

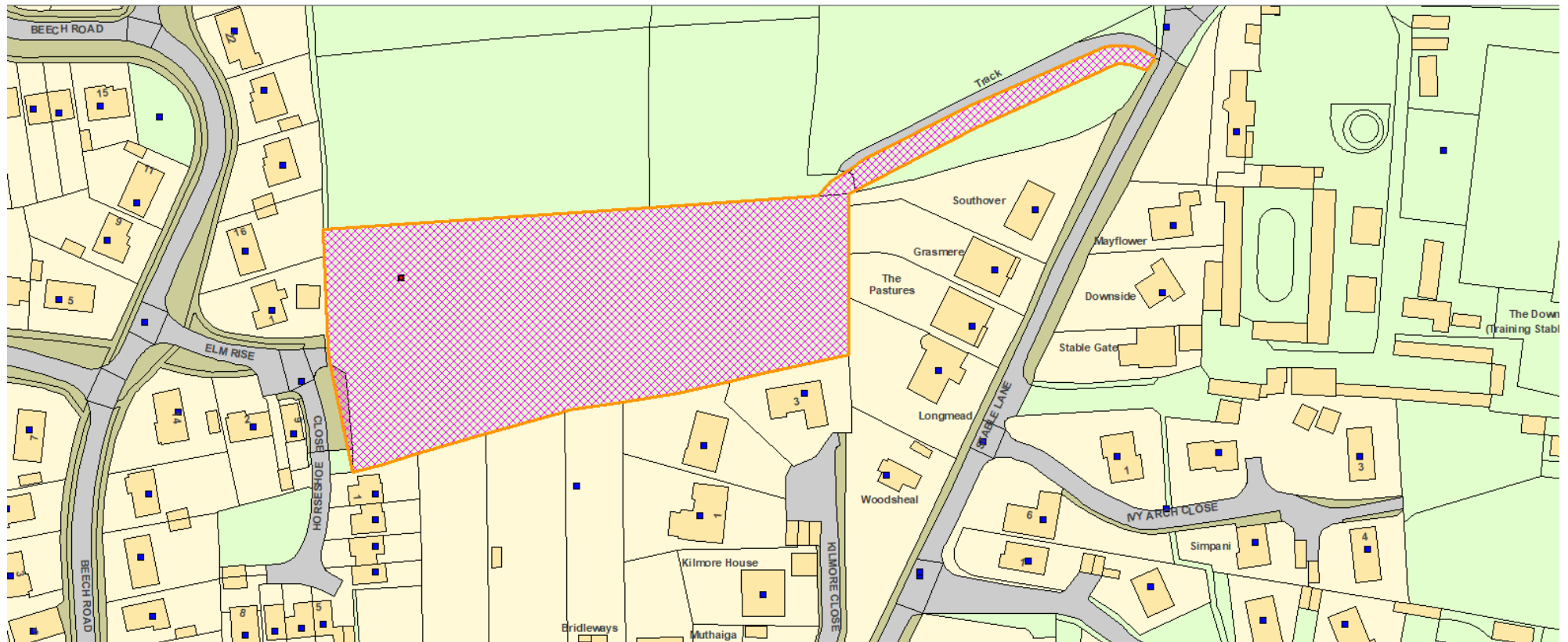
Agenda Item 6
Report PC24/25-22

Report to	Planning Committee
Date	13 February 2025
By	Director of Planning
Local Authority	West Sussex Council
Application Number	SDNP/23/04993/FUL
Applicant	Mr Jordan Moyle
Application	Erection of 16 dwellings (12 houses and 4 apartments), together with vehicular access and new open space (Revised drawings and additional information).
Address	Land at Elm Rise, Findon, West Sussex

Recommendation:

- 1) That authority be delegated to the **Director of Planning**, in consultation with the **Chair of the Planning Committee** to grant planning permission subject to:
 - i. **The satisfactory consideration and resolution of technical and design matters relating to surface water drainage following consultation with the Lead Local Flood Authority.**
 - ii. **A S106 agreement to secure:**
 - **50% Affordable Housing Units as set out in the report.**
 - **The creation and dedication of a Public Right of Way across the site connecting Elm Rise with Stable Lane.**
 - **Off-site highway works.**
 - iii. **The other conditions set out in Section 9 of the report and any amendments or other conditions required to address technical matters relating SUD's and Drainage.**
- 2) That authority be delegated to the **Director of Planning** to refuse **Planning Permission**, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the **13 February 2025 Planning Committee meeting**.

Site Location Map



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Executive Summary

Key Matters

- The site is set within the settlement boundary of Findon Village and is allocated for housing development under SD69 which envisages the development of between 14 and 18 residential dwellings.
- The site is visible from the A280, Long Furlong and also from the public bridleway to the north.
- The applicant has been through several iterations of the design in order to address concerns from officers and the scale, design and layout of the scheme is now considered to be acceptable insofar as it respects the local character of Findon whilst taking account of local topography and providing the quantum of development as set out within the site allocation.
- A suds and swale system, in conjunction with a piped solution is proposed to manage surface water drainage on site. Ecosystems services measures and the protection of the existing trees with Tree Protection Orders (TPO) on the site have been considered.
- The scheme is acceptable regarding matters such as design, materials, highway safety, parking, impact on surrounding amenities, affordable housing, mix of units, trees and dark night skies. In all of these respects, the scheme accords with the relevant Local Plan policies as well as National Park Purposes and Duty.
- Further work is needed on the proposed surface water drainage strategy in relation to the scheme and an objection is still maintained by the Lead Local Flood Authority (LLFA). However, it is considered that the scheme is sufficiently detailed that the application can be recommended for approval, with the matter of surface water management delegated to officers to be resolved in conjunction with the LLFA.
- The scheme is before members because it is a sensitive site allocation and also due to the level of objections raised in relation to the proposal.

