



Appeal Decision

Inquiry Held on 16,17 and 19 May 2023

Site visit made on 16 May 2023

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2023

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

Liss Forest Nursery, Petersfield Road, Greatham, Liss GU33 6HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cove Construction Ltd, Peter Catt, Vincent Catt and Neil Catt against the decision of South Downs National Park Authority.
 - The application Ref SDNP/21/04848/FUL, dated 22 September 2021, was refused by notice dated 15 July 2022.
 - The development proposed is 37 dwellings (including affordable homes), alterations to existing access onto Petersfield Road, hard and soft landscaping, drainage and all other associated development works.
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Decision

1. The appeal is allowed and planning permission is granted for 37 dwellings (including affordable homes), alterations to existing access onto Petersfield Road, hard and soft landscaping, drainage and all other associated development works at Liss Forest Nursery, Petersfield Road, Greatham, Liss GU33 6HA in accordance with the terms of the application, Ref SDNP/21/04848/FUL, dated 22 September 2021, subject to the conditions in the conditions annexe below.

Preliminary Matters

2. The Inquiry was held in person on 16 and 17 May, and virtually on 19 May 2023.
3. An application for costs submitted by the Appellants was withdrawn on 19 May 2023.
4. A legal agreement was signed on 21 June 2023 for provision of payments towards the Wealden Heaths Phase II Special Protection Area, sustainable transport modes and monitoring fees as well as affordable housing provision on site, open space provision on site as well as the creation of a permissive path between Petersfield Road and the eastern site boundary. The legal agreement seeks to address the second reason for refusal which I consider latterly.
5. Eight of the proposed dwellings, 21.6% of the total development was proposed to be affordable housing. Although this originally formed a reason for refusal, the parties agreed latterly during the Inquiry that the 8 affordable homes together with an additional contribution towards off-site provision would be appropriate, which was confirmed in a [revised] Further Statement of Common

Ground (FSocG) submitted on 19 May¹ 2023. The draft legal agreement was then revised to include this additional off-site affordable housing contribution. The legal agreement was signed on 21 June 2023 and duly submitted. I consider this increased affordable housing provision below.

Main Issues

6. The site is allocated for 35 to 40 dwellings in Strategic Policy SD71 of the South Downs Local Plan to which the proposal being 37 houses accords. The National Park Authority (NPA)² did not consider the 37 houses constituted major development in respect of paragraph 177 of the National Planning Policy Framework (the Framework), which precludes such development other than in exceptional circumstances in National Parks. I similarly concur.
7. The site lies within the settlement boundary and no policy seeks to retain the existing horticultural use. Whilst the principle of the development was found to be acceptable by the NPA, as stated earlier the level of affordable housing provision at the planning application stage was considered unacceptable. The affordable housing provision is therefore a main issue.
8. The site is close to Wealden Heaths Phase II Special Protection Area, which the residents of the new houses would potentially visit, thereby placing pressure on habitats and species. Both parties agree that the proposed funding would allow for measures to mitigate the potential recreational impacts arising from the proposal. However, I still have a duty to consider the SPA under The Conservation of Habitats and Species Regulations 2017. This is the other main issue.
9. The main issues therefore are:
 - whether the proposal would provide an acceptable level of affordable housing provision; and
 - the effect of the proposal on The Wealden Heaths Phase II Special Protection Area.

Reasons

Whether the proposal would provide an acceptable level of affordable housing

10. The site is within the South Downs National Park. The Environment Act 1995 requires decision makers to have regard to the purposes of the National Park. It sets out that within National Parks there is a statutory duty to foster the economic and social well-being of their local communities, which includes meeting locally identified housing needs. The English National Parks and the Broads: UK government vision and circular 2010 sets out the importance of environmental, social and economic aims for national parks. The lack of affordable housing is raised as having implications for the sustainability of national parks and communities. The South Downs National Park Partnership Management Plan emphasises the need to increase affordable housing and promotes 50% of new homes to be affordable on sites of 11 or more dwellings.
11. Policy SD28 of the South Downs Local Plan requires a minimum of 50% of new homes to be affordable. The explanatory text states the purpose of the policy

¹ Dated May 2023, submitted to The Inspectorate on 19 May 2023

² Committee Report paragraph 7.2

is to maximise affordable housing provision as part of market led schemes. The text also states that applications proposing a lower proportion of affordable home provision should present robust evidence to demonstrate constrained viability or other exceptional circumstances. This is reiterated in the Affordable Housing Supplementary Planning Document. It then foresees submission of a viability appraisal. The Planning Practice Guidance Viability (PPG) helps inform such an approach.

