



**Agenda Item 15  
Report PC 99/14**

Report to	<b>Planning Committee</b>
Date	<b>13 November 2014</b>
By	<b>Director of Planning</b>
Local Authority	<b>Chichester District Council and East Hampshire District Council</b>
Application Number	<b>SDNP/14/01365/FUL</b>
Applicant	<b>Mr J Oates</b>
Application	<b>Road improvements to existing track, including resurfacing, passing places, landscape and wildlife enhancements.</b>
Address	<b>Street Record, B2146 Ditcham Lane To Hurst Mill Lane, Hurst, South Harting</b>

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**Recommendation: That planning permission be granted subject to the conditions set out in paragraph 10.1 of this report**

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### **Executive Summary**

The application seeks planning permission for road improvements to an existing track, to include resurfacing; creation of passing places; together with associated landscape and wildlife enhancements. The proposal is considered to have an acceptable impact on the rural character of the area and would improve highway safety.

Both the West Sussex and Hampshire Highway Authorities have raised no objection to the proposed development, nor has the District Ecologist. Harting Parish Council have raised no objection whilst Buriton Parish Council have raised an objection.

The application is reported to committee due to the number of third party representations received and the objection from Buriton Parish Council.

#### **1. Site Description**

- 1.1 The application site consists of two lengths of single track road on relatively flat land near to Old Ditcham, to the west of Buriton and south of Nursted. The South Downs Landscape Character Assessment 2011 characterises the site as being within the East Meon to Bury Greensand Terrace character area which is characterised by narrow sunken lanes cut through the landscape. The route of the South Downs Way passes to the south of the site beyond Leith Copse. Bridleway 23 runs from Old Ditcham Farm to north towards Nursted.
- 1.2 The existing narrow tarmac road is lined with trees and hedges and runs from the B2146 to Ditcham, through a right angle at Old Ditcham Farm. Whilst the existing length of straight compacted flint track, that runs from the junction with the B2146 and the tarmac road, around 250m south of Old Ditcham Farm. Together the two lanes form a triangular layout. Historically the flint track was originally created in the 19th Century to serve Ditcham Park House. The track is also lined with hedges and clumps of trees towards either end. Both are single track road open to vehicular use, although the 19th Century flint track is privately owned and carries no public right of way.

#### **2. Relevant Planning History**

- 2.1 Resurfacing of the private 19th Century track was approved in 2009 under reference HT/09/04421/FUL.

### 3. Proposal

- 3.1 The application seeks to make the flint track an adopted public highway. To facilitate this re-surfacing of the existing track is proposed, which would be a modification to the re-surfacing works approved under application HT/09/004421/FUL. The application proposes passing places and widening of the carriageway and as such the track would be between 2.5 and 4.5m in width. Hedges are to be relocated to accommodate the proposed passing places, with a scheme proposed to upgrade the wildlife benefit of the existing hedgerows together with landscape planting. The resurfacing of the track would meet adoptable highway standards and would be laid to tarmac.
- 3.2 Vehicular access would still be allowed to access Old Ditcham Farm, The Tithe barn and Old Ditcham Farm Cottages. The existing remaining sections of Old Ditcham Lane to the south of the cottages would be downgraded to a public bridleway and would extend bridleway 23. A section of tarmac at the centre of the carriageway would be removed, to give the appearance of a farm track.
- 3.3 The aim of the application is to improve highway safety by upgrading the existing flint track with passing places and diverting public motorised vehicular traffic from the Old Ditcham Lane to the length of straight track, thereby avoiding the right angle bend and conflict with walkers and other bridle path users. The diverted route would be 30% shorter than the existing route.
- 3.4 The applicant has indicated that the fire service has endorsed the proposed diversion. The proposals have also been developed in consultation with the Chichester Access Group.
- 3.5 The application is supported by existing and proposed plans; a Design & Access Statement; Landscape and Visual Impact Assessment: Baseline Checklist; and Stage 1 Preliminary Bat Roost Assessment and Tree Report.