I. Site Description

- I.1 The application site is an undeveloped field with an area of 0.7ha and is situated on the north east edge of Findon, within the settlement boundary. It is currently used for grazing horses and is bounded on three sides by residential development, with the rear gardens from Stable Lane and Elm Drive backing onto the west, south and eastern site boundaries. To the north of the site are fields laid to pasture, separated from the application site by a field boundary of hedgerow trees.
- I.2 Vehicular access to the site is from Elm Rise and there is an additional, non-designated pedestrian entrance via a track which runs down from Stable Lane and finishes shortly before the northeastern boundary of the site. Footpath 2789 runs across parallel to the site approximately 200 metres to the north.
- I.3 The site is allocated within the adopted local plan under SD69. It is within a chalk mineral safeguarding area but outside the water neutrality zone, and is classified as landscape character A3, Arun to Adur Open Downs and Dark Night Sky Zone, E1a, Intrinsic Rural Darkness. It has a tranquillity score of -40.97, one of the lowest areas of tranquillity in the Park.
- I.4 The submitted ecology report describes the application site as “dominated by a grazed field, together with discrete areas of ruderal vegetation and boundary scrub, trees and discrete sections of hedgerows. The site supports features with potential for use by breeding birds, badger and foraging bats. The site boundaries may also form part of the wider ecological network, providing wildlife corridors for more mobile species including bats and badgers to move through the landscape, particularly through the agricultural landscape which continues to the north. A small number of adjacent boundary trees also support potential bat roosting features associated predominantly with dense ivy cover”
- I.5 It should be noted that third party comments in relation to the site suggest the presence of

a badger sett. However, the updated ecological walk-over (April 2024) confirmed that, whilst there was a historical set to the far southwestern corner of the site, this was no longer in active use.

2. Relevant Planning History

2.1 An application for a PIP (Permission in Principle) was refused in January 2020 for reasons of under development and failing to meet policy SD69 as well as being contrary to SD1, SD25, SD26 and the NPPF.

3. Proposals

3.1 The application is for 16 dwellings, 12 houses and 4 flats contained within a 2-storey unit in the southwest corner of the site. The applicant proposes that 50% of the units are affordable. The tenure split proposed for the affordable housing is 75% (6) social rented and 25% (2) intermediate housing.

3.2 Market housing:

No. of Units	Bedroom	Size	National Space Standard?
6	3	93	Yes
1	4	134	Yes
1	4	125	Yes

3.3 Affordable Housing

No. of Units	Bedroom	Size	National Space Standard?
4	3	93	Yes
4	2	61	Yes

3.4 The materials proposed vary between the units and as set out on drawing 2034-LRA-DR-A-100. The flatted block is proposed to be brick and tile hung with a slate roof. The semi-detached and detached houses are a mix of brick, flint, and brick with tile hanging. Roofs are either slate or clay tile and windows are timber painted white. This palate of materials is prevalent in Findon and is considered appropriate. To ensure a high-quality material palate a materials condition (5) is attached. In terms of surface materials, the main access road will be chip and tar, with a granite set rumble strip to echo that which delineates the adjacent horseshoe close. Driveways and paths are proposed to be brick paved herringbone to create permeable hard surfaces.

3.5 The applicant has stated that the development will meet the requirements of SD48 and the sustainable construction SPD. All units will have roof mounted PV, homes will be supplied by Air Source heat pumps, heat pump cylinders or IR panel heating. EV charging points will be provided for each unit and rainwater collected for harvesting. It is envisaged that 25% (the 4 flats) of the scheme will be constructed to a Passivhaus standard.

3.6 Public open space is located predominately to the northeast portion of the site, and some to the west. This forms approximately 1600sqm of the main plot, which is approximately 16% of the overall plot size of 0.95 hectares. In addition to the open space, the northeastern ‘finger’ of the plot is allocated as a new public right of way, to be secured via the S106 agreement.

3.7 The SDNP design officer initially raised objections to the scheme, on the grounds of layout (too many houses located to the northern boundary), that it was too suburban and that it was dominated by cars. The proposals have been through several iterations during the

course of the application, the scheme has been revised and the local community and statutory consultees have been reconsulted.

- 3.8 The new houses are now better considered to reflect the character of Findon as a whole, the new houses now avoid the root protection areas of all the existing trees around the perimeter and existing boundary planting and are mainly restricted to the southern part of the site. A swale is proposed as are rainwater butts, rain gardens and permeable paving. A pipe to pond drainage solution is also proposed. This pipe to pond solution, in conjunction with the swale and dropped kerbs solution is further assessed in the main report below.
- 3.9 In terms of eco-systems services measures the application proposes the creation of additional native hedgerows, flowering grassland and additional trees. 8 bat boxes and 8 bird boxes will be erected and hedgehog highways created between garden fences and hedging where appropriate and amenity grass will be minimised, instead using wildflower and flowering lawn mixes instead.

