

SOUTH DOWNS NATIONAL PARK AUTHORITY PLANNING COMMITTEE 9 NOVEMBER 2017

Held at: The Memorial Hall, South Downs Centre, North Street, Midhurst at 10:00am.

Present: Heather Baker, David Coldwell, Neville Harrison, Barbara Holyome, Doug Jones, Tom Jones, Robert Mocatta, Ian Phillips

Ex Officio Members for Planning Policy items only (may participate on Policy Items but not vote, no participation on Development Management Items):

Norman Dingemans, Margaret Paren

Officers: Becky Moutrey (Senior Solicitor), Richard Sandiford (Senior Committee and Member Services Officer), Gill Welsman (Committee Officer)

Also attended by: Rob Ainslie (Development Manager), Lucy Howard (Planning Policy Manager), Luke Smith (Senior Planner), Richard Ferguson (Development Management Lead - West), Katharine Stuart (Senior Planning Policy Officer)

OPENING REMARKS

The Chair informed those present that:

- SDNPA Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the Authority and of the Park, rather than as representatives of their appointing authority or any interest groups.
- The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.

ITEM 1: APOLOGIES FOR ABSENCE

758. Apologies for absence were received from Gary Marsh and Alun Alesbury.

ITEM 2: DECLARATION OF INTERESTS

759. David Coldwell declared a personal interest in Item 10, as he was acquainted with one of the speakers.
760. Neville Harrison declared a public service interest in Items 7, 8 and 9 as a member of the South Downs Society who had commented on these items.
761. Tom Jones declared a personal interest in Item 10 and informed the meeting that he would speak as a public speaker before withdrawing from the meeting for the debate.
762. Heather Baker declared a personal interest in Item 7, as she was acquainted with one of the speakers.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 12 OCTOBER 2017

763. The minutes of the meeting held on 12 October 2017 were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING

764. There were none.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

765. Becky Moutrey updated the Committee on the previous decision made on the planning application relating to Madehurst Lodge. At the previous meeting the Committee had been advised that there was to be a hearing on 19 October 2017 regarding the application for permission to apply for judicial review and whether it should proceed. The outcome of the hearing was that permission had been granted for a full hearing. The National Park Authority would be defending the claim.

ITEM 6: URGENT MATTERS

766. There were none.

DEVELOPMENT MANAGEMENT

ITEM 7: SDNP/I7/03850/CND & SDNP/I7/03/03856/CND - VERNON HOUSE, WARNFORD ROAD, CORHAMPTON SO32 3ND

767. The Case Officer presented the application and referred to the update sheet.
768. The following public speakers addressed the Committee:
- Peter Legood spoke against the application representing the residents of De Port Heights.
 - Tom Francis spoke in support of the application as the applicant.
769. The Committee considered the report by the Director of Planning (Report PC71/I7), the update sheet, the public speaker comments and commented:
- This was a complex and balanced application.
 - The 6 metre width access requirement seemed wide for a 10 dwelling site.
 - The appeal decision had been made based on available information and that there were new issues arising that had not been apparent during the appeal process.
 - The previous decisions of the Committee had aimed to achieve a well planned development within the National Park, the outcome of these decisions had been affected by third party intervention.
 - The proposal seemed to be based on viability.
 - There was not sufficient information available to assess whether; alternative layouts of access, interrogation of building regulations, fire/vehicle access and the implications for Vernon House had been scrutinised sufficiently.
 - Based on current information a 16 dwelling development, with a contribution to affordable housing, should be viable, with design amendments.
 - There were a number of areas within the application that could benefit from further scrutiny and challenge.
 - Concern over the total number of dwellings now proposed. If classed as one site there would be 16 dwellings, in addition to the 5 already on De Port Heights, this could have significant amenity effects.
 - This was a different application from that which had been previously considered. There was now more concern regarding amenity for residents of De Port Heights given the increase in number of dwellings being proposed to access via De Port Heights.
 - The assessment of increased vehicular journeys was not satisfactory.
 - The impact of the purchase of the ransom strip had affected the viability.
 - The previous appeal decision affected the decision that could be made by Members.
 - The demolition of Vernon House would alleviate issues around speed of traffic accessing the site and the amenity of De Port Heights.
 - It appeared that the purchase of the ransom strip could have been avoided if a resolution had been sought to the scheme permitted.
 - Following further scrutiny amendments to the scheme may be required. There was still scope to change the design regardless of the current building work that was being undertaken.
770. The Committee also raised concerns and requested clarification as follows:
- Whether the situation regarding affordable housing would have differed should there have been one site and one application.
 - The reason for Items 7 and 8 being taken as separate items as they were clearly closely linked.
 - Whether the building regulation requiring the 20 metre reversing area was a regulatory requirement or could be varied under guidance or advice from the Fire Officer, for example by way of emergency access gate.

