

SDNPA Planning Committee 13 April 2017 Update Sheet

Agenda Item	Page No	Para	Update	Source/Reason
8	13	Recommendation	<p>Amended wording to recommendation to refer to the requirement of Section 59 agreement and to be consistent with other decisions Members have made regarding Section 106 agreements generally.</p> <ol style="list-style-type: none"> 1) That planning permission be granted for application SDNP/16/06186/FUL subject to the conditions set out in Paragraph 10.1 of this report and the completion of a S106 legal agreement to secure the provisions of the footpath, Travel Plan and a Section 59 agreement. 2) That authority be delegated to the Director of Planning to refuse application SDNP/16/06186/FUL with appropriate reasons if the S106 agreement is not completed or sufficient progress has not been made within 3 months of the 13 April 2017 Planning Committee meeting. 3) That Listed Building Consent be granted for application SDNP/16/06187/LIS subject to the conditions set out in Paragraph 10.2 of this report. 	Correction / Clarification
8	15	2.8	<p>Third sentence</p> <p>It is also proposed to construct on three (3) single storey buildings to the rear of 'Woodruff' to provide additional storage space and a staff bike store.</p>	Correction
8	16	4.4	<p>Further comments from the Local Highway Authority (LHA) have been received following the submission of a further rebuttal statement from a transport consultant on behalf of the objectors.</p> <p>The LHA has undertaken an independent trip analysis, using best practice guidance. The figures produced by the LHA sit between the applicants transport consultant and the objectors transport consultant.</p> <p>The LHA reiterates that it is acknowledged that the proposed development will generate an increase in vehicular movements throughout the day. However, these movements will be spread across the day, with peaks of approximately 4 two way vehicle movements occurring during the hours of 0800-0900 and 1700-1800. The LHA consider that the highway improvement measures proposed by the applicant will help to mitigate the impact of additional vehicle movements.</p> <p>A review of the A29 / Madehurst junctions indicates that there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that restricted visibility has been detrimental to highway safety when accommodating a comparable level of daily traffic as would be generated by the change of use from a residential use to a hotel / restaurant.</p>	Update

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			The LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32).	
8	16	4.5	Revised comments from the Ecologist sought further clarification from the applicant and recommended further detailed survey work. Following further clarification from the applicant, Officers consider that sufficient information has been provided to make an assessment on the potential ecological impacts and the applicant has put forward appropriate and reasonable mitigation measures (these measures will be secure by condition).	Update
8	16	4.6	Comments are awaited if received they will be reported verbally to Committee. Officers considered sufficient information has been provided to make an assessment on the impact to trees and the applicant has put forward appropriate and reasonable mitigation measures to protect the remaining trees during the construction period (these measures will be secure by conditions).	Update
8	17	4.12	All references to Madehurst Parish Council should be corrected to refer to Madehurst Parish Meeting. Madehurst does not have a Parish Council.	Correction / Clarification
8	18	Section 5	Three further letters of objection have been received from existing objectors. Officers do not consider that these letters raise any new issues (as summarised in Section 5 of the report) or alter the conclusions reached under Section 8 of the report.	Update
8	24	8.19	Amended wording to first sentence. This The issue of viability has been raised by third parties.....	Correction
8	27	8.42	Additional sentence at the end of the paragraph. <i>If permission is granted, the provision of a Section 59 agreement (an agreement under the Highways Act to make good any damage caused to the public highway) could be secured via a S106 legal agreement.</i>	Correction / Clarification
9	45	Recommendation	Recommendation point 2 to be amended as follows: That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the S106 Agreement is not completed or sufficient progress has not been made on the agreement within 3 months of the 13 April Planning Committee meeting.	Correction
9	47	2.5	Typing error on date given at bullet point 3. This should state: <ul style="list-style-type: none"> 31 August 2016 - Screen capture of a listing with "On the Market" confirming rental availability at £5,000 pcm 	Correction