4. Consultations

- 4.1 **Dark Night Skies:** No objection.
- 4.2 **Natural England:** No objection.
- 4.3 **WSCC Fire and Rescue Service:** No objection subject to conditions.
- 4.4 **WSCC Lead Local Flood Authority:** Object – SuD’s solution does not follow national guidance and further information is required.
- 4.5 **WSCC Highways:** No objection (comments addressed in the body of the report).
- 4.6 **SDNP Sustainability consultant:** Further information sought (see paragraph 7.33 – 7.34).
- 4.7 **Southern Water:** No objection.
- 4.8 **SDNP Trees:** No objection.
- 4.9 **HCC Ecology:** No objection.
- 4.10 **SDNP Landscape:** No objection to principle of development, objection to drainage and SUDs as discussed at paragraphs 7.39-7.41 below.
- 4.11 **SDNP Design:** No objection, conditions required, and details are missing (see paragraphs 7.16 – 7.24 below).

5. Representations

- 5.1 **Three** letters of support on the grounds that the development will bring more business to Findon and enhance the pocket of land.
- 5.2 **Thirty** letters of objection have been received on the following grounds:

Landscape

- Outside accepted boundary of village and greenfield site;
- Will spoil views of the downs;
- Out of keeping with landscape character;
- Plot over developed for its size.

Ecology

- Large, well established badger sett on site;
- How will TPO tree routes be protected during construction?
- Loss of biodiversity.

Flooding & Drainage

- Run off will cause flooding;

- Is the sewer big enough?
- Will increase flood risk and overload the existing drainage system;
- Who will manage swales and/or ponds attenuations tank?
- Where will cut and fill from properties and attenuation tanks/ponds go?

Amenity

- Will overlook many houses;
- Loss of light and overlooking to 1 – 4 Horseshoe Close.

Highways

- Construction traffic;
- Will increase traffic.

Miscellaneous

- Will negatively affect value of neighbouring homes;
- Other sites in the village are less contentious;
- Currently no public right of way through the site – any public right of way will need to have secure boundaries for those properties that boarder the site;
- Loss of equine grazing for which Findon is characterised.

Officer Note: This site is an allocated site within the settlement boundary of Findon as determined by the SDNP Local Plan. There is no objection from Southern Water to connecting to the main foul sewer, subject to the normal consents. Flood water and Surface Water is to be managed on site. It is considered that enough detail is shown and information submitted at this stage to recommend approval of the other aspects of the application, but to leave the final, detailed surface water management plan to be subject to further detailed discussions.

A Construction Environmental Management Plan (CEMP) condition and a condition for details of hard and soft landscaping are recommended (Conditions 6 and 7) to address comments on soil management on and off site as well as construction traffic. The CEMP requirement includes up to date tree surveys and tree protection details and this will protect trees during works. Equine uses are not protected by the adopted Local Plan and there is no change proposed to this policy (SD24) in the emerging Local Plan. As noted at paragraphs 7.35–7.38 below, whilst there will be some overlooking by virtue of the field changing from an open space to one with houses, this is not to such a degree as to justify the refusal of planning permission on this issue.

6. Planning Policy

6.1 Findon NDS was amended in March 2020 The following policies continue to remain and are considered relevant:

- GA2 – Footpath and Cycle Network
- GA3 Parking and New Development
- CFW8 – Dark Night Skies
- ES2 – Surface Water Management
- ES4 – Renewable Energy
- HD7 – Design of Development
- HD8 – Amenity Space

6.2 The most relevant polices of the adopted South Downs Local Plan (2019) (a longer list of other relevant policies and legislation can be found in Appendix I)

- SD1: Sustainable Development
- SS2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD17: Protection of the Water Environment
- SD19 : Transport and Accessibility
- SD20: Walking, Cycling and Pedestrian Routes
- SD22: Parking Provision
- SD25: Development Strategy
- SD26: Supply of Homes
- SD27: Mix of Homes
- SD28: Affordable Housing
- SD50: Sustainable Drainage Systems
- SD69: Land at Elm Rise – Site Allocation.

6.3 The South Downs Local Plan is undergoing a period of review and the First Publication (Regulation 18 Consultation) is underway.

6.4 This is the first publication of the Local Plan Review and therefore can only be attributed very little weight. As it progresses through the consultation system the plan will gain more weight.

6.5 The policies relevant to this application are the same as those noted above.

6.6 Relevant supplementary planning documents (SPD) and other guidance

- Parking for Residential and Non-Residential Development SPD 2021
- Ecosystems Services TAN
- Design Guide SDP
- Sustainable Construction SPD
- Affordable Housing SPD

6.7 Most relevant sections of the National Planning Policy Framework 2024

- Section 5: Delivering a sufficient supply of homes.
- Section 12: Achieving well designed and beautiful places
- Section 15: Conserving and enhancing the natural environment.

