

SDNPA Planning Committee – 14 December 2017

Update Sheet



Agenda Item	Page No	Para	Update	Source/Reason
7	11	Recommendation	<p>Amend recommendation as follows:</p> <p>Recommendation: That authority be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, to grant the temporary planning permission for 3 years subject to:</p> <ol style="list-style-type: none">1. The considerations of the Arboricultural Officer's formal advice; and2. Conditions set out in paragraph 10.1 of the report and the Update Sheet.	Update

7	-	-	<p><u>A Counsel's Opinion has been received in response to the publication of the report. A summary is provided below.</u></p> <ul style="list-style-type: none"> • Failure to consider a material consideration undermines the legitimacy of any decision made. • Material mistake of fact to determine a 'use' planning application without determining the lawful use(s) of a site. • Fails to properly address what the existing lawful use of the site is, which is forestry, and the field archery is not a lawful use. Not all processing of felled trees is permissible under 'forestry' activities. • No assessment as to how realistic the permitted development rights for the temporary use of land is as a 'fall back' position. The 'fall back' position is a material consideration which should be properly assessed. • No calculation of the totality of days claimed by the proposed activities, for a comparative assessment with the 28 days permitted for the temporary use of land and how realistic the use of these rights is. • Fundamentally wrong to view Part 4 rights as a 'fall back' position given the extent of activities proposed. • Report dismisses, without reasons, the expert submissions from objectors on landscape impact, traffic/highways impacts, ecology and planning concerns. Not considering these material points undermines the legitimacy of the conclusions reached. • Officer report and the response of the Highways Authority fails to address significant short comings in the applicant's highways submission, as identified in an expert submission and nor explained why it is unaddressed or why it will fail to be accounted for in a decision. • The expert Highways opinion submitted relies on more accurate traffic count data as opposed to assumed traffic figures. Increase in traffic movements from visitors travelling to the site by rail and then taxi from the station. • Unsatisfactory reasoning as to why one set of expert reports is preferred. • Significant and unacceptable increase in activity created by the proposals. • No consideration of the timing of the activities and vehicle movements and the impact upon the amenity of the area and surrounding properties. • Applicant has a right of way over the access to Laundry Cottages. It does not permit the use of the access for visitors to the site. Granting planning permission requiring that sole access point be used by public vehicular traffic with this restriction would be an irrational decision. • Recommended conditions require substantial further information, which reflects a lack of information in the application submission. • Wording of conditions. • Conditions 4, 5, 6, 10 are unenforceable. • Condition 16 is problematic with reference to the word 'public.' 	Further information
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			<ul style="list-style-type: none"> Other matters which need to be addressed further – the application does not identify how the proposals meet any local identified need, or serve any of the purposes of the National Park. How the increased volumes of traffic will be managed and resolved without damage to the verge and land of the National Park. 	
7	33	-	<p>Additional website link to the report, update sheet and minutes for the previous application considered by Members (SDNP/16/03499/FUL).</p> <p>https://www.southdowns.gov.uk/meeting/planning-committee-9-february-2017/</p>	Additional information
7	15	4.7	<p>Additional comments from the Highways Authority:</p> <ul style="list-style-type: none"> Applicant's documents do provide a robust and evidenced based assessment. The amount of detail in the submission is appropriate for the size of the site and the nature of the proposed uses. Further work and analysis needed but the Highways Authority's views remain as previously expressed. 	Update
7	16	4.10	<p>Additional comments from Rogate Parish Council:</p> <ul style="list-style-type: none"> Rogate Parish Council re-iterates its previous objections stated in the committee report. In addition, if the application needs approval to be temporary for 3 years and have 21 conditions attached, it is demonstrably unsound in planning terms and should be refused. If approved with the conditions, RPC has no confidence in the enforcement process. 	Update