12. The 50% affordable housing requirement derives from a generic assessment³ in August 2017 as part of the evidence base for the Local Plan. Subsequent to this both parties agree that build costs and sales values have increased leading to potentially different financial capacity for affordable provision. Accordingly, a viability assessment was submitted with the planning application.
13. Paragraph 58 of the Framework states the weight given to viability assessments is a matter for the decision maker, having regard to the circumstances in the case, including whether the plan and viability evidence underpinning it is up to date.
14. The Appellants present 2 appeal cases within the National Park where the 50% affordable housing provision was unviable. A 2021 appeal⁴ for a site in Lavant was allowed on the basis that the policy does not impose a blanket requirement of 50% if it can be demonstrated that provision would make the development unviable. As a result, 16% of the dwellings as affordable for that particular scheme was considered acceptable.
15. At Astley House, the Inspector considering two linked appeals⁵, noted the impact of the war in Ukraine and rising prices on viability and concluded that affordable housing was not viable. Similarly, within the National Park, an application⁶ in 2022 was permitted by the NPA for a scheme of 36% affordable housing due to the viability constraints on the site.
16. These decisions support the principle that the affordable provision if less than 50% should be considered by viability assessment of the particular proposal and site. Indeed paragraph 34 of the Framework highlights that policies including affordable housing provision should not undermine the deliverability of the plan.
17. The FSoCG includes an agreed and revised Development [Financial] Appraisal for the proposal.
18. The following inputs into this revised appraisal were agreed by both parties. The suggested 18.5% profit on market housing, reflects the range within the PPG⁷. This also tallies with the Astley House appeals where that Inspector concluded 18.5% was 'a suitable return'. The affordable housing profit is also agreed at 6% which reflects the 2017 Local Plan Viability appraisal⁸. Additionally, this Local Plan appraisal⁹ also identifies the agreed marketing costs here at 3%. The legal fees of £1000 per house in this appraisal reflect written quotes submitted by the Appellant.

³ BNP Paribas Local Plan and Affordable Housing Viability Assessment

⁴ APP/Y9507/W/20/3257831

⁵ APP/Y9507/W/21/3269823 and APP/Y9507/W/22/3295783

⁶ SDNP/21/03448/FUL

⁷ Paragraph 018

⁸ Paragraph 5.39

⁹ Paragraph 5.29

19. In accordance with advice in the PPG, the potential sales values were based on comparable and recent developments in the area which reflect the NPA's evidence. These are also agreed by the Appellants in the FSoCG.
20. There are £1,318,328 'abnormal costs' due to the use of the site as a horticultural nursery and its site specific infrastructure costs. These have been calculated by quantity surveyors and are also agreed by both parties.
21. The further £75,000 towards off-site affordable housing provision in addition to the 8 dwellings on site is included in the revised Development [Financial] Appraisal. This shows that the Residual Value would be £1,084,460 which compares to the NPA's Benchmark Land Value of £1,086,250: The Residual Land Value, (the value of the completed development minus the costs of development including profit) would almost match the Benchmark Land Value, (the existing land value and a premium 'incentive' for the landowner). By matching closely, a development becomes viable.
22. The Appellants confirmed that if the appeal is allowed, development would commence within 2 years, and as the proposal is only 37 houses, completion would not be expected to be prolonged. Therefore, this viability assessment is representative of the proposal at implementation. For the same reasons the £75,000 would not be indexed linked to future inflation.
23. The £75,000 off site provision is included in the revised and signed legal agreement. The NPA confirmed at the Inquiry that they know of other developments in the area where it could be readily utilised.
24. The 8 affordable houses would be shared ownership, and this tenure helps the viability. This would contribute to meet the local need particularly in the National Park. Both parties agree that this is an acceptable tenure and I concur.
25. The affordable housing on site would be two one bedroom, four two bedroom and two three bedroom houses, which both parties agree would be a broad mix reflecting local need. I similarly concur.
26. I therefore find that the proposed 8 dwellings together with the £75,000 off site provision would provide an acceptable level of affordable housing bearing in mind the viability of this particular proposal on this particular site. This proposal therefore complies with Strategic Policy SD28 and the Affordable Housing Supplementary Planning Document as well as paragraphs 34 and 58 of the Framework.

The effect of the proposal on The Wealden Heaths Phase II Special Protection Area (SPA)

27. The SPA has four components: Woolmer Forest SSSI, Broxhead and Kingsley Commons SSSI, Bramshott and Ludshott Commons SSSI and Devil Punch Bowl SSSI. The SPA is renowned for Nightjar, Woodlark and Dartford Warbler. It is noted for various scarce species and distinctive habitat, which are protected under The Conservation of Habitats and Species Regulations 2017. The site being approximately 600m away is within the 5km zone of influence of the SPA.
28. Natural England commissioned a survey that found degradation from recreation, which manifests itself in several ways. Firstly, by increased air

pollution from vehicles as well as visitors disturbing vegetation by trampling. Secondly dogs can disturb birds and impair water quality. Thirdly there is risk of fires. Having regard to the evidence provided I consider that the development could, in combination with other development in the area, have a significant adverse effect on the above designations through added recreational pressure.

