasons:

*“1. The proposals fail to adopt a landscape-led approach whereby the layout, in particular the siting of dwellings in a uniform approach within streetscenes, and the design of the proposed dwellings including the use of materials have not been satisfactorily informed by the surrounding built character, the settlement pattern, and the site's edge of village location. Consequently, an unacceptable suburban development is proposed which does not contribute to local distinctiveness and sense of place and would not result in a positive contribution to the overall character and appearance of the area and National Park landscape. The proposed development is therefore contrary to policies SD1, SD4, SD5 and SD71 of the South Downs Local Plan 2019, the National Planning Policy Framework 2019 and National Park Purposes and Statutory duty of a National Park.*

*2. It has not been satisfactorily demonstrated that the proposed development cannot deliver the provision of 50% on-site affordable housing. The proposals are therefore contrary to policy SD28 of the South Downs Local Plan 2019, the National Planning Policy*

*Framework 2019, 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.*

*3. The application site is within the proximity of important designated ecological areas of the Wealden Heaths Phase II Special Protection Area (SPA) and the Woolmer Forest Special Area of Conservation (SAC). Having regard to the Local Planning Authority's statutory duties under The Conservation of Habitats and Species Regulations 2017 (as amended), the proposed development would result in a net increase in residential accommodation and consequently a likely significant effect would occur upon these designated areas due to increased recreational pressures. In the absence of suitable mitigation measures being secured, the proposals are contrary to policies SD1, SD10 and SD71 of the South Downs Local Plan 2019, the National Planning Policy Framework 2019 and the First Purpose of a National Park, and The Conservation of Habitats and Species Regulations 2017 (as amended).*

*4. In the absence of a completed S106 Legal Agreement to secure the following:*

- Measures to secure the public open space requirements of the development;
- An on-site affordable housing contribution of 50% of dwellings;
- Financial contribution and measures to support sustainable modes of transport.
- A permissive path between Petersfield Road and the eastern site boundary for improved accessibility to the adjacent Public Right of Way. The proposals fail to mitigate against its direct impacts and does not satisfy policies SD1, SD19, SD20, SD28 and SD71 of the South Downs Local Plan 2019, National Park Purposes and statutory duty of a National Park.”

## 5. Relevant Planning Policy

5.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The National Parks and Access to Countryside Act (1949), as amended by the Environment Act 1995 (as amended) outlines the statutory purposes of National Parks which 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.

5.3 There is also a statutory duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

5.4 Section 62 of the Environment Act (1995) (as amended) requires all relevant authorities (including The Planning Inspectorate) to have regard to these purposes.

### English National Parks and the Broads: UK Government Vision and Circular 2010

5.5 The Circular 2010 is relevant. It sets out a vision for National Parks up to 2030 with a focus on the statutory purposes and duty. It empowers National Park Authorities to play an important role in delivering affordable housing and, through the Development Plan, focus new housing on meeting local housing need.

### **The Development Plan and Local Guidance**

5.6 The statutory development plan comprises the following:

- The South Downs Local Plan (SDLP) 2019; and
- The adopted Hampshire Minerals and Waste Plan (2013).

5.7 The SDLP is up to date and consistent with the NPPF 2021. Its policies should, therefore, be afforded full weight in decision making.

5.8 In June 2019, the SDNPA designated the Greatham Neighbourhood Area for the purposes of producing a Neighbourhood Plan. The site lies within this designated area. Since then, no draft Plan has been published for consultation and as such there are no emerging policies to consider.

5.9 Other material considerations include the following:

- National Planning Policy Framework ('the Framework') (2021);
- National Planning Practice Guidance (NPPG) (2021); and
- SDNPA adopted Supplementary Planning Documents

### Adopted Local Plan

5.10 The relevant development plan policies are summarised below. Reason for Refusal 1 relates to policy SD28 only. Reason for Refusal 2 relates to policies SD1, SD9, SD10, SD19, SD20, SD28 and SD71 only. It is Common Ground that the wording for said policies above are detailed in full in the SDLP.