7	26	8.29	<p><u>Amendments:</u></p> <p>An adjoining neighbour and owner of the site access has raised concern about the use of the Dangstein access for all visitors, at the varying times including weekends and late at night, and the impact upon the amenities of The Lodge and Garden Cottage. Whilst the level of traffic overall is not considered to be significant in regard to the character of the area, there would be a notable increase in traffic using the access compared to the current situation. The maximum use of the site outlined in the Schedule (Appendix 2) suggests a continual use of the site, however, as outlined above this could vary to lesser extents. The majority of events would finish by 6pm and evening events would take place only 4 times a year up to 11pm when people would be leaving by 11pm. In regard to the timings of visitors arriving and leaving the site, the weekday and residential courses are proposed to run between 7am to 6pm. It has been asserted that people could arrive or leave either side of these times.</p> <p>The submission outlines that day activities are unlikely to span the full 7am-6pm period and that this timeframe is a ‘worst case scenario.’ This period has been proposed to allow for scheduling of a day’s activities, which could vary to account for where visitors are travelling from, their plans, and for example arriving outside of peak commuting hours or before/after parent’s drop-off/pick up children from schools. The Schedule in Appendix 2 outlines the vehicle movements for these courses. It is reasonable to deduce that there are likely to be variations in when courses start and finish for the reasons above for example. Regarding the residential courses, people would be staying on site for more than one day and so vehicle movements would not be as extensive as those of day activities, which helps to reduce vehicle movements. Again, the 7am-6pm duration is a worst case scenario. The evening events would take place between 7pm to 11pm. These would be more specific timings when people could be coming and going and more people would be on site compared to other activities (see appendix 2). The vehicle movements at night would be more of an issue for The Lodge given it is adjacent to the access.</p>	Update
7	27	8.35	<p><u>Additional paragraph underneath paragraph 8.35:</u></p> <p>A highways consultant’s report has been submitted from objectors. This critiques the information provided with the application and raises a variety of concerns including vehicle movements, a robust and evidenced assessment has not been provided by the applicant, adequacy of the access, poor presentation of potential activity which demonstrates a lack of clarity about the proposals. Again, there is a difference of professional opinion. The Highways Authority have provided further specific advice on the submitted consultant’s views and concluded that the Highway Authority’s view remains as previously outlined.</p>	

7	29	8.47	<p><u>Additional paragraph underneath 8.47:</u></p> <p>The Arboricultural Officer has responded outlining that they require further information. This relates to a plan and details of trees around the car park area, along the route of the path and around the shelters, including root protection measures and any ground protection measures. They have also requested a further detailed arboricultural method statement. In light of these requirements, the recommendation is proposed to be amended so as these issues can be investigated further and if they are acceptable to the Arboricultural Officer that planning permission be granted subject to any additional conditions in relation to trees.</p>	Update
7	30	10.1	<p>10.1 The application is recommended for approval subject to the following conditions- The recommendation is as follows:</p> <p>That authority be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, to grant the temporary planning permission for 3 years subject to:</p> <ol style="list-style-type: none"> 1. The considerations of the Arboricultural Officer’s formal advice; and 2. Conditions set out in paragraph 10.1 of the report and the Update Sheet. 	Update

7	30	Condition 4	<p>4. The educational and recreational uses of the site shall be limited to the following activities and for no other uses whatsoever which may fall within Use Classes D1 and D2 as stated in the Use Classes Order 2015 (as amended or revoked and re-enacted):</p> <ul style="list-style-type: none"> I. No more than 4 educational day courses of up to 16 students in connection with the understanding of the natural environment and outdoor skills per week between Mon-Friday and 7am-6pm. II. No more than 8 residential educational courses of up to 12 students in connection with the understanding of the natural environment and outdoor skills lasting up to 4 days in any calendar year. III. No more than 4 evening educational events of up to 36 students between 7pm – 11pm in any calendar year. IV. No more than 1 annual event which is related to the approved activities above in any calendar year. V. Field archery shall only take place during weekends between the hours of 9am – 6pm. <p>A record of the educational courses held on site, which shall include the number and details of attendees, shall be maintained and kept up-to-date and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made) demand, without delay.</p> <p>Reason: To avoid an excessive use of the site and minimise any cumulative impact upon surrounding amenities and the special qualities of the National Park.</p>	Amendment
7	31	Condition 6	<p>6. The holiday accommodation and camping pitches hereby approved shall not be occupied by any person, group or their dependants, for a period of more than 14 days in any twelve month period. A register of the occupancy of the lodges, which shall include guest's details, shall be maintained and kept up-to-date by the operator of the units, and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made) demand, without delay. It shall record the names and addresses of all visitors and their arrival and departures dates.</p> <p>Reason: This development is only acceptable as holiday accommodation for use by short term visitors to the area. There is a need to ensure that practical and permanent management measures are in place to control the short term visitor accommodation.</p>	Amendment