6.8 Most relevant policies of the South Downs Management Plan (2020-2025)

- Policy 1 – Landscape
- Policy 3 – Dark Night Skies

7. Planning Assessment

Principle of development

- 7.1 The proposal is not considered to constitute major development for the purposes of policy SD3 and paragraph 183 of the NPPF. The NPPF accompanying footnote 60 advises that ‘major development’ in designated landscapes is a matter for the decision maker, considering 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.
- 7.2 In this case, the proposal is relatively discreet in broad landscape terms and the site has been allocated for the use proposed. Any adverse impacts on the designation as a result of development will not be significant and have furthermore already been considered via the Local Plan process.
- 7.3 Policy SD26 ‘Development Strategy’ requires a total of 28 dwellings to be provided in Findon in the plan period. The application site is located within Findon settlement boundary and is identified by Policy SD69 of the SDNP Local Plan. The Findon Neighbourhood Plan does not define the settlement boundary nor allocate housing sites. The SDNP Local Plan is therefore the determining document in this regard.
- 7.4 Policy SD69 notes that;
- l) Land at Elm Rise, Findon is allocated for the development of between 14 and 18 residential dwellings (Class C3 Use). Planning permission will not be granted for any other uses. Detailed proposals that meet the following site specific development requirements will be permitted:
 - a) To enhance biodiversity, and in particular provide for local notable and protected species;

Officer Note: It is considered that, within the confines of its allocation (for housing development) the proposals submitted are capable of meeting SD69(a). The preliminary ecology survey and updated walkover note that “In terms of protected species, the site supports features with potential for use by breeding birds, badger and foraging bats. The site boundaries may also form part of the wider ecological network, providing wildlife corridors for more mobile species including bats and badgers to move through the landscape, particularly through the agricultural landscape which continues to the north”.

- 7.5 The only protected species recorded on site were 6 species of bat, including the serotine (the site falls within the core sustenance zone for serotines). The report notes that a small number of the species were using the northern boundary tree line and grassland edge habitat in this part of the site for foraging and commuting from a nearby roost. The report goes on to recommend a number of measures to protect this part of the site, including retaining and enhancing the boundaries and shielding them from light pollution.
- 7.6 Development is mainly confined to the southern and eastern boundaries of the site and the northern hedge and the trees within it are protected. There is no objection to the proposals from Hampshire Ecology providing that the mitigation measures suggested within the report are in place. These are secured as conditions 20-23.
- 7.7 In addition to enhancing the hedgerows and trees other measures, as detailed under the proposals section above are proposed to enhance biodiversity on this site, albeit the application is not required to meet the now statutory 10% increase in BNG, as it was submitted before this legislation came in.
- a) Development should be focused on the western and southern parts of the site, and provide a suitably landscaped transition to more elevated areas;

Officer Note: The submitted layout confines itself to these parts and subtly steps up the hill and will be seen from vantage points with the already present roofs of houses on stable lane in the background.

- b) Demonstrate no significant harm to be caused to groundwater resources;

Officer Note: Southern Water have reviewed submitted details and do not object to the application subject to an updated drainage strategy and a construction environmental management plan being conditioned. This is agreed and it is recommended that conditions 6 is attached.

- c) Vehicular access should be provided via existing access from Elm Rise and;
- d) the development should provide public green space integrated with an attractive, publicly accessible through-footpath and cycle link between Elm Rise and the northern end of Stable Lane.

Officer Note: Both these criteria are met.

7.8 SD69 (2). Notes that 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;
- b) Minimise hard surfaced areas on site, and use permeable surfaces and soft landscaping where possible to maximise infiltration of water and reduce surface water run-off; and
- c) New planting should be suitable for pollinating species.

Officer Note: The arboriculture statement confirms that no tree removal and no tree pruning will be required to permit the construction of the proposed development. New tree and hedge planting is also proposed. Permeable hard surfacing is used throughout the development and a landscape condition (7) requires the submission of further details, however it is envisioned that all hedges will be of a native species and grassland will be suitable for pollinators as further discussed below.

7.9 Given the above, the proposals are considered to accord with policy SD1 and SD69 and the principle of development is acceptable, subject to compliance with other relevant policies of the Local Plan which are discussed further below.

Landscape and Design

7.10 The National Park is afforded the highest level of Landscape protection under the National Park Purposes and duty, and relevant legislation. Policies SD 4 and SD 5 only permit development where it will preserve and enhance landscape character and where sensitive and high-quality design makes a positive contribution to the overall character and appearance of the area.

7.11 The site allocation has directed that this site be used for residential housing and therefore the principle of development is agreed. It is accepted that the landscape character of this site will change from a green field open space to a more intensively used and built-up residential space.

7.12 During the course of the application the site layout and plot positioning has been revised, as has the design rationale and proposed materials. Previously a very regimented form of design was proposed, with a lack of variation and sense of place and an over dominance of cars. This original scheme gave rise to objections from the design officer and it has now been revised. The materials palette and design approach to the proposed new dwellings is now considered to be reflective of the mixed palate of Findon. An updated design and access statement and LIVA have been submitted to show indicatively how the massing and form of the development will be seen from longer views.