29. Natural England have found that visitors will travel up to 5km to visit the area. The proposal would increase the number of people living within a typical driving distance of the SPA, which is an attractive semi-natural area, likely to be used for recreation.
30. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the above designation.
31. There is a well-established planning policy in conjunction with East Hampshire District Council and Natural England which requires contributions from new residential development to mitigate and monitor the visitor impacts. Monies from new development are pooled to enable coordinated action, including: maintenance of an existing boardwalk, new interpretation boards, ongoing educational programmes, finger posts/signs to manage access and alternative routes.
32. The submitted legal agreement has an obligation for a contribution of £15,000 towards the above measures. Both parties agree that such mitigation would help support the management of the SPA and ensure that the proposal would not adversely affect its integrity. I similarly concur.
33. The contributions would be directly related to the impacts of the proposal on the SPA and necessary to make the development acceptable. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the NPA's strategy. Accordingly, the contribution towards the SPA is a material consideration.
34. In conclusion, with the mitigation secured through the planning obligation, the scheme would not harm the SPA. Accordingly, the proposal would not conflict with Strategic Policy 9 which requires the conservation and enhancement of biodiversity or Strategic Policy 10 which seeks to avoid harm to protected habitats and species including this SPA.

Other matters

35. Several local residents including those speaking at the Inquiry, raised parking and highway safety concerns, particularly in terms of the potential adverse impacts given the existing traffic generated by the primary school and the nursery at the village hall site. I saw the appeal site and the environs at 8:35 a.m. on one of my three visits and whilst there was some congestion, I noted that parking was generally alongside the road without obstructing the flow of traffic. Notably the village has a 30mph limit, extending well beyond the school and appeal site, which is supported by traffic calming. Indeed, a Transport Statement was submitted and agreed by the Highway Authority. The proposal would provide 93 parking spaces, including 11 visitor spaces, which would

meet the planning authority's standards in the SPD¹⁰. The NPA and highway officers had no objection on highway safety grounds and based on the submitted evidence I similarly concur.

36. Concern was raised about the potential for surface water run-off into the adjacent dwellings at Bakers Field, which occupy lower land. The submitted drainage strategy shows water run off would be channelled into a holding basin at the corner of the appeal site away from these dwellings. Additionally, much of the site is currently hard surfaced and occupied by polytunnels whereas the proposal has some gardens and open space to absorb run off. The NPA had no objection to this strategy, and I similarly concur. The proposal would accord with Policy SD71 which highlights the need to surface water management.
37. There was also concern from Bakers Field residents that their privacy could be impaired. However, both main parties agree that the smallest existing gardens are approximately 25m deep and the proposed gardens would be at least 15m deep, which together would give good separation distances between overlooking windows and reasonable privacy within the gardens. Privacy would also be maintained by the retention of the existing boundary hedge and the planting of a parallel additional new hedge marking the boundary of the gardens for the new houses.
38. Concern was also raised that the proposal would harm the character and appearance of the area. Reference was made to the views from the footpath opposite the appeal site. However, I noted on site that the views are currently dominated by the existing polytunnels. I was advised by the Appellants at the Inquiry that they are 3.3m high, which was not contested by the NPA. I found that the polytunnels are obtrusive and eye catching due to the stark nature of their covering, whereas the new landscaped open space on the frontage would improve the site's appearance. Whilst the proposed houses would be higher, they would be limited to two storey and recessed further into the site, in a varied and fragmented building line.
39. The houses would reflect the local vernacular in terms of their simple elevations, form, and materials as highlighted in the NPA's Design Guide¹¹. The NPA had no objection in this respect, and I similarly concur.
40. One of the local residents at the Inquiry foresaw the proposal would be at odds with the suggested linear form of Greatham. Whilst I did observe some linearity of the village, the adjacent Bakers Field is a diametric offshoot and extends beyond the appeal site. Indeed, the site is allocated in the Local Plan for development which supports the principle of this extent of development
41. There was concern that the proposal would not be perceived as being part of the village due to a raised bank on the frontage. This is an inevitable conflict with the above aim of recessing the development into the site so that it would not be prominent, and an open space is the main feature on the frontage. In any event, residents would be only a short walk away from the school, village hall, nursery, church and local pub using the site access road. There was discussion at the Inquiry about the potential for a footpath across the open space on the frontage but the use of such a path would be challenging due to the steepness of the slope.