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9	64	8.47	<p>Amended wording: <i>If members are minded to approve the application, a Section 106 agreement must first be secured to relinquish the extant use of the Tithe Barn as a function venue.</i></p>	Correction / Clarification
			<p>Email correspondence dated 6 April 2017 from Planit Consulting with additional comments regarding minor inaccuracies:</p> <p>Application form</p> <p>Qu 3. Internal building work has been commenced within Monks Walk, including the addition of chimney flues. These works have been carried out under permitted development rights for which permission is not required.</p> <p>Qu 12. There is a stream within 20 metres to the south of Monks Walk (which will not be, materially impacted upon by the proposed development)</p> <p>Qu 15. There are both trees and hedges within the red line development site, however as this is essentially a 'change of use' application no trees will be affected by this proposal</p> <p>Qu. 24 Only part of the site can be seen from public footpaths and public land therefore entry to the site is need by officers, (hence the 'No' box was ticked)</p> <p>Qu 25. Date given on ownership certificate B incorrectly states 06/08/2016 - Notice under Town and Country Planning (Development Management Procedure) (England) Order 2015 certificate under Article 14 was served on Mr and Mrs Figgis on 10/2/2017 (sent by post with compliments slip)</p> <p>Assessment of Optimum Use Report</p> <p>The venue has been used for concerts, art exhibitions and the odd village events mainly before my client acquired the barn. This was on an infrequent basis. Since acquiring the barn it has been used only once for an art fair and the Campings allowed the school to use it one bad weather day.</p> <p>The application has 5 bedrooms and not 4 bedrooms. This is correctly stated on the application form</p> <p>Other Points</p> <p>The site location plan does not provide an up to date footprint of the Tithe Barn. However the Tithe Barn is correctly shown on the other submitted drawings, including the 1:100 plans. In this respect the 1:1250 location plan does not need to be up to date in terms of buildings on site.</p> <p>The site location plan was amended prior to submission of the application and correctly draws the red line ownership to the north of the Tithe barn.</p> <p>The red line boundary correctly shows the ownership of the application property. Notwithstanding this point the adjacent owners have been notified of the proposal (attached Certificate B) and therefore if is considered any of the application site strays onto their ownership they have been legally notified.</p>	Update

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			<p>Officer Comment</p> <p>The points submitted by Planit Consulting are not considered to prejudice the assessment or final recommendation given by officers. The agent has confirmed that Mr and Mrs Figgis were served notice in February 2017 and the responsibility for this procedure rests with the applicant.</p>	Update / Clarification
9			<p>Consultation Response - Hampshire County Council Countryside Service – Public Rights of Way – 4 April 2017 updated 12th April 2017</p> <p>HCC PROW has reviewed the application and are satisfied that there will not be increased vehicular movements over the public right of way and withdraw our request for a developer contribution towards the future maintenance of Buriton Footpath 1 as referenced under previous response dated 4th April 2017.</p> <p>PROW still have concerns regarding highway safety and vehicular access rights.</p> <p>We therefore amend our objection to this application and in the interests of the amenity and safety of the public we request the following:</p> <ul style="list-style-type: none"> a) condition to ensure that no development takes place until full details of necessary private vehicular rights of access over the public right of way have been confirmed. b) condition requiring suitable signage to be erected warning drivers of the presence of walkers on the footpath and of the requirement to give way. 	Update
			<p>Officer Comment</p> <p>The access adjacent to the footpath already serves several residential properties including Monks Walk, Old Spot Cottage, the Manor as well as the Tithe Barn which has an extant D2 use as a wedding venue. The proposed works will increase the number of residential units at the site by 4, but would also relinquish the use of the Tithe Barn as a venue for functions and events.</p> <p>Your officers consider that point a) would not be a suitable planning condition as it relates to private access rights. This is not a matter for determination of the planning application and it is a legal matter that the applicant will need to resolve in order to implement the permission if granted.</p> <p>In relation to point b), your officers would question if such a condition would be necessary to make the development acceptable, given that the access already serves the properties referred to above with an overall reduction in the potential vehicle movements associated with the loss of the Tithe Barn as a wedding venue.</p>	

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9			<p>Letter to Mr J Geoghegan of East Hampshire District Council Community team dated 22 March regarding Nomination of the Tithe Barn as an Asset of Community Value summarised as follows:</p> <ul style="list-style-type: none"> • The owner (Mr Camping) objects to the nomination of ACV on two principal grounds • For the barn to be of community value, the barn must further the social wellbeing or social interests of the local community and it is realistic to think this can continue, and there was a time in the recent past when an actual non-ancillary use of the Barn furthered the social wellbeing or interests of the local community and it is realistic to think that there is a time in the next five years that there could be such use. • Social interests include cultural, recreational and sporting interests and the Localism Act focuses on local communities, not individuals which have no connection to the locality of the barn. • The barn has been used principally as a privately run wedding venue and since this has ceased the barn has been redundant. There has therefore not been a time in the recent past when a non-ancillary use of the barn furthered the social wellbeing or interests of the local community. • There is a lack of supporting evidence to support the assertion that the barn has been used for the list of events stated by the nominator with no specific community uses between 2001 and 2012 to support the nominee's case. • The nomination fails to evidence that the community value criteria has been satisfied in the recent past and in light of covenants affecting the barn, it is unrealistic to think that the Barn will be used in a way which furthers the community value criteria within the next 5 years. <p>Officer Comment: Whilst the decision relating to the nomination of the Asset of Community Value lies with East Hampshire District Council, your officers consider that the nomination carries very limited weight at this stage in the determination of this application. A decision has yet to be made by EHCC and the applicant has provide reasonable evidence to question its suitability for nomination.</p>	Update
9			<p>Email correspondence from Community Officer, Mr J Geoghegan of East Hampshire District Council received 12 April 2017:</p> <ul style="list-style-type: none"> • The nomination of the barn as an Asset of Community Value is still pending a decision, which will need to be issued by 17th April. As yet, no decision has been issued. 	Update