- If the 6 metre requirement for access was based on technical assessment or guidance that had not been fully tested.
- Given the number of dwellings now proposed that would access De Port Heights whether there were policies that would have been applied, or if policies would have been applied differently.
- What area of the development was to be adopted as public highway by Hampshire County Council with regard to refuse collection for the sites.
- Whether the new information cast doubt on the weight that could be given to the previous Inspectors decision.
- Concern regarding the safety of the junction of De Port Heights and the increased use.

771. In response to questions, officers clarified:

- There was no on site affordable housing provision, it was a number of small schemes, all open market. The Inspector for the Houghton's Yard application had determined that a financial contribution was acceptable. With regard to the Vernon House schemes, off site financial contributions had been secured. There would have been 40% affordable requirement under current policy should this have come forward as a single site proposal.
- The two applications were being considered separately as Item 7 was in relation to a variation in conditions and Item 8 was a full application relating to the physical linking of the sites. It was therefore logical to consider these applications separately.
- The Development Manager, referred to paragraph 10 of the Appeal report in regard to the use of De Port Heights for large vehicles and reversing. This had been considered to be adequate provision for the 6 dwellings that were then being proposed.
- In terms of building regulations the Inspector had made a judgement.
- There had been discussions between the developer and Hampshire County Council, the 6 metre width requirements related to the road safety audit. The Highways Officer had been invited to attend the meeting in order to clarify queries and had given his apologies.
- Access arrangements were private and would be un-adopted. Refuse collections would be for individual properties using De Port Heights, the un-adopted highway and utilise the turning head within the site.
- The Inspector had approved access for refuse vehicles when the application was for 6 dwellings. This was now not the case, as a total of 16 dwellings were now being proposed as being accessed through De Port Heights. The Inspectors decision had been made based on the facts available at the time. There was now further information available which needed to be considered.
- This was a retrospective application to vary the conditions, no pre-application advice had been received.

772. The Director of Planning commented that the ransom strip that had been purchased did not have permission for a change of use to residential and that the decision made with regard to variation on conditions for this item would impact the decision for Item 8. He added that this had highlighted issues with the planning system. This was a matter of considering the amenity impact associated with the changes proposed along with viability and the Committee was not in a position to change the scheme in any significant way.

773. It was proposed and seconded to defer the decision in order to secure further information regarding highways, refuse collection, fire access and viability, including the impact of the demolition of Vernon House.

774. RESOLVED:

1. That planning application reference SDNP/17/03850/CND be deferred in order that further information on the following be obtained to better inform a decision:
 - Highways (visibility, requirements of Hampshire County Council and refuse collection)
 - Fire (to include building regulation requirements)
 - Viability (to include consideration of Vernon House demolition, highways requirements)
2. That planning application reference SDNP/17/03/03856/CND be deferred in order that further information on the following be obtained to better inform a decision:
 - Highways (visibility, requirements of Hampshire County Council and refuse collection)
 - Fire (to include building regulation requirements)
 - Viability (to include consideration of Vernon House demolition, highways requirements)

ITEM 8: SDNPA/17/03849/FUL - VERNON HOUSE, WARNFORD ROAD, CORHAMPTON SO32 3ND

775. The Development Manager advised the Committee that there would be no presentation for this item given the link to the previous item.
776. The following public speakers addressed the Committee:
- Peter Legood, spoke against the application representing the residents of De Port Heights.
 - Tom Francis, spoke in support of the application as the applicant.
777. In response to the public speakers the Director of Planning advised the Committee that balance needed to be given to this application and confirmed that
778. given the previous decision this item should be deferred.
779. The Committee considered the report by the Director of Planning (Report PC72/17), the update sheet, the public speaker comments, and requested clarification with regard to:
- Whether there was anything to prevent a revised scheme being brought to Committee in the future.
780. In response to questions, officers clarified:
- That a fresh application could be brought to committee in the future.
781. It was proposed and seconded to vote that the applications be deferred for the same reasons outlined in minute X above.
782. **RESOLVED:**