7.13 The submitted LIVA concludes that the “landscape and visual implications of this proposed development are of a low level and modest nature for a development such as this” and goes on to state that “the proposed development does about as much as a new residential development can reasonably do to protect and enhance the local landscape within the normal limits and parameters of a development proposal. This is an eminently good location

for development and the layout and design for the development proposal is appropriate to the location and the characteristics of the application site.”

- 7.14 There are no objections from the landscape officer, however concerns are raised with regards to the proposed surface water drainage solutions and detailed design matters. This is discussed further below under drainage and suds.
- 7.15 There are no objections to the proposals from the design officer, albeit they raise concerns regarding the proposed materials (lack of detail rather than chosen material), the lack of detail with regards to bike stores, bin stores, retaining walls and boundary treatments. These concerns are pertinent, and further details are required via conditions in order to ensure that the envisaged quality of the development, in terms of building materials and landscaping materials, is bought to fruition. See conditions 5,6 and 7.
- 7.16 There have been objections from third parties to the application on the grounds of overdevelopment and the impact that the proposals will have on views from the surrounding Downs. The site is allocated for between 14 and 18 dwellings and therefore 16 dwellings is considered to be appropriate.
- 7.17 The updated LIVA provides massing wirelines which help to illustrate how the proposed scheme will be seen against the backdrop of the Downs and the village of Findon. These confirm that, in the majority of cases the proposed new houses will be seen against the background of existing rooflines of surrounding development and also partially obscured by mature trees. Consequently, the rooflines and massing of the new buildings do not appear alien in this landscape. They appear as a natural extension of Findon, bedded down between the existing houses on Stable Lane, Elm Rise and Horseshoe Close, the retention of all trees and mature hedgerows on site assists in creating this appearance of natural extension.
- 7.18 These existing trees and hedgerows, plus any new ones planted, will be key to establishing a development that blends in with the surrounding area. Detailed conditions (5-7) are recommended to secure these details and protect the existing hedges.

Ecology and Biodiversity Net Gain

- 7.19 The application was submitted in April 2023 and is therefore exempt from mandatory Biodiversity Net Gain. However, policy SD2 requires applicants to consider ecosystems services and SD9 S (b) of the South Downs Local Plan notes that development proposals should identify and incorporate opportunities for net gain in biodiversity. Additionally, the site allocation itself requires the development to enhance biodiversity.
- 7.20 As noted under the proposals section above, the scheme retains all existing boundary planting and mature trees and seeks to enhance this with additional native planting. Additionally, bird and bat boxes are proposed, as are hedgehog highways. Additionally, SUDs features, including swales and a pond which could potentially contribute towards biodiversity, subject to further detail, are proposed. Given that the site is allocated for between 14 and 16 dwelling units and that the character of the land will unavoidably change from green field to developed land, it is considered that the applicant has addressed the policy requirements of eco-systems services and biodiversity net gain as much as is possible whilst within the constraints of the site allocation and bearing in mind that statutory BNG is not applicable in this instance.

Affordable Housing and Housing Mix

- 7.21 The application provides a policy compliant number of affordable housing units as well as a policy compliant tenure split. In terms of mix, for the affordable housing units this is a 50/50 split of 2 and 3 bedroomed units. Policy SD27(a) seeks an ‘approximate’ mix of 35% 1- and 2-bedroom dwellings and 25% 3-bedroom dwellings. However, it does state that 1-bedroom dwellings may be substituted for 2-bedroom dwellings in the case of affordable housing. The proposed affordable housing mix is considered to be weighted to the right bedroom sizes and is considered acceptable in this instance. The proposed market housing mix is 75% 3-bedroom units and 25% 4-bedroom units. Whilst this mix does not accord with policy SD27(b) the scheme complies with affordable housing policy and the applicant advises that

the proposed 4-bedroom units assist in achieving viability across the site, therefore, on balance, the proposed mix is considered to be acceptable in this instance.

Highways Access, Public Rights of Way, Parking and Cycling

- 7.22 Access is in accordance with the site allocation, via Elm Rise. It is proposed that the access to the site is a shared surface, this is because the width is restricted by the existing trees either side of the current entrance and the scheme seeks to respect the RPA's of each of these trees.
- 7.23 Three sets of dropped kerb/tactile paved uncontrolled crossings are proposed as shown on drawing titled 'Crossing Points' drawing no. ERF/SR/6050 Rev. B. These are proposed at; Elm Rise/ Beech Road, crossing of Beech Road (just south of junction with Lime Road) and at Lime Road/Horsham Road junction. WSCC highways consider that these works improve pedestrian routes toward the village centre and in the locale for existing and new residents. It is recommended that these offsite highway works be secured via the s.106 agreement
- 7.24 The application submission refers within the Transport Note to a permissive path being routed through the site from west to east, Elm Rise, across the site and out to Stable Lane. During discussions the applicant has stated that they will endeavour to secure this as a public right of way, subject to land ownership negotiations. The site allocation requires a publicly accessible footpath and cycle link between Elm Rise and the northern end of Stable Lane. The development does facilitate this connection, however further detail needs to be provided.
- 7.25 It is considered that, given that the land facilitating this route is included within the application and that the applicant has committed to the provision of this route in writing, that a section 106 clause is appropriate to negotiate and secure this access route.
- 7.26 With regards to parking the scheme provides 28 allocated spaces dedicated to the residential units. Two formal visitor spaces are proposed in a layby to the access road. The Adopted Parking SPD calculates a total parking demand of 33.41 spaces for this development. The site allocation sets out that development on this site should be located to the southern and western parts of the site, it also requires the creation of public green space, the retention of all trees and hedges and the minimisation of hard surfaces. Given these constraints and the landscape impact of providing any more parking than that already proposed it is considered that, on balance and in respect of this particular site and development, this level of parking is appropriate.