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			<p>Three further representations received from Mr A Grant, Ms F Vesey & Mr N Hooper, Mr C Cooper raising the following points:</p> <ul style="list-style-type: none"> • Unanswered questions regarding frequency of use, noise levels, parking and privacy associated with a continued commercial use of the Tithe Barn • Loss of wedding business has resulted in loss of trade for local businesses • A revival of a community use would support other local businesses • Local employment opportunities if the barn is retained under a community use • Village events have been moved or cancelled due to double bookings with the village hall. • The barn has been used successfully as a venue in the past • The barn can still offer much to the village under a community use <p>Officer Comment: The Authority cannot force the sale of the Tithe Barn to a community group and the community have previously expressed concern over the use of the Tithe Barn under its extant permission. Members are advised to consider what the optimum use is, and not whether an owner of a private asset can be forced to sell.</p>	Update
			<p>Letter sent by Freeths on behalf of the applicant to Richard Mitham Associates on 30 March 2017 regarding an offer to acquire the Tithe Barn. The main points from this letter are:</p> <ol style="list-style-type: none"> 1. <i>The application is considerably below the market price for the barn. Additionally the proposed terms demand that our client does further works to the Barn at his own cost and accept a 6 month retention of £30,000. In return, your clients are demanding that the property is transferred to them without any restriction (including, we note, any restriction on the use of the Barn, despite your clients' stated purpose in acquiring it, or any restriction on your client subsequently developing the Barn themselves).</i> 2. <i>Despite the uncommercial terms your client proposes for our client, they suggest that he should contract with a newly incorporated company (so new that it has not yet been incorporated) which is to act as a special purpose vehicle and which does not have any obvious means to stand behind its proposed contractual obligations. This is particularly important in this case as our client's losses, with the knock on effect on the planning process, would be considerable if our client treated your clients as valid purchasers and they subsequently breached a contract.</i> 3. <i>The Barn is a listed building and your client is proposing to acquire it as an alternative to our client's proposals for residential use. Accordingly, your clients must be able to demonstrate not only that they can genuinely acquire the barn for proper market price, but also that they can maintain the Barn indefinitely in line with its current listing.</i> 	Update

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9			<p>4. You have not disclosed who your clients are. The heads of agreement refer to your client only as “A company” and give no information about its proposed shareholders and directors will be. Prior to company set up, you do not confirm who you act for as individuals, beyond the names of Jonathan Jones and Ian Johnston who have signed the heads of agreement. Your clients cannot expect our client to enter into a contract if he does not know who they are. It would clearly subvert the proper planning process if any person now assisting or participating in the proposed purchase were in any way involved with the objections to our client’s planning application without informing the planning committee of this interest. The only reasons our client can see for any ongoing secrecy regarding the purchaser/your clients are:</p> <p>4.1. to conceal the extent to which the people intending to acquire the barn are actively involved in objecting to his application for planning. In this regard, we note that Ian Johnston is husband of the Vice-Chairman of Buriton Parish Council who initially proposed an ACV application in respect of the barn</p> <p>4.2. to avoid disclosing the identity of those behind the alleged offer in case it were treated, to our client’s detriment, as a genuine viable offer but does not then proceed.</p> <p>5. The area your clients propose to acquire for parking is an area that the planning committee has indicated in response to a previous planning application made by our client that it would not want to see any parking. If parking remains a concern for the planning committee, this would be a reason to reject your clients’ proposals.</p> <p>6. Perhaps most fundamentally, as your clients have themselves set out at paragraph 5 of the heads of agreement, the Barn is currently subject to covenants which expressly prevent it from being used, at all, for your client’s intended use. It is simply not credible that your clients would genuinely pay £300,000 for the Barn (regardless of its market value) unless they were certain that they could actually use it.</p> <p>Accordingly, if your clients want to be treated as genuine prospective purchasers, they will need to address the above and provide our client, as a minimum, with:</p> <p>1. Evidence of your clients’ funding and where it is sourced from. Your clients must be able to demonstrate not only that they can purchase the Barn but also maintain it as a listed building;</p> <p>2. Confirmation of the proposed company’s registration and, in the meantime, details of your current clients and the proposed directors and shareholders; and</p> <p>3. Disclosure of any discussions or agreement regarding release of the restrictive covenants and/or consent to your clients’ proposed use of the site despite the covenants. We must emphasise this point in particular as your clients cannot be taken as having any serious intention to acquire the barn without clear plans to be able to use it.</p> <p>Officer Comment: Member are advised that restrictive covenants carry limited weight in decision making, as they can be varied subject to mutual agreement by interested parties.</p>	Update