¹⁰ Guidance on parking for Residential and Non-Residential Development SPD April 2021

¹¹ Adopted Design Guide SPD July 2022

42. The Grade II listed Deal Farmhouse is opposite the appeal site and approximately 115m away according to the Committee Report. In parts it dates back to the sixteenth century. This is notable for its rustic materials: tile hanging and ironstone walls with a half-hipped plain tiled roof as well as its simplicity. Its garden is defined by a stone boundary wall which is prominent onto the village road. I was not advised about any cultural or historic link with the appeal site. There is some inter-visibility with the appeal site, but the prominent polytunnels detract from its setting. Similar to my findings above, the removal of the polytunnels, the creation of landscaped open space and the set back new houses would improve its setting.
43. Whilst great weight should be given to the asset's conservation, the NPA had no such concern¹² and I too find that the proposal would not be harmful. The proposal would accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It would similarly accord with Policy SD71 in terms of the setting of listed buildings.
44. I also note the appeal site is close to the Greatham Conservation Area, but there would not be clear inter-visibility with the proposed houses. The nearest element of the proposal would be the access, but its proposed widening would also be inconsequential being within the context of the highway environment. Again, I was not advised of any cultural or historic link with the appeal site. I therefore find that the proposal would not harm the setting of the Conservation Area, and so would accord with Section 72 of the above Act, which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It would similarly accord with Policy SD71 in terms of the setting of the Conservation Area.
45. There are comments that the proposal does not provide a shop. Allocation Policy SD71 allows for the principle of a shop here but nonetheless does not make it a requirement and there is a similar conclusion in the NPA's Committee Report¹³. As I saw on my visits, the site does not readily lend itself to a shop being on a high grass bank, and the proposal sets back development to limit its prominence, so a shop would not have 'trading presence' in this proposed layout. Its viability too would be likely to be challenging due to the size of the village. The Appellants refer to a Court of Appeal case¹⁴ which shows that whilst there may be other potential alternative uses on a site, this does not amount to a requirement, rather it is the landowner's choice.

Planning Obligations

46. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 57 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

¹² Paragraph 7.35 Committee Report

¹³ Paragraph 7.4

¹⁴ Lisle-Mainwaring and the Secretary of State for Communities and Local Government v Carroll [2017] EWCA Civ 1315

47. As I have found above the contribution of £15,000 would be necessary to mitigate the impact of the new residents and their recreational pressure on protected species and habitats.
48. The transport contribution of £65,000 would go towards improvements to the bus stops, waiting areas, a bus shelter and a crossing point with pedestrian refuges close to the site and school. This would promote the use of low carbon travel and facilitate access for new residents to everyday facilities, in accordance with Strategic Policy SD19. I therefore find that the contribution would be both necessary and relevant to the proposal.
49. The new footpath connection at the south-eastern corner of the site would improve links with existing footpaths in the area. This would help the connectivity of new residents to the adjacent countryside to support their accessibility, health and well-being in accordance with Strategic Policy SD20. I therefore find that the contribution would be both necessary and relevant to the proposal.
50. The obligation includes monitoring fees, based on the calculations for the particular responsibilities in each obligation within the agreement. The Planning Practice Guidance on Planning Obligations allows for monitoring costs if proportionate and reasonable. The obligations would have to be checked by the NPA staff throughout the progress of the development and payments would need to be requested, received, and actioned. The NPA would have responsibility for overseeing the obligations and the funding. I therefore find that the monitoring fees would be necessary and reasonably related to the proposal.
51. The CIL Compliance Statement sets out how each obligation would meet the tests in the CIL Regulations and the Framework. I am satisfied that each obligation contained in the agreement would meet the tests in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale.

Planning Balance

52. The proposal would develop an allocated site, providing new market and affordable homes in the National Park, wherein provision is particularly challenging due to few opportunities. This is the only allocation for residential development in Greatham and the proposal has been shown to be viable. The level of affordable housing provision has been demonstrated to be acceptable bearing in mind the viability constraints.
53. The proposal would not harm protected species or habitats as the legal agreement makes provision for mitigation to address the potentially increased visitor pressure. The submitted proposal shows the potential for biodiversity net gain on site through replacement of hard standings and polytunnels with landscaping, gardens and open space.
54. Both parties agree¹⁵ that the proposal accords with the Development Plan when taken as a whole and I concur. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. This is re-iterated in paragraph 2 of the Framework.