Sustainability

- 7.27 The applicant has confirmed that the development will meet SD48 in terms of Co2 reduction and water efficiency. The apartment block is designed to meet the Passivhaus standard. The applicant has confirmed that the walls have been designed to a 450mm standard in order that the U values required to achieve these standards are possible. All units will have roof mounted PV manages and air source heat pumps, heat pump cylinders or IR panel heating. Rainwater is collected for harvesting in water butts and EV charging points are provided to all properties.
- 7.28 The SDNP sustainability consultant has requested further information however it is considered that all these details can be suitably controlled via pre commencement planning conditions, accordingly these are added, conditions 10 – 11.

Residential amenity

- 7.29 Third party comments have raised concerns regarding the impact of the development on their properties in terms of overlooking and privacy. The site is surrounded on its East, Southern and Western sides by housing development. The nearest properties to the proposed development are number 1 Elm Rise and number 1 Horseshoe Close. Number 3 Kilmore Close also backs onto the south eastern boundary and the new gardens to plot numbers 03 and 04.
- 7.30 The adopted SDNP design guide recommends a minimum distance of 22 metres between first floor habitable windows. The corner of the new house on plot 4 is 15 metres away

from this property, however this building is angled to face the garden of number 03 Kilmore Close rather than its rear elevation. The flank wall of the proposed new house on plot 03 is 18 metres from the rear of the existing property at number 3 Kilmore Close, this is a flank wall to rear elevation relationship rather than a rear to rear elevation relationship, which is what the design guide seeks to avoid. Given that there are only 2 small windows proposed in the flank elevation of the new property on plot 3 and taking into account the substantial boundary planting proposed, this relationship is considered acceptable.

- 7.31 The proposed apartment block (plots 15 and 16) is 21 metres from the corner of the flank wall of number 1 Horseshoe Close. The rear windows of this proposed apartment block are approximately 20 metres from number 1 Horseshoe Close. These distances are rear elevation to flank and, given this oblique angle and the retained and strengthened boundary planting proposed, this relationship between the properties is considered acceptable.
- 7.32 It is accepted that the views and outlooks of residents who currently look out onto this open field will change, however this is not a reason to refuse planning permission in this instance. Residents have also raised concerns regarding flood water and sewer capabilities. As noted above, it is recommended that the proposed surface water drainage system is further investigated and that this is done in consultation with the LLFA. There are no objections to the proposed foul water drainage system connecting to the existing network. Southern Water have confirmed this and suggested conditions in this regard.

Drainage and SuD's

- 7.33 Policy SD17 refers to the protection of the water environment, SD50 states that development proposals will be permitted where they ensure that there is no net increase in surface water run-off, taking account of climate change. SD50(2) notes that proposals for major development (Major development as defined in the Town and Country Planning (Development Procedure) (England) Order 2015) and will be permitted where they provide suitable sustainable drainage systems, unless it is demonstrated to be inappropriate.
- 7.34 The applicant has provided a flood risk assessment which has been reviewed by the lead local flood authority, in this case West Sussex County Council. Both the LLFA and the SDNP landscape officer have concerns regarding the detail of the proposed SuD's scheme. These concerns relate to the infiltration calculations, and the use of a highly engineered flood management solution.
- 7.35 Whilst this solution is proposed in conjunction with a less engineered, pond and swale solution neither the LLFA nor the Landscape officer consider that enough information is provided to justify the scheme at present. It is considered that what is provided is enough to provide officers and members with reassurance that a SuD's scheme is possible for this site and the development layout as proposed. However, it is recommended that officers continue to negotiate on this matter in consultation with the LLFA.

Conclusion

- 7.36 Overall, the scale and design of the proposals are acceptable having taken into account consultee responses, representations, and the landscape character and appearance of the immediate and surrounding area.
- 7.37 There are no impacts upon surrounding amenities as a direct result of these proposals which would justify a refusal of Planning Permission.
- 7.38 The NPPF outlines overarching economic, social and environmental objectives to sustainable development. In these respects, the scheme would deliver a policy compliant development on an already allocated site. Environmentally the scheme would provide ecosystems services enhancement and meet the sustainability credentials of the Local Plan.
- 7.39 The proposals substantially comply with the Local Plan and the NPPF, National Park Purposes and duty, and relevant legislation.
- 7.40 The application is, therefore, recommended for approval subject to a S106 agreement and conditions as set out below and with the suggestion that authority be delegated to the Director of Planning to resolve matters regarding SuD's.