9		<p>Letter sent by Mr J G Jones dated 5th April submitted to Freeths in response to their letter (referred to above). The main points summarised in the letter are as follows:</p> <ul style="list-style-type: none"> • An offer was made through Richard Mitham Associates and the Business Plan is available on the SDNP website containing answers to questions raised. • A fully financed company has been established with Mr I Johnston as Director and Mr J Jones as Secretary • <i>The company is in a position to purchase the barn at an existing use value and operate it in line with the business plan. No change of existing use Class D2 is proposed.</i> • The purpose of the business is to propose a viable community use of for the barn which secures this historic building for the future and is consistent with its setting at the heart of the village. • The offer is motivated by the refusal of the previous planning application for the barn encouraging the applicant to explore alternative viable uses. • The offer made is genuine. <p>Email correspondence from Mr J G Jones to the Case Officer, received 11 April stating the following: <i>Freeth's letter seeks to question the credibility of our offer and the motives behind it. We emphasise, therefore, that:</i></p> <ol style="list-style-type: none"> 1. <i>Our offer is serious, genuine and carefully considered.</i> 2. <i>Our offer is based on advice about a realistic market value from a nationally known estate agent.</i> 3. <i>We have no other motive than to preserve a beautiful and historic building for the benefit of the community.</i> 4. <i>We have a credible business plan to use the Barn as a community and cultural centre.</i> 5. <i>The plan includes substantial on going provision for maintenance, based on advice from a highly qualified chartered surveyor and drawing on experiences of maintaining similar properties elsewhere.</i> 6. <i>It also explains in detail how we propose to manage car parking for those events which attract external visitors, based on discussions with the Parish Council.</i> 7. <i>We are aware of a number of restrictive covenants , which the applicant has agreed in the past year. Our legal advice is the same as that in the Officer's report i.e. that "the Authority cannot consider legal restrictions and covenants, given they can be subject to further change, beyond the reach of the planning decision making process."</i> 8. <i>A fully incorporated company has been established with an operational bank account and sufficient funds to pursue the acquisition of the Barn.</i> 9. <i>We have replied to Freeth's by the requested deadline with the information requested. So far the applicant has not been willing to explore or discuss our offer. We question whether he is serious about exploring alternative viable uses, as the Planning Authority has requested.</i> 	Update
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			<p>Officer Comments</p> <p>It is not clear that proposed community use would comply with the lawful D2 use of the barn. East Hampshire District Council granted planning permission for the retrospective use of the barn as a function room under planning reference F.33208/011/FUL. Condition 1 of the consent restricted the D2 use with the following wording:</p> <p><i>Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the development hereby permitted shall be used only for weddings, receptions, private parties, lectures, seminars, conferences, meetings, exhibitions, corporate events, charity events and local social club meetings, and for no other uses within Class D2 (assembly and leisure) except with the prior written consent of the Planning Authority.</i></p>	
			<p>Email correspondence received 11 April sent from Mrs M Johnston, Chair of Buriton Parish Council:</p> <p><i>Buriton Parish Council has recently received a copy of a letter from Freeths Solicitors sent to East Hampshire District Council and dated 22 March 2017.</i></p> <p><i>It reveals some very material information with regard to the current planning applications and we enclose a copy.</i></p> <p><i>In paragraphs 28 to 32 it is revealed that, as long ago as 24 March 2016, the owner of the Manor Barn (Mr Camping) included clauses in a legal 'transfer' document which promised [Clause 12.10(b)] that the Barn would not be used for any other purpose than for private dwellings. In Clause 12.10(c) Mr Camping also covenanted not to carry out any trade or business in the Barn. The Parish Council has a full copy of this transfer document (also received from EHDC) if it would be of any interest to SDNPA.</i></p> <p><i>In paragraph 30, point (c) the letter stresses that Mr Camping is "under a positive obligation" to only use the Barn for residential purposes and paragraph 32 explains that "it is not realistic, or remotely reasonable, to think that the owner will open himself up to a claim for breach of the several covenants set out therein."</i></p> <p><i>These promises (and these covenants) must cast even more doubt about the adequacy and thoroughness of the applicant's marketing exercise which, it appears, commenced in May 2016 – two months <u>after</u> the legal promises were made to use the Barn only for residential purposes.</i></p> <p><i>With these covenants (and their implications) in place from 24 March 2016, is the SDNPA really satisfied that the Barn has really been promoted / marketed for any purposes other than residential use?</i></p> <p><i>Case law from the High Court case of Gibson vs Waverley concludes that "Marketing of a heritage asset will only be of weight if it has adequately tested the market ...".</i></p> <p><i>Members of your Planning Committee will surely conclude that since March 2016 the applicant has only ever had one intention in mind (to sell the Barn for residential purposes) and that this therefore explains the paucity and restricted nature of the marketing exercise.</i></p>	Update