¹⁵ Paragraph 1.6 Further Statement of Common Ground

55. As the proposal accords with the Development Plan and material considerations do not indicate otherwise, I therefore find the proposal should be approved.

Conditions

56. Paragraph 56 of the Framework and the Planning Practice Guidance, Use of planning conditions (PPG), provide the tests for the imposition of conditions. Whilst there was agreement on the wording of conditions, the Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
57. The conditions on timing and list of approved plans help provide clarity and certainty.
58. The considerations in the Construction Environmental Management Plan would help to maintain the living conditions of the neighbouring residents particularly in terms of noise, disturbance, and dust.
59. The NPA suggest a condition removing permitted development rights in Part 1 Use Classes A -F and Part 2 Class A. Paragraph 54 of the Framework states planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The NPA explained the landscape led approach to the design of the proposal and the potential for the detailed design to be degraded by permitted development.
60. Class A on extensions and alterations would be likely to have most effect and such changes if inappropriate would have the potential to undermine the collective appearance of the vernacular based architecture. Class D allows for porches which if inappropriately designed could spoil the appearance of the frontages. However, Classes B, C and E have particular stipulations which would provide adequate safeguards to their potential changes. Class F allows for some hardstandings, but this would not be significant in terms of the appeal scheme. Part 2 Class A could lead to visually intrusive boundary treatments, albeit low height. Accordingly, I find that the condition is necessary and relevant, for Part 1 Classes A and F only and Part 2 Class A.
61. The suggested condition on levels would help the appearance of development on this elevated site, so that the houses would not be dominant from Petersfield Road or the footpath opposite the site. Wording on compliance has been added.
62. The condition on green roofs is necessary to ensure that their specification, maintenance and retention is appropriate so that they can flourish in the interests of appearance, biodiversity and water management.
63. Approval of the external materials is necessary to ensure that they reflect the locality and tally with the proposed elevations in the interests of the character and appearance of the area. Similarly, submission and approval of landscaping details together with any replacement is necessary in the interest of the rural character and appearance of the National Park. The wording of the suggested condition includes the provision 'where possible' of natural play equipment and a bench within the open space. This was raised by local residents at the Inquiry to help integration. However, the suggested wording would be vague which would fail the tests for a condition. Whilst I find that a seat could be

accommodated without any impairment to the living standards of the nearby houses, play equipment would be likely to be hard to fit into the space available after landscaping and there would also be potential safety implications being adjacent to the access road. Consequently, I do not impose the condition on naturalised play equipment but do require a seat.

64. A condition is necessary to protect existing trees which contribute to the site's character. The condition on implementation of ecological management and the post development landscape and ecological management are necessary so that the proposal can achieve a net biodiversity gain on the site. The condition controlling external lighting is necessary to balance the safety needs of residents whilst limiting light pollution to safeguard dark skies in accordance with Strategic Policy SD8.
65. A condition is needed on foul water disposal to ensure that this basic infrastructure is provided in the interests of the living conditions of new and existing residents, and safeguarding water quality. The condition on surface water disposal is similarly needed. However, the wording to part (a) refers to potential for the scheme to make changes to the approved Flood Risk Assessment, which contravenes the opening intention of compliance. This is re-worded in the interests of certainty.
66. A condition is needed to ensure that the site access is properly implemented with provision and retention of visibility splays so that safe access can be provided and maintained.
67. The Travel Plan condition is necessary to promote the use of non-private motorised access to the local services by future residents, in the interests of low carbon travel and minimising pollution. Similarly, the condition on cycle parking would ensure that proper provision is made which would encourage carbon free travel and a trigger point has been added to ensure implementation. The suggested requirement for electric car charging points is unnecessary as this is now within the remit of Building Regulations. An additional condition is added to ensure the provision of parking spaces. As I found earlier the scheme needs to provide parking to expected standards in the interests of safety on Petersfield Road.
68. The condition on contaminated land requires that any contamination is reported and remediated, in the interests of the health of new and nearby residents following the horticultural use. The wording of unless otherwise agreed is retained as there could be a situation where it may be best left in situ.
69. The suggested condition promoting energy efficiency has targets based on the 2013 Building Regulations, however this has now been replaced by the December 2021 version. Thus, the basis and validity for the suggested targets is out of date. Moreover, this is an allocated site for development and there is no justification to exceed the requirements of nationally set standards. Consequently, this condition would not meet the tests and so is not imposed.

Conclusion

70. I therefore conclude that the appeal should be allowed, subject to the conditions in the conditions annexe below and the Section 106 agreement.