### 4. Consultations

- 4.1 **West Sussex County Council Highways:** No objection and made following comments:

- At present, Old Ditcham Lane is rural in character and has narrow sections, a low standard of forward visibility and some steep gradients and tight bends. The proposals aim to improve highway safety and reduce travel distances around Old Ditcham Farm. There was a previous approval in 2009 for the resurfacing of the existing track. In principle WSCC are satisfied with the modifications proposed. Following the pre-application advice a revised passing bay scheme is now proposed, which is in-line with DB32 guidance. It is anticipated that pedestrians could wait on the edge of verge if necessary to allow a car to pass in places without widening; it should be noted that both vehicular and pedestrian flows are very low and this occurrence will be infrequent. From an inspection of the plans, forward visibility is satisfactory. The applicant liaised with the WSCC Implementation team in 2011/12 where it was advised that WSCC would adopt the track if conditions matched the existing highway. There is an existing public right of way footpath or bridleway under Hampshire County Council's (HCC) responsibility which emerges onto Old Ditcham Lane at the existing bend. It is suggested that once planning consent has been secured the landowner will need to liaise with WSCC and HCC over the right of way.

- 4.2 **Hampshire County Council Highways:** No objection and made the following comments:

- The majority of the proposal falls under the authority of WSCC. WSCC are willing to enter into a Section 8 agreement to take control of our highway and act as an agent and approve the Section 38 work. This is acceptable to Hampshire Highways.
- At present visibility is below the standard and it would be beneficial to improve.

- 4.3 **CDC Environment Officer:** Made the following comments:

- Bats – if any trees have to be altered or removed for the works, then a full bat survey will be required for each tree to determine if bats are using the trees for roosting. If the road was to be lit, it would need to take into account the presence of bats in the local

area.

- Badgers – Prior to any works taking place a further badger survey should be undertaken. If badgers are present then mitigation would be required along with a licence.
- Foxes – If foxes are found to be using the mammal hole the mitigation recommended within the ecological survey should be undertaken by a suitably trained ecologist.
- Nesting birds – Due to the protection nesting birds hold, any vegetation clearance should take place outside of the nesting season (February – September).
- Hedgerows – Prior to any work taking place on the hedgerows, an ecologist should do a check for dormice to ensure no dormice have moved into the hedgerow. Though the hedges are not suitable for dormice currently, they are within the local area. The hedgerows should be retained where possible and enhanced by planting of native species and filling in any gaps.

4.4 **CDC Tree Officer:** No comment

4.5 **Buriton Parish Council:** Neither object or support and made the following comments:

- Unusually for a small rural lane, these roads carry quite a lot of traffic because of children being carried to and from Ditcham Park School every day as well as farm vehicles and other traffic. The character of the existing lanes is tranquil and attractive. Would not wish any roads to be widened, nor any hedgerows removed as this could spoil the rural environment. Would not wish to see any new road signs or road markings. The requirement of and effects on a number of businesses and local farms must be taken into account. Seeks assurance that all the tracks and highways that form part of these proposals will be maintained to the proper standards.

4.5 **Harting Parish Council:** No objection

## 5. Representations

5.1 6 third-party representations have been received objecting to the proposal. The representations raised the following issues:

- The junction at the northern end of the track will have three tarmac roads converging at an arrowhead junction with no field of vision either to the left or right. With an estimated 25,000 vehicle movements per year, accidents are likely to happen;
- Serious questions of road safety at both the northern junction with the B2146 and the southern junction with the U216;
- Site suffers from existing drainage and flooding issues during periods of heavy rainfall;
- Concerns over limited width of road
- Comments regarding rights of way to existing residential *properties* (*Officer Note: this is a private matter between relevant parties and not a material planning consideration*).