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9			<p><i>This issue connects with the 5 Questions which the Parish Council has repeatedly put to Mr Camping in writing (first copied to Messrs Slaney, Ainslie, Scammell and Harrison on 2^h February 2017).</i></p> <p><i>The Parish Council had noted that, in his report on application SDNP/16/0449/FUL, the Conservation Officer identified as the possible optimum viable use of the barn its use as ancillary domestic accommodation for the Manor House.</i></p> <p><i>However, Planit Consulting's "Assessment of Optimum Viable Use", which accompanies the current applications, does not refer to the Manor House or make any assessment of this particular use.</i></p> <p><i>In the Parish Council's view it is important that the viability of this potential use should be addressed and the facts relating to it established.</i></p> <p><i>The Parish Council, therefore, asked Mr Camping to provide answers to the following questions:</i></p> <p><i>Has the barn been offered for sale to the owners of the Manor House? If so, when?</i></p> <p><i>Have the owners of the Manor House offered to buy the barn? If so, when?</i></p> <p><i>If yes to 1 and/or 2, has any such offer been refused or withdrawn or has it lapsed?</i></p> <p><i>If yes to 3, please provide particulars as to why the (or each) offer has been refused or withdrawn or has lapsed</i></p> <p><i>If there is no outstanding offer either to buy or to sell the barn, will you now invite the owners of the Manor House to make an offer to buy the building?</i></p> <p><i>Despite repeated attempts to get answers from Mr Camping, no replies have ever been forthcoming.</i></p> <p><i>In order to satisfy itself about the availability or otherwise of at least one potential 'Alternative Viable Use' (and about the adequacy of the applicant's marketing exercise) SDNPA must insist upon receiving answers to each of these five questions from Mr Camping.</i></p> <p><i>Without answers to these questions it is impossible for the SDNPA to conclude that the marketing exercise has been adequate to demonstrate that the market has been thoroughly tested.</i></p> <p><i>We trust that this new information is helpful to you and that it will all be taken into account when the Planning Committee considers this matter on Thursday.</i></p> <p>Officer Comment:</p> <p>The applicant has advised that covenants were attached to the legal transfer of the Manor in order to protect the amenity of the new occupants of the Manor and adjoining properties. Covenants carry limited weight in determining planning applications, and it is acknowledged that covenants can be subject to amendment.</p> <p>Members are advised that a marketing exercise is not the only way in which a viable use can be proven. Your officers consider that the applicant has provided sufficient justification in the form of a written assessment, marketing information, report of potential commercial uses and additional correspondence.</p>	Update