John Longmuir INSPECTOR

Appearances

For the National Park Authority

Mr Daniel Kolinsky KC	Landmark Chambers
Mr Fraser Castle MSc MRICS	Development Partner Bruton Knowles
Mr Richard Ferguson BSc(Hons) MA MRTPI	Development Management Lead for South Downs National Park Authority

For the Appellants

Mr Killian Garvey of Counsel	Kings Chambers
Mr Matt Spilsbury MRICS MRTPI Senior Director	CBRE
Mr David Murray-Cox BA(Hons) Mplan MRTPI	Director Turley

Mr Stacy BA(Hons) Dip TP MRTPI submitted written evidence which was not contested and so did not appear

Interested parties

Mr Oliver Rook	Greatham Parish Council
Ms Abbie Goddard	Local resident
Mr Alan Booton	Local resident
Ms Anna Dale-Harris	Local resident
Mr Josh Dale-Harris	Local resident

Documents submitted during the Inquiry

1. Agreed planning conditions
2. Agreed plans and reports for determination
3. Affordable housing SoCG
4. Viability SoCG Addendum
5. Agreed draft s.106 agreement
6. Mr Spilsbury rebuttal proof
7. Costs Application (and attachments)
8. Inspector viewing schedule
9. Email from Nina Lloyd providing agent opinions
10. Email containing Eastmead Industrial Estate appeal decision/committee report
11. Email to PINS with Deal Farmhouse list entry and list entry map
12. Updated HRA
13. Gov.UK Extract
14. Extract from OBR
15. CIL Compliance Statement
16. CIL Charging Schedule Update
17. Photographs from Abbie Goddard

18. Photographs from Anna Dale-Harris
19. Appellants' Opening
20. National Park Authority Opening
21. Roundtable agenda
22. Further SoCG
23. Email withdrawing costs application
24. Title documents
25. National Park Authority Closing
26. Appellants' Closing and accompanying legal judgment

Conditions annexe

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this decision.

2. No development shall commence until details of site levels and longitudinal and latitudinal sections through the site have been submitted to and approved by the Local Planning Authority. The development shall only be implemented in accordance with the approved levels.

3. No development shall commence until full details of the proposed means of foul drainage disposal including maintenance and management responsibilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in full accordance with the approved details, retained and maintained as such thereafter.

4. No development shall commence until a detailed surface water scheme for the site based on the principles within the submitted Flood Risk Assessment and Drainage Strategy issue 4 dated 2nd July 2021 has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a) a technical summary highlighting its correlation with approved Flood Risk Assessment
- b) detailed drainage plans to include type, layout, dimensions and details of drainage features including references to link to the drainage calculations
- c) detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change
- d) confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753
- e) exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria
- f) the long term maintenance arrangements which shall include (1) maintenance schedules for each drainage feature type and ownership; (2) details of protection measures; (3) confirmation of maintenance responsibilities for each drainage asset.

The design of the surface water drainage features shall also deliver multi-functional benefits in regard to biodiversity net gain and the landscape scheme, secured by conditions 8 and 9.

The development shall, thereafter, be undertaken in full accordance with the agreed details and the management and maintenance arrangements shall be carried out in full accordance with the approved details over the period specified.

5. No development shall commence, including any ground works or works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The CEMP shall include the following:

- a) the anticipated number, frequency and types of vehicles used during construction
- b) the method of access and egress and routeing of vehicles during construction
- c) the parking of vehicles by site operatives and visitors
- d) the loading and unloading of plant, materials and waste the storage of plant and materials used in construction of the development
- e) the erection and maintenance of security hoarding
- f) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- g) a programme for carrying out of the works
- h) details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works
- i) a lighting strategy during construction
- j) measures to control the emission of dust and dirt during construction
- k) measures for dealing with any asbestos
- l) measures to mitigate noise, including vibration, during construction
- m) working hours on site

6. Prior to the construction of the green roofs, technical design details including their specifications of the species, planting methods, means of drainage, future management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the agreed details and maintained thereafter. In the event that part of or the whole of any green roof does not take or does not become established or fails within the first 5 years of planting, it shall be repaired or replaced with a like for like replacement.

7. No development above ground floor slab level shall commence until a full schedule of external materials and finishes and samples (as required) of such materials and finishes to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved schedule of materials and finishes.

8. No development above ground floor slab level shall commence until a detailed Scheme of Soft and Hard Landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) written specifications (including cultivation and other operations associated with plant and grass establishment
- b) planting methods, tree pits & guying methods
- c) schedules of trees, plants, species, planting sizes and proposed numbers/densities
- d) retained areas of trees and hedgerows
- e) details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting

- f) details of the siting, specifications of the Sustainable Urban Drainage systems as in condition 4
- g) landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation
- h) a timetable for implementation of the soft and hard landscaping works
- i) a seat

The scheme of soft and hard landscaping works shall be implemented in full accordance with the approved details and timetable. Any planting which dies, becomes diseased or is removed within the first five years after planting, shall be replaced with another of similar type and size.