1. That planning application reference SDNP/17/03849/FUL be deferred in order that further information on the following be obtained to better inform a decision:
 1. Highways (visibility, requirements of Hampshire County Council and refuse collection)
 2. Fire (to include building regulation requirements)
 3. Viability (to include consideration of Vernon House demolition, highways requirements)

ITEM 9: SDNP/17/04216/FUL – MANOR FARM, ALRESFORD ROAD, ITCHEN STOKE SO24 0QT

783. The Case Officer presented the application and referred to the update sheet.
784. The following public speakers addressed the Committee:
- Rebecca Prior spoke against the application as the owner of Itchen Stoke Manor.
 - Alex Munday spoke against the application on behalf of the owners of Itchen Stoke Manor.

- Jeremy Higgins spoke in support of the application as the agent.
 - Mark Baring spoke in support of the application as the applicant.
785. The Committee considered the report by the Director of Planning (Report PC73/17), the update sheet, the public speaker comments, and commented:
- There had been objections from the Public Rights Of Way (PRoW) Officer at Hampshire County Council.
 - This was a balanced application.
 - The development had the potential to irreversibly change the village of Itchen Stoke.
 - That PRoW designations were not absolute, if possible the correct right of way should be used to preserve the route of the former Watercress Line.
 - Planning permission for paddocks and landscape outside of the National Park had already been given.
 - There was significant improvement on the previous application in relation to the use of materials and the reduction in the scale of the building.
 - This design did not enhance the conservation area and lacked sensitivity to the locality.
 - The desire to protect the Watercress Line was in emerging policy and not reflected in the design either physically or by a S106 Agreement.
 - There were still issues surrounding loss of tranquillity, increased traffic and the scale of operation.
 - The application neither enhanced nor conserved the conservation area.
 - Whilst greatly reduced, the development was still large, within a conservation area, impacted on heritage areas, buildings and the Watercress Line.
 - The Watercress Line appeared to be safeguarded.
 - The proposed building was not an agricultural building but a utility building for equestrian use.
 - Given that permission had been granted for the paddock, an equestrian centre on this site was inevitable. The discussion should be focussed on the size, shape and scale of the building and whether they were acceptable.
786. The Committee also raised concerns and requested clarification as follows:
- Concern over the protection of the proposed Watercress Line, its route and the impact of permitted development rights.
 - Confirmation as to the tests for development in a conservation area
 - Whether this proposal could be sited outside of the National Park.
 - Concerns around the loss of tranquillity for Itchen Stoke, which was a small linear village on a B road.
 - Concern about the PRoW objections and whether there was opportunity to get this secured along with the design issues raised.
 - Concern regarding the loss of green space within a conservation area.
 - Whether there was scope to further improve the design appearance of the building and improve the soft landscaping of the development.
787. In response to questions, officers clarified:
- The legislation and policy position associated with the impact on listed building and conservation areas when considering a planning application.
 - Future applications, in terms of obstructions to the Watercress Way, would require planning permission which negated the need to safeguard the route specifically. Any new building would be considered on its own merits and in line with policy at that time.
 - The policy regarding protection of the route of the Watercress Line was in the emerging Local Plan. There may be some deviation of the proposed Watercress Way.

