

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE 12 SEPTEMBER 2019

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

Present: Alun Alesbury, Heather Baker, Pat Beresford, Barbara Holyome, Ian Phillips and Robert Mocatta.

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

Officers: Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Lucy Howard (Planning Policy Manager), Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Ruth Childs (Landscape Officer), Richard Ferguson (Development Management Lead), Stella New (Senior Development Management Officer), Nat Belderson (Planning Link Officer, Kirsten Williamson (Planning Policy Lead), Katharine Stuart (Planning Policy Lead), Chris Paterson (Communities Lead) and Jack Trevelyan (Enforcement Officer).

OPENING REMARKS

82. The Chair welcomed Members to the meeting and informed those present that:
- South Downs National Park Authority (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 acted 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

83. Apologies were received from Thérèse Evans, Diana van der Klugt, Gary Marsh and William Meyer.

ITEM 2: DECLARATION OF INTERESTS

84. The Chair declared a Public Service Interest on behalf of all Members for agenda item 8 as one of the speakers, Margaret Paren, was the Chair of the SDNPA and known to all Members.
85. Robert Mocatta declared a Public Service Interest for agenda items 7, 8 and 9 as a Hampshire County Councillor for Petersfield and an East Hampshire District Councillor whose ward included Buriton. He was also acquainted with some of the speakers for agenda items 7, 8 and 9.
86. The Chair declared a Public Service Interest on behalf of some Members present for agenda item 8 as one of the speakers, Karen Tipper, was a former Officer of the SDNPA. For clarification, this interest applied to any Members who were a Member of the Authority prior to August 2016.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 8 AUGUST 2019

87. The minutes of the previous meeting held on 8 August were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES

88. There were none.



ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

89. There were none.

ITEM 6: URGENT ITEMS

90. There were none.

ITEM 7: SDNP/19/00669/FUL LAND NORTH EAST OF ANDLERS ASH NURSERY ANDLERS ASH ROAD LISS HAMPSHIRE

91. The Case Officer presented the application and referred to the update sheet.

92. The following public speakers addressed the Committee:

- Matt Kendall spoke against the application representing himself.
- Paddy Payne spoke against the application representing himself.
- Cllr Keith Budden spoke in support of the application as East Hampshire District Councillor for Liss.
- Roger Hargreaves spoke in support of the application representing Liss Parish Council.
- Robert Hall spoke in support of the application representing the Agent.

93. The Committee considered the report by the Director of Planning (Report PC19/20-10), the update sheet and the public speaker comments, and requested clarification as follows:

- Were the affordable housing units spread throughout the site and not consolidated in one area?
- Whether the landscaping conditions would still apply if the open space identified with Cumbers Farm was sold subsequent to the scheme being approved?
- Could the car park near the Cumbers Farm studio be sited further away and were there restrictions on distance between housing and car parking?
- What parking spaces had been allocated for visitors and what was being done to prevent visitors parking on the green spaces?
- Clarification on the different schedules for commencement of Sustainable Urban Drainage Systems (SUDs) in condition 8, which related to occupation of dwellings, and the foul water drainage in condition 9, which related to the commencement of development.
- Whether the footpath listed in condition 14 could be a shared use path, and whether a road crossing would be provided where the path met the B3006 opposite the schools?
- Could there be an option for diverting the Shipwrights Way through the site, rather than its current route along Andlers Ash Road adjacent to the site?
- Would the application provide for traffic calming measures on the Andlers Ash road?

94. In response to questions, Officers clarified:

- The affordable housing units were interspersed throughout the site and they would be indistinguishable from the open market properties.
- Cumbers Farm studio had no curtilage and the plan provides some green space between the studio and the car park. If the land was sold to the occupiers after the scheme was approved, planning permission for change of use would need to be applied for. At that point appropriate conditions would be applied.
- Environmental Health were consulted on the application but had raised no concerns.
- The number of visitor car parking spaces were indicated on the site plans in green, and the landscaping of the site would restrict parking on green spaces.

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- It was agreed to amend the conditions so that conditions 8 were tied to condition 5 and that both surface water and foul water drainage should be discharged prior to reaching slab level.
- The new path, linking the site to the schools, would be a 2.5m wide shared path with a hoggin surface suitable for walkers, cyclists and pushchairs. Any road crossing would need to be included in the S106 legal agreement and application made to the Highways Authority for approval.
- Diverting the Shipwrights Way was outside the jurisdiction of this application and would need a footpath diversion.
- Traffic calming measures were part local infrastructure, which could be provided through Community Infrastructure Levy (CIL) funding.

95. The Committee discussed and debated the application, making the following comments:

- Members commended the improvements made from the previous scheme.
- It was emphasised that the extension beyond the settlement boundary was due to the particular circumstances of the application site and the scheme that has been developed, and that it was not a precedent for future applications.
- More trees should be considered in the gardens at the southern boundary, but an open boundary with the current path used by Hilliers should be maintained, rather than fencing or hedging.