9. No development above ground floor slab level shall commence until a Landscape and Ecological Management Plan (LEMP) which covers the whole application site shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall follow the principles and objectives of the approved landscape scheme and biodiversity enhancements (secured by conditions 9 and 15). The content of the LEMP shall include:

- a) description and evaluation of features to be managed
- b) details of measures to retain existing boundary features
- c) long term management objectives and responsibilities
- d) implementation of the LEMP and management regime for the landscape scheme and biodiversity net gain
- e) a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- f) ongoing monitoring and remedial measures

The approved LEMP shall, thereafter, be implemented in full in accordance with its agreed details for the management of the development.

10. No development above ground floor slab level shall commence until details of 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 and the management of lighting in the public realm. 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. The approved scheme shall be installed in full accordance with the approved details and maintained and operated in accordance with the approved details.

11. Prior to the occupation of the first dwelling, the access and footway shall be constructed and provided in accordance with the approved plans, including the visibility splays shown on the approved plan 096.0004.014A free of any obstruction exceeding 1 metre in height above the adjacent carriageway. They shall be maintained as such thereafter.

12. Prior to the occupation of the first dwelling, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures within the Travel Plan shall, thereafter, be implemented in full and managed in accordance with these details.

13. The development shall proceed in accordance with the Arboricultural Impact Assessment and Method Statement (Prepared by ACD Environmental, reference: COVE21437aia-amsD rev D, dated 14 June 2021) and Tree Protection Plans TPP COVE21437-03D (sheets 1 and 2).

14. The development shall be implemented in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment (EPR, August 2021). All mitigation, compensation and enhancement features shall be installed as per the approved details and be retained and maintained in perpetuity and in a condition suited to their intended function.

15. The cycle parking provision s shall both be provided in full accordance with the details as shown on Plan 150715/SL37/05/PP- Rev J prior to the occupation of each and every associated dwelling. The cycle parking spaces shall thereafter be retained for their designated purpose.

16. Prior to the commencement of development a timetable for the laying out and surfacing of all the parking spaces shown on Plan 150715/SL37/05/PP- Rev J shall be submitted to and approved by the Local Planning Authority. The car parking spaces shall be completed and made capable of use in accordance with the approved timetable and shall be retained for parking use thereafter.

17. In the event that contamination not previously identified is found at any time when carrying out the approved development then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Part 1 Classes A, F, and Part 2 Class A.

19. The development hereby permitted shall only be carried out in accordance with the plans listed below.

Site Location Plan	150715-LP
Site Layout (37 units)	150715-SL37-08-CSL Rev
Colour Site Layout	H
Site Layout (37 Units)	150715-37-CSS Rev E
Coloured Street Scenes	
Site Layout (37 Units)	150715-SL37-03-DT Rev H
Dwelling Types Plan	
Site Layout (37 Units)	150715-SL37-09-EP Rev E
Enclosures Plan	
Site Layout (37 Units)	150715-SL37-12-HCP Rev
Existing and Proposed	C

Hardstanding Comparison

Site Layout (37 Units) Materials Plan	150715-SL37-07-MP Rev P
Site Layout (37 Units) Parking Plan	150715-SL37-05-PP Rev J
Site Layout (37 Units) Planning Layout	150715-SL37-01 Rev 4
Site Layout (37 Units) Potential Solar Panel Positions	150715-SL37-11-SP Rev C
Site Layout (37 Units) Private Areas Plan	150715-SL37-10-PA Rev D
Site Layout (37 Units) Refuse Plan	150715-SL37-06-RP Rev J
Site Layout (37 Units) Storey Heights Plan	150715-SL37-02-SH Rev J
Site Layout (37 Units) Tenure Plan	150715-SL37/04/TP Rev J
Access Visibility Splays	096.0004.014 Rev A
Lighting Plan	0904-DFL-LSD-001 Rev G
Tree Protection Plan	COVE21437-03D Sheet 1 of 2
Tree Protection Plan	COVE21437-03D Sheet 2 of 2
Site Locations and Designations	891.1/01 rev A
Ancillary Buildings Double Car Port 2 Variant Elevations and Plan	150715-37-AB-DCP1-EP Rev B
Ancillary Buildings Green Roof Double Carport Elevations and Plan	150715-37-AB-DCP1-G-EP
Ancillary Buildings Green Roof Single Carport Elevations and Plan	150715-37-AB-SCP1-EP
Ancillary Buildings Single Car Port 1 Elevations and Plan	150715-37-AB-SCP1-EP
Ancillary Buildings Single Garage Elevations and Plans	150715-37-AB-SG1-EP Rev A
Ancillary Buildings Substation Elevations and Plan	150715-37-AB-SUB-EP Rev A
House Type The Vyne(B) Tile Elevations	150715-37-HT-VYN-T-EL Rev E
House Type The Vyne(B) Painted Brick Elevations	150715-37-HT-VYN-PB-EL Rev E
House Type The Vyne(B) Plans	150715-37-HT-VYN-FP Rev E
House Type The Vyne(A) Detached Stone Elevations	150715-37-HT-VYN-D-EL Rev F