- Previous discussion had highlighted the reason for the site location, and the previous reasons for refusal previously were in relation to the protection of the Watercress Line, the building itself and its impact.
 - Advised Members that they should reflect on the observations of the PRoW Officer and Trustees of the Watercress Way and assess which had greater weight.
788. The Director of Planning further advised the Committee that the policy and supporting text were clear, safeguarded routes were not absolute. The National Park Authority were currently unaware of any absolute plan for the Watercress Line and there had been no objection received from the Trustees of the Watercress Way as the guardians of that route.
789. It was proposed and seconded to vote on the officer's recommendation. The Committee came to a split decision and the Chair reopened the debate.
790. The Director of Planning advised the Committee that there seemed to be little scope to improve the scheme further, however there was an opportunity to tighten conditions to improve management of soft landscaping. Careful consideration would be required should the design be changed to have more architectural impact given the utilitarian nature of the proposal and its proximity to other utilitarian buildings.
791. The following comments were made by the Committee:
- Whether there was scope for the applicant to improve the scheme further given that a lot of work had already been undertaken following the previous application refusal.
 - Improvement of the conditions to manage biodiversity and soft landscaping should be considered.
 - This was not being considered as a major development, if it were the major development test would have been applied.
 - The design did not need to be an iconic piece of architecture, but a low key improvement on the utilitarian scheme being proposed.
 - Opportunity to consider reinforcing conditions 6 and 10 to manage soft landscaping and biodiversity enhancements.
 - Consideration should be given to the special qualities of the National Park, as well as planning policy, when considering this proposal.
792. In response to questions, officers clarified:
- There was scope to make condition 6 more comprehensive for all external works in relation to soft and hard landscaping and the impact to the surroundings. Condition 10 could be improved in relation to bio-diversity enhancements further enhancing the benefits to the National Park.
 - It was proposed and seconded to vote on the officer's recommendation subject to the revision of landscape condition 6, relating to all external works, and condition 10 in relation to improving biodiversity along the Watercress Line and protection of the PRoW.
793. It was proposed and seconded to vote on the officer's recommendation.
794. **RESOLVED:** That planning permission be granted subject to:
1. An amended form of condition 6 to include all external works, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee;
 2. An amended form of condition 10 to improve biodiversity along the Watercress Line and protection of the Public Right of Way, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee;
 3. The remainder of the conditions set out in paragraph 10.1 of the report and the November 2017 update sheet.
795. The Committee took a short recess at 12:25 and reconvened at 12:31.
796. Tom Jones left the Committee table at 12:31.

ITEM 10: SDNP/17/01224/FUL – FOURFIELDS FARM, DUMBRELLS COURT ROAD, DITCHLING, BN6 8GT

797. The Case Officer presented the application and referred to the update sheet.
798. The following public speakers addressed the Committee:
- Mike Sandercock spoke against the application, but in support of maintaining the S106 agreement, representing his parents who were local residents.
 - Tom Jones spoke against the application as a member of the public and Ditchling resident.
 - Kathryn Sadler spoke in support of the application as the agent.
 - Susie MacMillan spoke in support of the application as the applicant.
 - Tom Ormesher from the NFU spoke in support of the application.
799. Tom Jones left the meeting at 12:58pm.
800. The Committee considered the report by the Director of Planning (Report PC74/17), the update sheet, the public speaker comments, and commented:
- This was an amendment to the previous resolution which had been based on an S106 Agreement being required in order for planning permission to be granted.
 - Previous decision had been made in order to protect the landscape and potentially include land outside the application area.
 - The importance of drawing on the professional experience of Officers in assessing the implications of a S106 Agreement or conditions.
801. The Committee also raised concerns and requested clarification as follows:
- Clarity regarding a S106 Agreement in securing a flexible management plan
 - Whether an S106 Agreement applied to the land or the owners of the land, given that this land has multiple owners, did that make an S106 Agreement more difficult to implement.
 - Who had responsibility for enforcing a S106 Agreement, the district council or the National Park Authority.
 - Clarity as to whether the Committee were just being asked to amend their previous decision or discuss this as a new application.
 - Whether there were any additional landscape plans other than those that had been shown.
 - If the need for an S106 Agreement would normally be raised by Officers early in the application process if necessary, rather than at the Committee decision stage of the process.
 - Concern that previous conditions only applied to land within the red line and that the previous decision had been made to ensure that wider land was included in the landscaping.
 - Concern regarding long term sustainable management of the site and the dependency on the National Park Authority to enforce and intervene if the Landscape Ecology Management Plan (LEMP) failed to meet expectation. A S106 Agreement would be enforceable through the courts ensuring that the management plan is implemented.
 - Concern that a precedent was being set for applicants challenging decisions made by the Committee.
 - Reassurance that conditions could be enforced and monitored effectively.
802. In response to questions, officers clarified:
- That flexibility of a S106 Agreement was limited and it could be difficult to amend in the future if changes are required. A management plan could be discussed and progressed in an ongoing manner with Officers if imposed by way of planning condition.
 - A S106 Agreement binds the land.
 - That this was not a new planning application. It was an amendment to the previous resolution,
 - All landscape plans had been included within the Officers presentation and report.