5.2 **Ward Councillor Bartlett and County Councillor Moon:** Made the following comments:

- Has the need been fully identified for the creation of a new road within the National Park, is it essential or just desirable? Concern that any new road should not disadvantage the residents and school further up the road, or impact on the character and enjoyment of the landscape. The width of the road appears to be narrower than existing, with little space for adequate passing places. The size of vehicles using the road to supply the school and farms must be taken into consideration. Is there a need to provide a drainage ditch, if so width will be an issue. The volume and size of traffic associated with Ditcham Park School and other dwellings up the road is surprisingly substantial especially at peak school times.
- The design and construction of the road with minimal use of signage, no kerbstones and provision to prevent flooding should be of a high standard.
- The balance between what should be a country lane, safety, reasonably frequent and sometimes large in size traffic movements is a challenge. Ensuring any new road has the character and feel of the local lanes in this area of the National Park must be paramount

## **6 Planning Policy Context**

- 5.3 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site straddles the boundary of two district authorities, Chichester District Council and East Hampshire District Council. Therefore the statutory development plans in this area are the Chichester District Local Plan 1999 and East Hampshire District Council Joint Core Strategy 2014 and the saved policies of the East Hampshire District Local Plan 2006.

### National Park Purposes

- 5.4 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 5.5 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

### National Planning Policy Framework and Circular 2010

- 5.6 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 5.7 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

### The South Downs Partnership Management Plan

- 5.8 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

## **6. Planning Policy**

- 6.1 The following saved policies of the Chichester Local Plan are relevant to this application:
- RE1: Development in rural areas generally  
T6: Highway Safety
- 6.2 The relevant policies of the East Hampshire Joint Core Strategy 2014 and Local Plan 2006 are:
- CP20: Landscape  
CP21: Biodiversity  
CP31: Transport  
GS1: Sustainable Development  
GS3: Protecting the Countryside  
C3: Nature Conservation  
C5: Local Landscape Features  
HE19: Ancient Tracks and Lanes  
T1: General Policy: Land Use and Transport  
T7: Road Schemes

## **7. Planning Assessment**

- 7.1 The South Downs Landscape Character Assessment 2011 characterises the site as within the East Meon to Bury Greensand Terrace character area. Key characteristics of this area include sunken lanes that eroded downwards to reveal exposures of the Greensand geology and gnarled tree roots. The proposal would generally retain this characteristic with the resurfaced track retaining in part and replacing existing vegetation and landscaping either side of the proposed public highway. Whilst upgrading the existing track to an adoptable highway standard, it is reasonably considered that the overall character of the site would still be that of a rural lane.
- 7.2 As advised at paragraph 3.3 above, the aim of the application is to improve highway safety by upgrading the existing flint track with passing places and diverting public motorised vehicular traffic from the Old Ditcham Lane to the length of straight track. The associated benefit is the separation of the different categories of highway users in a way that offers opportunities for the enjoyment of the countryside consistent with the second purpose of the National Park. Specifically, it is considered that the environment around and approaching Old Ditcham Farm would benefit from the reduced volumes of vehicular traffic which would be a benefit to walkers and riders in particular.
- 7.3 Furthermore, it is noted that the downgrading of the existing Old Ditcham Lane highway would remove a length of existing tarmac and would be an enhancement to that section of the highway.
- 7.4 Concerns have been raised that increased traffic pressures on rural lanes, may start to erode the perceived rural character of the area and physically erode roadside verges and sunken lanes. The proposed development in itself would not increase traffic in the local area, rather seek to move the existing traffic levels from one length of highway to another. The South Downs Landscape Character Assessment seeks to reduce traffic pressures and road improvements which would alter the character of these ancient lanes. On balance, it is considered that the proposed development would not have such a significant impact on the rural character of the surrounding landscape. It is considered that a suitable replacement landscape scheme could be secured by way of condition. The proposed resurfaced track would not be widely visible in the surrounding landscape, given the screening by hedges to either side.
- 7.5 Both West Sussex County Council and Hampshire Highway Departments have raised no objection. It is considered that the proposal would improve highway safety by removing the traffic which currently uses the right angle bend adjacent to Old Ditcham Farm. The Highway Authority have indicated that the junction of Old Ditcham Lane and Ditcham Lane would need to be fully lined with road markings.
- 7.6 No external lighting is proposed as part of the development. It is considered, subject to the recommendations of the preliminary ecological assessment, that the proposed development would not pose a significant threat to any existing ecological features, and could offer potential habitat enhancement through additional hedge planting and wild flower planting.