8. Reason for Recommendation

8.1 It is recommended:

- 1) That authority be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee to grant planning permission subject to:
 - i. The satisfactory consideration and resolution of technical matters relating to surface water drainage following consultation with the Lead Local Flood Authority.
 - ii. A S106 agreement to secure:
 - 50% Affordable Housing Units as set out in the report
 - The creation and dedication of a Public Right of Way across the site connecting Elm Rise with Stable Lane.
 - Off-site highway works.
 - iii. The other conditions set out in Section 9 of the report and any amendments or other conditions required to address technical matters relating SUD's and Drainage.
- 2) That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the 13 February 2025 Planning Committee meeting.

9. Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

Levels

3. Notwithstanding the details provided, no development shall commence until details of site levels and longitudinal and latitudinal sections through the site, including through the swale, pond, the road and the driveways, have been submitted to and approved in writing by the Local Planning Authority. These details shall show how the SuDs system feeds into the swale and pond. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure a satisfactory development which responds to the characteristics of the site.

4. Notwithstanding the details provided, no development shall commence until details including of all of the proposed retaining walls, including existing and proposed spot heights and contour lines, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure a satisfactory development which responds to the characteristics of the site.

Materials

5. No development above slab level shall be commenced unless and until a schedule of all external materials along with samples of such materials (including finishes and colours)

has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area and the quality of the development.

Design and Landscaping

6. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide for (but not be limited to):
 - i. An indicative programme for carrying out of the works;
 - ii. Method Statement for demolition, excavation and construction work;
 - iii. The arrangements for public consultation and liaison during the construction works;
 - iv. Details of Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP);
 - v. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method for constructing foundations, the selection of plant and machinery and use of noise mitigation barrier(s);
 - vi. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - vii. The parking of vehicles of site operatives and visitors;
 - viii. Construction traffic routes and their management and control;
 - ix. Parking and turning provision to be made on site;
 - x. Adequate provision for addressing any abnormal wear and tear to the highway;
 - xi. Loading and unloading of plant and materials;
 - xii. Storage of plant and materials used in constructing the development;
 - xiii. The erection and maintenance of security hoarding, where appropriate;
 - xiv. Wheel washing facilities;
 - xv. Measures to control the emission of dust and dirt during construction, including measures to prevent mud being deposited on the highway;
 - xvi. Protection of pedestrian routes during construction;
 - xvii. Provision for storage, collection and disposal of rubbish;
 - xviii. Any re-use of on-site material and spoil arising from site clearance and demolition work and diverting waste from landfill (e.g. recycling)
 - xix. Working hours.

The approved Plan shall be adhered to in full throughout the entire construction period.

Reason: In the interests of highway safety and the character and amenity of the area.

7. No development above slab level shall take place until a detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, but not be limited to:

- i. Proposed planting plans and schedules of plants and trees, including written specifications, cultivation and other operations associated with plant, grass, shrub and replacement tree establishment, to be sourced from a peat-free nursery;
- ii. Construction of parking spaces;
- iii. Details of any knee rails, fences or protection measures around SUD's features;
- iv. Planting of the verges along the new public footpath;
- v. Location of services and utilities in relation to planted areas;
- vi. Location, height and materials/construction technique for all boundary treatments including gates, walls, fences and hedges;
- vii. Treatment of surfaces, paths and access ways;
- viii. Road design, avoiding over-engineered features such as raised tables and coloured tarmac in favour of designed-in measures to slow traffic. e.g. using buildings, tree planting, narrowing routes;
- ix. Design of ancillary structures including cycle and refuse storage, EV charge points;
- x. A timetable for implementation of the soft and hard landscaping works;
- xi. A schedule of landscape maintenance for a minimum period of ten years to include details of the arrangements for its implementation.

All such works as may be approved shall then be fully implemented in accordance with the approved development.

All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the development, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds, avoiding pesticides, and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape, in accordance with SD2, SD4 and SD5, and the SDNPA Design Guide SPD. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works and go to the heart of the permission.

8. Notwithstanding the detail shown on the submitted drawings, no development shall be carried out above ground floor slab level until details of the boundary treatments for plots 01,02 and 03 have been submitted to and approved in writing by the Local Planning Authority.

The works shall thereafter be carried out in full accordance with the approved details and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: In the interests of preserving the character and appearance of the surrounding landscape.

9. No development shall be carried out above ground floor slab level until details of the following matters have been submitted to and approved in writing by the Local Planning Authority.
 - a) Large scale details of all external joinery at scale (1:20 in elevation, 1:20 section, 1:1 glazing bars) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;

- b) Full details of proposed rooflights which shall be conservation style rooflights with vertical emphasis and integral vertical glazing bar set in plane with the approved roof covering;
- c) Full construction details of the Pergolas, dormer windows and chimneys including sections, elevations at 1:20.
- d) Full details of rainwater goods, external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- e) Full details of proposed meter and alarm boxes;
- f) Large scale details of proposed eaves and verges (1:5 section);

The works shall thereafter be carried out in full accordance with the approved details and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: In the interests of preserving the character and appearance of the surrounding landscape.