- The S106 Agreement was previously suggested by Officers due to some of the site being outside of the red line of development which necessitated the S106 Agreement. Confirmation that all of the land upon which the management plan is to apply was now within the red line and in the direct control of the applicant was given.
 - The previous recommendation of the Officer was to have a LEMP via condition, not a legal agreement. The decision for a section 106 agreement to be imposed was one taken by Members. The applicant did not have the opportunity to respond on this matter when it was considered. This was a unique circumstance.
803. The Director of Planning commented that a recent change to the S101 agreement with the Local Authorities meant that where an application decision had been made by the National Park Authority that enforcement would lie with the National Park Authority, not the Local Authority. Officers would usually advise of the need for a S106 Agreement early in the application process. In this case an S106 Agreement wasn't deemed necessary and therefore hadn't been raised with the applicant. Generally it was accepted that the Officers made the decision as to whether a S106 Agreement was required where conditions could not provide the necessary safeguards. Conditions were as effective as a S106 Agreement and more easily enforced by the National Park Authority. Enforcing a S106 Agreement through the courts was more costly and time consuming than enforcing a condition.
804. It was proposed and seconded to vote on the officer's recommendation.
805. **RESOLVED:** That planning permission be granted subject to the conditions set out in Section 9 of the report and within the November 2017 update sheet.
806. The Committee broke for lunch at 13:29.
807. The Committee reconvened at 14:02.
808. Margaret Paren and Norman Dingemans joined the meeting at 14:02 for the Strategy and Policy item.
809. The Chair asked for any further Declarations of Interest.
810. Margaret Paren declared a personal interest in Item 11 as she lived on one of the area boundaries.

ITEM 11: DRAFT JOINT WEALDEN HEATHS PHASE II SPECIAL PROTECTION AREA SUPPLEMENTARY PLANNING DOCUMENT

811. The Senior Planning Policy Officer presented an overview to the Committee.
812. The Committee considered the report by the Director of Planning (Report PC75/17) and:
- Queried that any building could be completed without causing harm, this therefore must be a case of balance.
 - Informed the Committee about a factual error in the AECOM report, regarding no restriction on housing delivery within 400m of the area marked green in table 1 of appendix 1 to the report. There was an absolute ban on new housing within 400m in the Thames Basin Heaths SPA and possibly the Dorset Heathlands SPA and this needed to be amended before publication.
 - Were interested to see what Natural England's formal response would be, as well as that of other wildlife trusts.
 - Recognised that a percentage increase on what was a relatively small number of households was not necessarily a threat to the conservation objectives of the SPA, however in terms of other areas, such as the Thames Basin SPA, it would be considered to be significant.
 - Suggested an amendment to the reference to the parish of Liss, which was entirely within the National Park.
 - Concern regarding the proximity of the buffer from Kingsley onto the National Park boundary and whether there were currently any proposals within that buffer that would impact the National Park.
813. In response to questions, officers clarified:

- The study looked at the integrity of the site and weighed up the current state of health of the SPA, expected amount of development coming forward and the density of the 400m zone. It acknowledged that an increase in households of between 1% or 2% could come forward without causing an adverse effect or impacting the integrity of the site. A strategic mitigation solution would be needed for anything more.
- The reference to Liss should read Headley.
- Where land was scarce due to controls for wildlife, land could be protected for specific types of housing such as affordable housing or traveller sites.
- The buffer at Kingsley was outside of the National Park and East Hampshire District Council was the local planning authority. Officers were not aware of any proposals coming forward at present.

814. It was proposed and seconded to vote on the Officer's recommendation with the amendments outlined in Minutes 810 and 811.

815. **RESOLVED:** The Committee:

1. Approved the draft Joint Wealden Heaths Phase II Special Protection Area Supplementary Planning Document (Appendix I of this report) for public consultation, subject to the consideration of the issues raised by Members.
2. Noted that a further report would be brought to committee following the public consultation.

ITEM 12: TO NOTE THE DATE AND VENUE OF THE NEXT MEETING

816. Thursday 14 December 2017 at 10am at the South Downs Centre, Midhurst.

CHAIR

The meeting closed at 14:15.