## **8. Conclusion**

- 8.1 The proposed development is considered to be to the overall benefit of highway safety, whilst not having a significant impact on either the rural landscape character of the surrounding area, or the ecological habitat of the adjoining land. On balance, the proposals are considered acceptable, subject to the relevant conditions set out below.

## **9. Recommendation and Conditions**

- 9.1 It is recommended that planning permission is granted subject to the following conditions:

### Time Limit

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

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

#### Plans

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

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

#### Highways

3. The highway works hereby permitted shall be subject to a Section 38 Agreement of the 1980 Highway Act – Provision of Adoptable Highway.

Reason: To ensure that the highway works are undertaken to an adoptable standard.

#### Ecology

4. Prior to the commencement of the development hereby permitted, a full ecological survey shall be undertaken on the site, to include a bat survey of any existing tree to be removed; a badger survey; and dormice survey of existing hedgerows. The recommendations of this survey shall be implemented, in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority, prior to the commencement of any tree, hedgerow or other landscaping removal or works.

Reason: In order to ensure that the development does not have a detrimental impact on any existing ecological feature, and to encourage habitat enhancement, in accordance with paragraph 118 of the NPPF.

#### Landscaping

5. Before development commences details of soft landscape works shall have been submitted to and approved by the SDNPA in writing. The agreed details shall be carried out in full. These details shall include:
  - (i) written specification of proposed schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - (ii) a plan showing the proposed planting;
  - (iii) a schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation.

Reason: To ensure a appearance of the site in the interests of visual amenity and to comply with policy CP20 of the East Hampshire Joint Core Strategy and NPPF.

#### Informative

Section 38 Agreement of the 1980 Highways Act – Provision of Adoptable Highway. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

### **10. Crime and Disorder Implication**

- 10.1 It is considered that the proposal does not raise any crime and disorder implications.

### **11. Human Rights Implications**

- 11.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **12. Equalities Act 2010**