House Type The Vyne(A) Detached Plans	150715-37-HT-VYN-D-FP Rev B
House Type The Vyne(C) Longstock and Vyne(A) Elevations Painted Brick and Brick	150715-37-HT- VYN_LON_VYN-EL Rev F
House Type The Vyne(C) and Vyne(A) Plans	150715-37-HT- VYN_LON_VYN-FP Rev C
House Type The Longstock Semi Brick and Tile Elevations	150715-37-HT-LON-EL Rev C
House Type The Longstock Semi Plans	150715-37-HT-LON-FP Rev B
House Type The Longstock, Vyne(A) and Longstock Brick and Tile Elevations	150715-37-HT- LON_VYN_LON-EL Rev C
House Type The Longstock, Vyne(A) and Longstock Plans	150715-37-HT- LON_VYN_LON-FP Rev C
House Type The Longstock and Vyne(C) Stone Elevations	150715-37-HT-LON_VYN-EL Rev G
House Type The Longstock and Vyne(C) Plans	150715-37-HT-LON_VYN-FP Rev E
House Type The Pemberley(A) Tile and Brick Elevations	150715-37-HT-PEM-EL Rev E
House Type The Pemberley(A) Plans	10715-37-HT-PEM-FP Rev D
House Type The Houghton Brick Elevations	150715-37-HT-HOU-EL Rev E
House Type The Houghton Plans	150715-37-HT-HOU-FP Rev B
House Type The Dean Detached Brick Elevations	150715-37-HT-DEA-D-EL Rev D
House Type The Dean Detached Plans	150715-37-HT-DEA-FP Rev B
House Type The Dean Semi Brick and Tile Elevations	150715-37-HT-DEA-S-EL Rev C
House Type The Dean Semi Plans	150715-37-HT-DEA-S-FP Rev B
House Type The Dean- Pemberley(B) Brick and Tile Elevations	150715-37-HT-DEA_PEM-EL Rev D
House Type The Dean- Pemberley(B) Plans	150715-37-HT-DEA_PEM-FP Rev C
House Type The Hyde Stone Elevations	150715-37-HT-HYD-EL Rev D
House Type The Hype Plans	150715-37-HT-HYD-FP Rev B
House Types The Oakleigh	150715-37-HT-OAK-EL Rev

Brick Elevations	C
House Type The Oakleigh Plans	150715-37-HT-OAK-FP Rev B
House Type The Alverstone Brick and Tile Elevations	150715-37-HT-ALV-EL Rev D
House Type The Alverstoke Plans	150715-37-HT-ALV-FP Rev E
House Type The Romset and Vyne(A) – Stone and Brick Elevations	150715-37-HT-ROM_VYN-FP Rev D
House Type The Romset and Vyne(A) Plans	150715-37-HT-ROM_VYN-FP Rev C
House Type The Avington-Ironstone Elevations	150715-37-HT-AVI-I-EL Rev D
House Type The Avington-Ironstone Plans	150715-37-HT-AVI-I-FP Rev B
House Type The Avington Brick Elevations	150715-37-HT-AVI-EL Rev B
House Type The Avington Plans	150715-37-HT-AVI-FP Rev D
House Type The Hillier Brick and Tile Elevations	150715-37-HT-HIL-EL Rev C
House Type The Hillier Plans	150715-37-HT-HIL-FP Rev B
House Type The Hillier Hipped Brick and Tile Elevations	150715-37-HT-HIL-H-EL Rev D
House Type The Hillier Hipped Plans	150715-37-HT-HIL-H-FP
House Type The Ormeley Render Elevations	150715-37-HT-ORM-T-EL Rev C
House Type The Ormeley Stone Elevations	150715-37-HT-ORM-I-EL Rev A
House Type The Ormeley Plans	150715-37-HT-ORM-FP Rev B
House Type The Ormeley Double Garage Stone Elevations	150715-37-HT-ORM-DG-EL Rev D
House Type The Ormeley Double Garage Plans	150715-37-HT-ORM-DG-FP Rev C

End of conditions