- Core Policy SD1: Sustainable Development
- Strategic Policy SD9: Biodiversity and Geodiversity
- Strategic Policy SD10: International Sites
- Strategic Policy SD19: Transport and Accessibility
- Strategic Policy SD20: Walking, Cycling and Equestrian Routes
- Strategic Policy SD28: Affordable Homes
- **Allocation Policy SD71: Land at Petersfield Road, Greatham** - This policy allocates the site for residential development. This policy states that:
  - *“1. Land at Petersfield Road, Greatham is allocated for the development of 35 to 40 residential dwellings (Class C3 Use) and associated open space. Development for a Class A1 (Shop) unit with a net sales floorspace up to a maximum of 280m<sup>2</sup> with suitable vehicular parking for customers will also be permitted. Planning permission will not be granted for any other uses. Detailed proposals that meet the following site specific development requirements will be permitted:*
  - *2. The site specific development requirements are:*
    - a) Development proposals should provide clear transition in form and layout with a reduced build intensity from Petersfield Road east towards the open countryside;*
    - b) Development proposals should conserve and enhance the setting of local heritage assets including the Greatham Conservation Area and Local Listed Buildings and use local building materials to reinforce local distinctiveness (which may include sandstones);*
    - c) Provide suitable mitigation towards the Wealden Heaths SPA, which should be informed by a Project-level HRA; d) Provide suitable mitigation measures to avoid increases in localised surface water flooding;*
    - e) Demonstrate no significant harm to be caused to groundwater resources;*
    - f) Retain the existing vehicular access and, where identified as necessary to provide safe access and egress, improvements to both the vehicular access and to off-site highways;*

- g) *Provide a publicly accessible off-road pedestrian route from Petersfield Road to the existing PROW to the east of the allocation site;*
  - h) *Provision of a significant area of public open space within the site which provides for a transition between the development and the countryside; and*
  - i) *Retain and enhance existing mature trees and site boundaries and new site boundaries appropriate to the local landscape.*
- 3. *In order for the development to have an overall positive impact on the ability of the natural environment to contribute to ecosystem services, development proposals must address the following:*
- a) *Protect and enhance trees within the site where possible, and where trees are lost, provide at least the equivalent in new tree planting on site. Trees on the site boundary should be retained and new tree planting should be undertaken; and*
  - b) *New planting should be suitable for pollinating species.”*

**Adopted Local Guidance**

- 5.11 The south Downs National Park Partnership Management Plan (PMP) 2020-2025 was adopted on 19 December 2019. It outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. The PMP is a material planning consideration, as outlined in NPPG, and is relevant in this appeal. The following policies are listed within:

Reason for refusal 1

Outcome 9 – Affordable Housing provision

Policy 50: Housing to meet local needs with high quality design.

Reason for refusal 2

Policy 28 – Improve/maintain public rights of way

Policy 29 – Supporting use of the National Park for healthy outdoor activity.

Policy 35 – Promote and enhance integrated travel provision

- 5.12 The SDNPA has adopted Supplementary Planning Documents on the following matters which are relevant to this proposal and the appeal:

- Affordable Housing (July 2021);
- Guidance on Parking for Residential and Non-Residential Development (April 2021);
- Design Guide (amended 30<sup>th</sup> August 2022); and
- Sustainable Design and Construction (August 2020).

## **6. Areas where the parties are working together**

- 6.1 Since the areas where the parties will need to work together relate to those matters set out in reasons for refusal 1 and 2, these will be covered by a separate SoCG on viability and affordable housing provision and in discussions on the S106 Obligation.
- 6.2 The only other area where the parties will need to work together is a draft list of conditions to be applied in the event that the appeal is allowed.



## 7. Matters not in dispute

7.1 It is agreed that there are no matters in dispute between the Appellants and the SDNPA other than those issues set out in the two reasons for refusal.