Sustainable Construction

10. Prior to the commencement of the development hereby permitted, detailed information in a Design-Stage Sustainable Construction Report in the form of:

- 1) Design-stage SAP 10 assessments for each dwelling and
- 2) Design-stage BRE water calculations; and
- 3) Product Specifications (including EV charging point, ASHP, PV and materials); and
- 4) Sustainable materials strategy and building design details and

Demonstrating that each dwelling will:

- a) Reduce predicted CO₂ emissions using energy efficiency in the building fabric and low and zero carbon technologies by a minimum of 12% in total (Part L1A 2021) supported by design stage SAP 10 assessments for each residential unit on plots 01-12.
- b) In the case of plots 13 – 16 (the apartment block) to demonstrate, via a Passivhaus certificate, that this building meets the Passivhaus Standard
- c) Provide the EV charge points as shown on the approved plans with a minimum power rating output of 7kW and a universal socket; and
- d) Have predicted water consumption of no more than 110 litres/person/day per dwelling; and
- e) Have separate internal bin collection for recyclables matching local waste collection services; and
- f) Provide external private compost bins for each dwelling with a garden over 50sqm; and
- g) To enhance the tree cover with new native planting as described in the Landscape strategy.
- h) Dwellings be designed to minimise overheating risk.

shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be built in full accordance with these approved details.

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

11. No later than six months after the first occupation of the development hereby permitted, detailed information in a Post Construction Stage Sustainable Construction

Report demonstrating how the development has been carried out in accordance with all the requirements set out in Condition No.8 (above) shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include 'As Built' SAP 10 assessments, photographic evidence of materials etc and other assessments.

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

12. The development hereby permitted shall not be brought into use until details of refuse and recycling storage shall have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage facilities shall be implemented in full accordance with the approved details prior to the occupation of the development and thereafter be retained.

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

Drainage

13. No development shall commence until a detailed drainage scheme for the means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority. These details shall include drainage calculations and a Management and Maintenance Plan. Thereafter, the development shall be carried out in full accordance with the approved details. No dwelling shall be occupied until the drainage system has been implemented in full accordance with the approved details.

Reason: To ensure satisfactory provision of foul water drainage. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

Dark night skies

14. No development shall commence above slab level until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the type and location of all external lighting to be installed throughout the site. All external lighting on the dwellings shall be restricted to down lighters that do not exceed 1000 lumens, which shall be designed and shielded to minimise upwards light spillage. It shall also take into account bat foraging and commuting routes and be informed by the biodiversity enhancement management plan as required under condition 18. The measures shall thereafter be implemented in full accordance with the approved details.

Reason: To conserve dark night skies.

Parking and Highways

15. Prior to the development being brought into use, the vehicular accesses and car parking spaces, shall have been completed in full accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site parking is provided

16. Prior to the commencement of development above slab level, detailed plans and elevations showing covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the approved details and the covered and secure cycle parking spaces retained thereafter.

Reason: To provide appropriate cycle storage to enable alternative sustainable modes of travel.

Hydrant Condition

17. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local

Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with policies of the appropriate District/Borough Council Plans and in accordance with The Fire & Rescue Service Act 2004.

18. Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner /occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policies of the appropriate District/Borough Council Plans and in accordance with The Fire & Rescue Service Act 2004.

Permitted Development Rights

19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes E and F and Part 2 of Schedule 2, class A; inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the area and amenity.

Ecology

20. Prior to commencement of development a Biodiversity Enhancement and Management Plan shall be submitted to the LPA for approval in writing. This shall include the provision of an integrated bat and integrated bird feature in each dwelling. Thereafter, the development shall be implemented in full accordance with the approved plan.

Reason: To protect and enhance biodiversity in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981, NERC Act 2006, NPPF and Policy SD8 and SD9 of the South Downs Local Plan.

21. Development shall proceed in accordance with the measures set out in; section 5 of the preliminary ecological appraisal dated 29th November 2022 by CT Ecology; Section 5 of the Bat survey report dated 5th August 2023 by CT Ecology and the updated ecology walker over dated 3rd April 2024.

Reason: To protect and enhance biodiversity in accordance with the Habitat and Species Regulations 2017, Wildlife and Countryside Act 1981, NERC Act, NPPF and Policy SD8 and SD9 of the South Downs Local Plan.

22. Prior to commencement of development, an updated survey for badgers should be undertaken to ensure that no new sets are present and that the existing sett remains unused. The findings of the survey and any additional mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in full accordance with any additional mitigation measures approved.

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

Informatives

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Tim Slaney

Director of Planning

South Downs National Park Authority

Contact Officer: Sarah Round
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 Email: Sarah.Round@southdowns.gov.uk
 Appendices: Appendix I - Information concerning consideration of applications before committee
 SDNPA Consultees: Legal Services, Development Manager
 Background Documents: [All planning application plans, supporting documents, and consultation and third party responses](#)
[National Planning Policy Framework \(2023\)](#)
[South Downs Local Plan \(2014-33\)](#)
[South Downs National Park Partnership Management Plan](#)
[Adopted Affordable Housing SPD - South Downs National Park Authority](#)
[Adopted Parking SPD - South Downs National Park Authority](#)
[Adopted Design Guide SPD - South Downs National Park Authority](#)
[Adopted Sustainable Construction SPD - South Downs National Park Authority](#)
[Biodiversity Net Gain Technical Advice Note \(TAN\) - South Downs National Park Authority](#)
[Ecosystem Services Technical Advice Note \(TAN\) - South Downs National Park Authority](#)
[Findon Neighbourhood Plan Amended 2020 from Devised aug 2020 master copy](#)