96. It was proposed and seconded to vote on the officer's recommendation, subject to the following amendments and those set out in the update sheet.

- Condition 8: to be amended so that commencement was at slab level, to tie in with condition 5.
- Condition 14: to be amended to replace 'footpath' with 'shared path'.
- Recommendation: the fourth bullet point of the legal agreement (first recommendation) to be amended to replace 'footpath' with 'path link dedicated for use by the public'.

97. **RESOLVED:** That planning permission be granted subject to:

- 1) The completion of a legal agreement to secure the following, the final form of words to be delegated to the Director of Planning:
 - On-site affordable housing provision of 31 dwellings (mix as per the application), in a tenure split of 70% social rented and 30% intermediate housing.
 - On-site open space and responsibilities for its management.
 - Highways works on Andlers Ash Road and management of internal roads and paths.
 - A new path dedicated for use by the public to link to Hill Brow Road.
 - Local employment and training scheme/apprenticeships.
 - Limitation for occupying the development until a Suitable Alternative Natural Greenspace has been provided to mitigate the recreational pressures of the development.
- 2) The conditions as set out in paragraph 10.1 of the Officers report (PC19/20-10), subject to the amendment on the update sheet and the following amendments:
 - Condition 8: to be amended so that commencement was at slab level, to tie in with condition 5.
 - Condition 14: to be amended to replace 'footpath' with 'shared path'.

- Recommendation: the fourth bullet point of the legal agreement (first recommendation) to be amended to replace 'footpath' with 'path link dedicated for use by the public'.
- 3) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 3 months of the 12th September 2019 Planning Committee meeting.

ITEM 8: SDNP/19/03210/FUL LAND WEST OF ROTHERBANK FARM LANE LISS HAMPSHIRE

98. The Case Officer presented the application and referred to the update sheet.
99. The following public speakers addressed the Committee:
- Margaret Paren spoke against the application representing herself.
 - Paddy Payne spoke against the application representing himself.
 - Kim Payne spoke against the application representing herself.
 - Karen Tipper spoke in support of the application representing the applicant as the agent.
 - George Hillier spoke in support of the application as the applicant.
100. The Committee considered the report by the Director of Planning (Report PC19/20-11), the update sheet and the public speaker comments, and requested clarification as follows:
- Should the SANG be provided in perpetuity to compensate for its proximity to the Special Protected Area (SPA)?
 - Part of the site has been designated open green space in the Liss Neighbourhood Development Plan (NDP). Could other areas be designated green space if they were not already included in the NDP?
 - Whether a SANG attached to the land would be automatically transferred if the land changed ownership.
 - What would happen in the event of failure of the proposed Management Company?
101. In response to questions, Officers clarified:
- Natural England requires the site to be held as a SANG for 80 years, which is considered to be in perpetuity.
 - Any extension of the green space would need to come through a revision of the Liss Neighbourhood Development Plan.
 - The status of SANG remained with the land even if it was sold.
 - An endowment policy could be set up to financially support a Management Company, and it could have a duty to provide robust reporting. A failure of the Management Company could be dealt with by the SDNPA as a breach of the S106 agreement, and should there be a change of management, any future management company would be bound by the S106 agreement.
 - The SDNPA had a good track record in dealing with major applications where a bond or endowment policy needed to be set up to insure against risk of a company not being able to complete a project.
102. The Committee discussed and debated the application, making the following comments:
- It was acceptable in principle but the Landscape and Ecological Management Plan needed additional work to ensure comprehensive and sensitive management of the site for access, landscape character and ecology.
 - It was noted that the S106 agreement was key to ensuring correct management of the SANG, and that it should provide for a succession body to be established, and

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arrangements for endowment funds to be transferred, should the Management Company fail.

- There should be an opportunity for intervention through enforcement action should the management plan not be implemented, and this should be written into S106 agreement.
- This was one of the first applications for a SANG since the adoption of the SDNPA Local Plan. The standards set in the S106 should be exemplar and should reflect the high standards expected within a National Park.
- The bar should be set high for stock-proof fencing, which should be a balance of fencing and hedging.

103. It was proposed and seconded to vote on the officer's recommendation, subject to the additional condition set out in the update sheet.

104. **RESOLVED:**

- 1) That planning permission be granted subject to:
 - a) The completion of a S106 Agreement to secure the following, the final form of words to be delegated to the Director of Planning:
 - Requirements to create a management company for the long term provision and management/maintenance of the SANG.
 - A revised comprehensive Landscape and Ecological Management Plan.
 - b) The conditions as set out in Paragraph 10.1 of the Officers report (PC19/20-11) and the update sheet.
- 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 satisfactory progress is not being made within 3 months of the 12 September 2019 Planning Committee meeting.