7	32	Condition 16	<p>16. The use of the site shall strictly accord with the following access arrangements:</p> <ul style="list-style-type: none"> I. The means of public access to the development shall be from Dangstein Road only. II. There shall be no means of public vehicular, pedestrian and bicycle access from Fyning Lane into and out of the site III. The access from Fyning Lane shall only be used for the purpose of forestry activities on site. <p>Reason: To manage the impact of traffic on surrounding rural roads.</p>	Amendment
7	32	Condition 17	<p>17. Visibility splays of 2.4m x 50m to the west and 2.4m x 64m to the east at the site vehicular access, shall be provided prior to the permitted uses taking place in accordance with approved Plan no.4999 and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level.</p> <p>Reason: To ensure a satisfactory means of access in regard to highway safety.</p>	Amendment
8	39	4.2	County Archaeologist: Following further information received, has removed objection, recommends conditions	Update
8	39	4.3	County Ecologist: No objection	Update
8	39	4.4	<p>Highway officer: Following amended plan and additional information <i>"I am not of the view that the concerns raised in my earlier report have quite been addressed. The scheme has technical problems that will require addressing and to achieve alterations to the road layout, there is a requirement for Traffic Regulation and Stopping Up Orders which are subject to separate public consultation procedures and are not guaranteed"</i>.</p> <p>Officer Comment: A highway reason for refusal will be added verbally at the Committee meeting</p>	Update

8	39	4.5 / 8.45	<p>Unable to revise earlier comment.</p> <p>From further information received It is unclear how big the attenuation tank will be tank or whether it will also be up to the edge of the buildings. The drawing also indicate some of the foul drainage will run under the permeable pavement/attenuation tank. Concerned about practicality does not leave enough room for access for maintenance or replacement nor clear whether space for foul drainage</p> <p><i>“Consequently, we are not assured that enough space has been reserved for the management of surface water runoff. Considering that the discharge rates are not yet agreed to by Southern Water, who appear to have requested for evidence of existing connection to justify the proposed drainage rates, we are not assured that the storage requirements will not increase”.</i></p> <p>Officer Comment: A drainage reason for refusal will be added verbally at the Committee meeting</p>	Update
8	41	5.5 / 8.31	<p>Additional letter received – Trustee, Kings Church (who has not previously commented)</p> <p>Regarding para 8.31 of officer report: <i>“The existing and any new church parking spaces will be for the exclusive use of the church. The church building is used 7 days per week for a wide range of church and community activities. All the church parking available is required for these activities. There is no agreement, nor is there likely to be any agreement, for any of this church parking to be made available for the purposes indicated in para 8.31 ...I should stress that King’s Church has not made any representations on the overall merits of the proposal and does not wish to do so”.</i></p> <p>Applicant comments: <i>“Our proposals do not include or rely on access to the church car park”</i></p>	Further representation
8	45	8.17	<p>Affordable housing.</p> <p>Applicant comments: <i>“We envisage nominations to be from the local authority waiting list in the first instance with the applicants having the right to select alternative prospective tenants from the waiting list if credit ratings and/or references give them reasonable cause to believe that the tenants initially selected will not be able to meet the rent payments and/or be responsible tenants.”</i></p> <p>Further advice has been sought from Housing officer concerning proposed private rented affordable accommodation at 75% market value for 10 years. Any response will be reported verbally.</p>	Update / Additional Information
8	47	8.28	District Council Cleansing officer: Confirms that amended plan is acceptable in terms of bin store locations and access.	Update
8	47	8.32	Applicant, confirms that provision would be made for two car club vehicles. Residents having automatic membership of club for one year	

9	62	8.1	<p>The first bullet point under Planning Assessment which reads: The principle of development, planning policy for Traveller sites, the suitability of the site and availability of alternative sites should be replaced with the last bullet point under Planning Assessment, which reads: The principle of development, the need for Gypsy pitches and compliance with policy, Gypsy status and needs of the Burrows family, the suitability of the site and Human Rights.</p>	Correction
9	65	8.30 – 8.33	<p>During the assessment of the applications and in addition to considering Human Rights, the Local Planning Authority have also had full regard to its obligations under the United Nations Convention on the Rights of the Child, including Article 3 as well as the Public Sector Equality Duty (PSED) contained in the Equality Act 2010.</p>	Update
9	72	10.2	<p><u>Additional condition in relation to application reference SDNP/17/01406/FUL for the construction of a utility dayroom:</u></p> <p>6. When the premises cease to be occupied by Mr Michael Burrows, Mrs Susan Burrows, Joseph Burrows, Kelly Branford and their resident dependants, within 3 months of the date of this use ceasing, the building must be demolished and all materials associated with the building removed from the land and the land must, so far as is practicable, be restored to its former condition.</p> <p>Reason: Due to the specific circumstances of the Burrows family.</p>	Additional condition