- 12.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

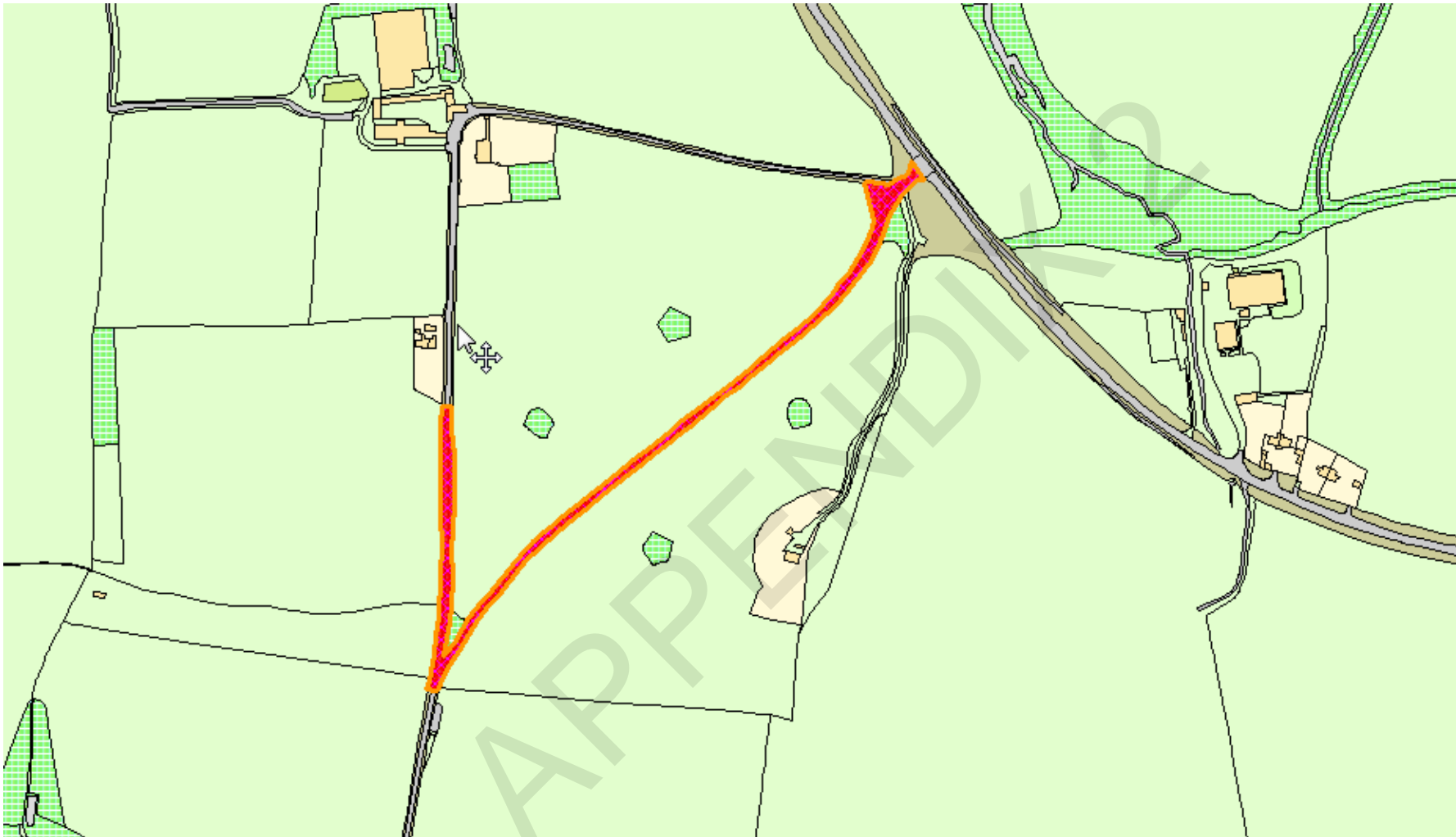
## **13. Proactive Working**

- 13.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer:	Tim Bettany-Simmons
Tel:	01730 819271
email:	<a href="mailto:tim.bettany-simmons@southdowns.gov.uk">tim.bettany-simmons@southdowns.gov.uk</a>
Appendices	1. Site Location Map
SDNPA Consultees	Director of Planning & Legal Services.
Background Documents	<p>Application Documents</p> <p><a href="http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=N2MPVGTU02200">http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=N2MPVGTU02200</a></p> <p>National Planning Policy Framework</p> <p><a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p>National Planning Practice Guidance</p> <p><a href="http://planningguidance.planningportal.gov.uk/">http://planningguidance.planningportal.gov.uk/</a></p> <p>SDNP Partnership Management Plan</p> <p><a href="http://www.southdowns.gov.uk/_data/assets/pdf_file/0011/409799/SD_ManPlan_2013_15.pdf">http://www.southdowns.gov.uk/_data/assets/pdf_file/0011/409799/SD_ManPlan_2013_15.pdf</a></p> <p>Chichester Local Plan</p> <p><a href="http://www.chichester.gov.uk/currentlocalplan">http://www.chichester.gov.uk/currentlocalplan</a></p> <p>East Hampshire Joint Core Strategy</p> <p><a href="http://www.easthants.gov.uk/ehdc/formsfordownload.nsf/0/68B798F4E62FE61680257D3A004820A1/\$File/JCS+FINAL">http://www.easthants.gov.uk/ehdc/formsfordownload.nsf/0/68B798F4E62FE61680257D3A004820A1/\$File/JCS+FINAL</a></p> <p>East Hampshire District Council</p> <p><a href="http://localplan.easthants.gov.uk/map_index.htm">http://localplan.easthants.gov.uk/map_index.htm</a></p>

# **Agenda Item 15 Report PC99/14- Appendix I Site Location Map**



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