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9			<p>Email correspondence from St Mary’s Church received 11 April 2017</p> <p><i>I refer to the committee report on the above application and item 8.26 concerning the proposal to use the barn for D2 uses. We have carefully considered the matter and conclude that there would not be any adverse impact or conflict on either the church itself or the church hall (Steward room) by the proposed D2 uses in the barn. Indeed these uses will attract more visitors to Buriton and we always like to encourage people to come into the church to appreciate its beauty and tranquillity.</i></p> <p>Officer Comment:</p> <p>The change of use of the Tithe Barn and garages to dwellings is considered to result in a lesser impact than the extant D2 use.</p>	Update
9			<p>Email correspondence from Buriton Parish Council Village Hall Committee received 11 April 2017</p> <p><i>Further to your report recommending acceptance of Planning Application Nos SDNP/17/00554/FUL and SDNP/17/00595/LIS [description] I refer you to comments at Para 8.26.</i></p> <p><i>The Village Hall has happily coexisted with the Barn for over 15 plus years. The two venues offer different event spaces in both character and scale.</i></p> <p><i>The proposed use for the barn would not conflict with the existing use of the Village Hall and we welcome the proposed venture for the village.</i></p> <p>Officer Comment: It is acknowledged that the Tithe Barn is different in character, shape and form to the village hall, although the Tithe Barn has served a private business rather than a venue for frequent community use.</p>	Update
10	81	Recommendation	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That delegated Authority be granted to the Director Planning in consultation with the Deputy Chair of the Committee to grant planning permission subject to: <ol style="list-style-type: none"> i) Conclusion of satisfactory footpath and cycle provisions including a link to the Egrets Way and including a requirement to enter into a s.106 agreement to secure delivery, and ii) Final comments of the highway officer being addressed satisfactorily, and iii) The conditions substantially in the form of those set out in Paragraph 10.1 of this report. 2. That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the S106 agreement is not completed or sufficient progress has not been made within 3 months of the 13 April Planning Committee meeting. 	Amendment

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10	83	3.5	Level changes in some parts of the upper terrace are greater than the range stated in the report, including reduction of 1.5m / 2m in places. This does not adversely affect the landscape impact.	Correction
10	84	4.1	<p>Highway officer: Objection, requires further information.</p> <p>The visibility splay as proposed and traffic data submitted are now acceptable. However, there are still some accessibility points to be addressed. I recommend that details are submitted of a footway provision along the C7 [Kingston / Newhaven Road] to connect to bus stops, together with footpath/cyclepath connections to be secured through a section 106/278 agreement. However, if the improvements cannot be made to provide suitable direct links to the closest bus stops and footpaths/bridlepaths then the application would attract a highway recommendation for refusal on accessibility grounds as there would be no direct access to the site other than by private motor car and considers that this would be contrary to para 32 of the NPPF and policies referred to in the officer report.</p> <p>Conditions recommended in the event of an approval would include those in italics 1-7 further below.</p> <p>Officer comment:</p> <p>Following further discussion with the highway officer and applicant, it is likely that the concern for a connection to bus stops for pedestrians and cyclists, might be satisfied if part of the public footpath K-1 (see report Appendix 3), were to be upgraded to allow for cycle use, and an additional spur be added to the path westward along the northern boundary of the nearby garden centre, connecting to the C7 Kingston/Newhaven Road; the applicant is also willing to continue this along the east side of the road, northwards to connect with the 'spur' section of Egrets Way.</p> <p>The precise details and clarification as to whether this would be available to all cyclists, or only guests at the proposed holiday lodges, would need to be established, along with consideration of any highway safety implications.</p> <p>However, at this present time, the County Rights of Way officer has raised doubts as to whether such changes are practically possible, given the condition and width of the existing path. Further investigation and discussion would be needed. If this could not be secured, there is no current proposed alternative, such as the roadside path for cyclists and pedestrians suggested by the highway officer (along Kingston Road, between Kingston Village and The Droveaway). If neither of these can be secured, the highway officer recommends refusal of the application.</p> <p>The following are the highway officer recommended conditions in the event of an approval.</p> <ol style="list-style-type: none"> 1. <i>No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</i> <p><i>Reason: To provide car-parking space for the development.</i></p>	

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			<p>2. No part of the development shall be occupied until:</p> <ul style="list-style-type: none"> i) covered and secure cycle parking spaces have been provided and, ii) arrangements have been put in place for the provision of cycles for use or hire by guests, in accordance with plans and details which shall first be submitted to and approved in writing by the Local Planning Authority. The secure cycle storage shall thereafter be retained for that use and shall not be used other than for the parking of cycles, but shall be entirely removed if the site ceases to be used for the siting of holiday lodges. The arrangements for use or hire of cycles shall also be permanently maintained unless the Local Planning Authority gives prior written approval for any variation. <p>Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.</p> <p>3. No part of the development shall be first occupied until visibility splays of 2.4 metres by 110 metres to the north and 2.4 metres x 90 metres to the south have been provided at the proposed site vehicular access onto C7 Kingston Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.</p> <p>Reason: In the interests of road safety.</p> <p>4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan 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 Plan shall provide details as appropriate but not be restricted to the following matters,</p> <ul style="list-style-type: none"> i) the anticipated number, frequency and types of vehicles used during construction, ii) the method of access and egress and routeing of vehicles during construction, iii) the parking of vehicles by site operatives and visitors, iv) the loading and unloading of plant, materials and waste, v) the storage of plant and materials used in construction of the development, vi) the erection and maintenance of any security hoarding, vii) 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), viii) details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area.</p> <p>5. No part of the development shall be occupied until details of links from the site to footpaths/bridlepaths and new section of pathway connecting to the C7 Kingston Road have been submitted to and approved in writing by the Local Planning Authority.</p>	