7.2 The following table sets out matters which are not in dispute.

Topic	Agreed Position
Principle of development	The principle of development is accepted, with the site being within the settlement boundary and allocated for development.
Previously developed land	The site comprises previously developed land.
Quantum of development	The quantum of development is within the range set out in Policy SD71 and can be accommodated within the site.
Residential amenity	It is agreed that there would be no adverse impacts on residential amenity of nearby properties which justify refusal.
Housing mix	It is agreed 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 agreed 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.
Policy SD71 (the allocation policy)	Other than matters to be secured through the S106 Legal Agreement, to address criteria (c) of SD71 and a Habitats Regulation Assessment, and criterion (f) regarding highways works, it is agreed that there is no conflict with Policy SD71 which allocates the site for residential development, subject to conditions.

Provision of a shop	It's not an absolute requirement of SD71, rather, it would be acceptable in principle were it to be proposed.
Heritage considerations	It is agreed that the proposed development will not harm the setting or significance of any designated or non-designated heritage asset.
Access	The Highway Authority did not object on highway safety grounds to the use of the existing access and the proposed works. It is agreed that there is no objection to the appeal scheme on highways / access grounds.
Design considerations	There are no objections to the layout, height, appearance and elevational treatment of the proposed development or the arrangements to be made for drainage or in relation to the ecological impact of the proposal. No objections are raised on arboricultural impacts.
Sustainable design and construction	There is no dispute that the proposals take an appropriate approach to the principles of sustainable design and construction.
Compliance with the Development Plan	Other than the matters set out in the reasons for refusal, there is no dispute that the proposal complies with the Development Plan.
The location of the site	It is agreed that the Appeal Site is in a sustainable location.
Wealden Heath SPA	It is agreed that suitable mitigation towards the Wealden Heath SPA is achieved by a financial contribution secured through the S106 to mitigate recreational pressures associated with the proposed development
Benefits	It is agreed that this proposal will deliver Biodiversity Net Gains and new housing in location which is in accordance with an up-to-date Local Plan.

## 8. Matters in dispute

- 8.1 At this stage, the matters in dispute relate to reason for refusal 1. There is no dispute between the Appellants and the SDNPA that the matters set out in reason for refusal 2 could be overcome through a S106 Obligation (in the case of affordable housing, this being subject to viability).
- 8.2 The table below will be populated during discussions between the parties.
- 8.3 The matters in dispute regarding viability will be set out in a separate SoCG.
- 8.4 Matters in dispute:

Topic	Position
Reason for refusal 1	This matter will be addressed through a separate SoCG.
Reason for refusal 2	It is agreed that the matters set out in reason for refusal would be adequately addressed in the event that they are secured through a S106 Obligation. In relation to affordable housing, it is agreed that the S106 Obligation would address the matter if it provides for an appropriate level of affordable housing delivery having regard to the evidence on viability.
Policy SD28	There is no dispute that this policy can be complied with in certain circumstances if it can be demonstrated that the requirements of the policy would make the appeal scheme unviable. The Authority's position is that the policy contemplates that viability may be considered as an exception to the general expectations of the Local Plan. In the present case, there is an up to date and recently adopted Local Plan. Therefore, the weight to be placed on viability is a matter for the decision maker taking account the viability testing of the Local Plan and the prioritisation of affordable housing in the National Park.
Role of Supplementary Planning Documents	It is agreed that these provide guidance but that there is no conflict arising with relevant guidance in this case.

## 9. Conditions and Obligations

- 9.1 The Appellants are engaging with the SDNPA to agree draft conditions to be imposed in the event that this appeal is allowed. It is common ground that the agreed draft conditions will be provided to the Inspector in advance of the 2<sup>nd</sup> May 2023 as detailed in the Case Management Conference.
- 9.2 It is agreed that planning obligations should only be sought where they satisfy the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations.

## 10. Core Document List

- 10.1 The Appellants are engaging with the SDNPA and will provide a final agreed Core Document list to the Inspector following the issue of Proofs of Evidence.

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