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			<p><i>Reason: In the interests of road safety and to ensure the provision of safe access by non-car modes in accordance with current sustainable transport policies.</i></p> <p>6. <i>No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.</i></p> <p><i>Reason: In the interests of road safety</i></p> <p>7. <i>No part of the development shall be occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan.</i></p> <p><i>Reason To safeguard the operation of the public highway.</i></p>	
10	84	4.5	<p>County Rights of Way officer: Comments.</p> <p>It is currently unclear whether upgrading of footpath K-1 [see Appendix 3 of officer report] is feasible, due to its uneven and constrained condition and width. Detailed assessment needed. He asks whether the Droeway might be an alternative [however, this is not sufficient for the highway officer's requirements]. He also does not consider upgrading of I-1A & I-2, to the south of the site to be feasible or desirable. The applicant agrees on this last point.</p> <p>The securing of a permanent east/west route to the south (e.g. along the NMU shown in Appendix 3 of the officer report), or the additional parallel east/west link recently submitted by the applicant, using an existing informal track which proceeds eastward from Kingston Road, would require further consideration as to suitability for dedication, maintenance responsibilities and to verify no third party land affected. If all satisfied s.106 agreement would be needed.</p>	Consultation response
10	84	4.8	<p>Sustainable Drainage Advisor: Recommends further details of surface water run-off management.</p> <p>Officer comment. The proposal uses permeable surfaces and green roofs. Details of the new access and ditch crossing as referred to at 8.50 are awaited, partly to ensure that this surface water drainage remains effective. Details but can be controlled by condition. In addition the making of hard surfacings should be added to the Permitted Development restriction in condition 8.</p>	Consultation response
10	85	-	<p>Dark Skies Ranger: Further details required. Including some reduction in lighting in amount and use of sensors in places where lighting only needed intermittently.</p> <p>Officer comment: Lighting details therefore to be removed from the list of approved details. A further condition to be added to require their submission and agreement.</p>	Consultation response

Agenda Item	Page No	Para	Update	Source/Reason
10	89/90	8.27 / 8.43	<p>Officer Assessment – addendum <u>Highways and Access</u> In response to the officer report, the applicant agrees the provision of the recommended visibility splay at the site entrance, and replanting of hedging behind this. They also propose extending footpath K-1 northwards and eastwards for both pedestrians and cyclists. This is considered in the Highway officer’s response contained in this update.</p> <p>Regarding connection of the site to the wider countryside pathway network to the south, east and west, they consider the officer recommendation to upgrade I-IA for cycle use, unfeasible (through a field which is under regular cropping), and the Rights of Way officer agrees. The applicant has indicated willingness to provide rights for use of an east/west link. The existing permissive NMU (shown in officer report Appendix 3) is one of these, along with another slightly further north; the latter would include a north/south spur to connect to the southern end of the application site. The alignment will be shown at the committee meeting. These will require further discussion under officer delegated authority, and use of a s.106 agreement.</p> <p>However, regarding the officer suggested eastern extension of the NMU to connect with the riverside path and future Egrets Way, the applicants do not consider this a practical suggestion relative to the farm management at the moment, but comment that it may be possible in the future.</p> <p>On this last point, officers consider this to be an important link and that further effort is needed to identify a solution, under officer delegation.</p>	Further information
10	91	8.35	Should refer to an underpass, not footbridge.	Correction
10	94	Condition 8	Add <ul style="list-style-type: none"> • ‘Hard-surfacing • Nor the further raising of site levels’ 	Addition
10	95	-	In the event that details of the site entrance are not received before the Committee meeting an additional condition would be added under officer delegation to require their submission and approval. A condition will also be added to require submission and approval of lighting.	Addition
11	103	Recommendation	Amended recommendation I. That planning permission be approved subject to the conditions set out in Paragraph 10.1 of the report. <u>Officer Comments:</u> Reference to the need for a deed of variation to the existing legal agreement has been deleted. Following further discussions with the Authority solicitor it is considered that a deed of variation is not required.	Amendment

Agenda Item	Page No	Para	Update	Source/Reason
11	107	5.1	<p>Letter from Strutt & Parker submitted by applicant in relation to proposals making the following comments:</p> <ul style="list-style-type: none"> • The original proposal in 2008 for a shop/café/gym/swimming pool in this building seemed like a very good use for it, particularly as these uses meant little subdivision of the original building. It was also an obvious building to have communal facilities within it bearing in mind the wide variety of housing on the site including the residents of Hurst Park, Crown Wood and Pine Walk. • Pleased to see now hoping to put the swimming pool back in this location as feels that this underpins the viability of the shop/café and creates a natural central community hub for the development as a whole. • The residents are more likely to utilise the services provided by the shop/café if the swimming pool is in the same location. • Assuming 400 or so households plus the Hurst Park residents and you allow for 2 people per property, as a minimum, there is likely to be 800 people using the facilities. The multi uses are vital for the development and for the residents who are keen to have these facilities up and running as soon as possible. • Any operator coming in is likely to view the opportunity more favourably when they know that residents will be utilising the swimming pool and thereby more likely to be utilising the café/shop. • The chapel being open to the wider public is also key to the viability of the Chapel, the number of non-residents visiting each day is likely to vary with the season and weather, so having a core number of residents throughout the year will help to ensure it is open the maximum number of days each year and to increase the opportunity for everyone to use and visit the chapel. 	Additional information
11	110	8.18	<p>Update: The Tree Officer has had the opportunity to visit the site and review the Arboricultural impact Assessment submitted by the applicant. The tree officer has verbally confirmed that he has no objection to the proposals subject to the imposition of Condition 7 as set out in the report.</p>	Update
11	110	10.1	<p>Amended recommendation (as per update above). Application SDNP/16/06393/FUL is recommended for approval subject to the following conditions:- (Reference to need for a deed of variation to the legal agreement deleted)</p>	Amended Recommendation

Agenda Item	Page No	Para	Update					Source/Reason	
11	115	Appendix 2	Updated list of plans referred to in consideration of these Applications					Correction in relation to plans for approval	
			Plan Type	Reference	Version	Date Plan Received	Status		
			Plans – Location Plan	C-306-CH-C-001	A	28.3. 2017	Approved		
			Plans – Site Plan	C-306-CH-C-010	D	28.3.2017	Approved		
			Plans – Elevations North west & South West (Proposed)	C-306-CH-C-200	B	28.3.2017	Approved		
			Plans – Floor Plans Ground & Basement (Proposed)	C-306-CH-C-100	A	20.2.2017	Approved		
			Plans – North East Elevation	C-306-CH-C-201		20.2.2017	Approved		
			Plans – Existing, Approved and Proposed extensions Overlay			20.2.2017	Approved		
			Plans – Roof (proposed)	C-306-CH-C-101		23.12.2016	Approved		
			Plans – Tree Constraints Plan 1	400	B	5.1.2017	Approved		
			Plans – Tree Constraints Plan 2	410	B	5.1.2017	Approved		
			Plans – Ground Floor (existing)	130		23.12.2016	Approved		
			Plans – Roof (existing)	131		23.12.2016	Approved		
			Plans – Elevations (existing)	132		23.12.2016	Approved		
			Plans – Elevations (existing)	133		23.12.2016	Approved		
Plans – Ground Floor plans as previously approved	230	A	23.12.2016	Approved					
Plans – Roof Plan as previously approved	231		23.12.2016	Approved					

Agenda Item	Page No	Para	Update					Source/Reason
			Plans – elevations approved previously	232	A	23.12.2016	Approved	
			Plans – elevations approved previously	233		23.12.2016	Approved	
			Plans – Basement (existing)	05009/G/500		23.12.2016	Approved	
			Document – Arboricultural Impact Assessment – S J Stephens Associates	Project 1016		28.3.2017	Approved	
			Plans – Tree Protection Plan	1016-1		28 Mar 2017	Approved	
			Document – Kitchen Design Report	February		20.2.2017	Approved	
			Document – Heritage Statement & Impact Assessment	December 2016 - Purcell		23.12.2016	Approved	
			Document – Planning Design & Access Statement	December 2016 - Purcell		23.12.2016	Approved	