ITEM 9: SDNP/18/01060/FUL OLD DITCHAM FARM DITCHAM LANE BURITON PETERSFIELD GU31 5RQ

105. The Case Officer presented the application and referred to the update sheet.

106. The following public speakers addressed the Committee:

- Mrs Wolfe spoke against the application representing herself.
- Philip Walter ^{- Mason} spoke against the application ~~Mason~~ representing himself.
- Tom Ormesher commented on the application representing the NFU.
- James Fraser spoke in support of the application as the agent.

107. The Committee considered the report by the Director of Planning (Report PC19/20-12), the update sheet and the public speaker comments, and requested clarification as follows:

- What was the status of the previous application for this site and whether it had any bearing on the decision made at this committee?
- Whether there was evidence to back up claims on the effects of vehicle headlights to Dark Night Skies (DNS) in relation to this application.
- Was the proposal to put a hedge across an existing highway at the southern end legally acceptable?
- Would any concerns be raised if the Committee came to a different view to both Hampshire and West Sussex Highways who had not objected to the plans?

108. In response to questions, Officers clarified:

- The previous planning permission was not implemented and had therefore lapsed. The Officer's recommendation to the committee on this occasion had come to a different

conclusion from the decision made by the committee in 2014, and the Officer's report laid out the reasons as to why this was the case having regard to new policy that protected historic rural roads.

- There was no evidence to indicate that vehicle headlights could impact Dark Night Skies.
- The legal advisor confirmed that a hedge could not be planted across an existing public right of way.
- SDNPA Members make decisions on applications in a National Park setting according to the policies within the SDNPA Local Plan, whereas Highways Authorities consider matters of highway safety. It was not uncommon for these views to differ.

109. The Committee discussed and debated the application, making the following comments:

- Members acknowledged that, whilst the landscape impact in relation to the proposals would be similar to the scheme approved in 2014, the policy landscape had changed and the bar had been raised in relation to what might be acceptable in terms of development involving a historic rural road within the National Park.
- This application was a good example of the Sandford Principle where social and economic benefits were outweighed by harm to the landscape and heritage features.
- Downgrading of the existing road could not be assured. The passing places in the proposal were not wide enough for farming machinery and it was uncertain whether the current road would need to be kept open for the use of farm vehicles. It was felt that this could lead to two roads in use rather than the current one.

110. It was proposed and seconded to vote on the officer's recommendation.

111. **RESOLVED:** That permission be refused, for the reasons set out at paragraph 10.1 of the Officer's report (PC 19/20-12).

ITEM 10: SDNP/18/04918/FUL LAND AT POOK LANE LAVANT WEST SUSSEX

112. The Case Officer presented the application.

113. The following public speakers addressed the Committee:

- Amanda Sutton spoke in support of the application as the agent representing the applicant.
- Elaine Mallett spoke in support of the application representing Lavant Parish Council.

114. The Committee considered the report by the Director of Planning (Report PC 19/20-13) and the public speaker comments and discussed and debated the application, making the following comments:

- Some concern was raised over the landscape impact of the Memorial Hall car park extension. It was suggested that the layout as shown on the plans were indicative and there could be opportunity for tree planting to reduce the impact on the landscape, but that this should not impact the number of car parking spaces available.
- The Director of Planning confirmed that condition 2 determined the site of the car park extension as part of the approved plans, and it was seen to be an appropriate place to have a car park, and condition 7 allowed for landscaping to ameliorate the impact.
- It was noted that this was an example of where a scheme had been very much improved as a result of deferral of a scheme by the Committee, and Members noted the work that had been achieved by SDNPA Officers, the Developers and Lavant Parish Council working together.

115. It was proposed and seconded to vote on the officer's recommendations.

116. **RESOLVED:**

1. That planning permission be granted subject to the conditions set out at section 10 of the Officers report (PC19/20-13) report and a legal agreement, the final form of which is delegated to the Director of Planning, to secure:

- Nine affordable dwellings;
- The provision of a replacement football pitch that is available for use by the community;
- The provision of a temporary football pitch until the replacement football pitch is available;
- The delivery of the community car park;
- The delivery of highway improvements to Pook Lane to improve the access to the community car park;
- The delivery and management of the public open space;
- £5,000 contribution towards upgrading the Centurion Way; and
- £10,509 contribution to the Solent Bird Mitigation Strategy.

2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress made within 3 months of the Planning Committee meeting of 12 September 2019.

117. Robert Mocatta left the meeting and Margaret Paren joined the meeting at 2.20pm

ITEM 11: DRAFT PRE-SUBMISSION WEST SUSSEX AND SOUTH DOWNS SINGLE ISSUE REVIEW OF SOFT SAND

118. The Planning Policy Lead presented the report.

119. The Committee considered the report by the Director of Planning (Report PC19/20-14) and made the following comments:

- Clarification was sought on why the predicted, combined yields for the site allocations (Ham Farm, Chantry Lane, and East of West Heath Common) were less than the demand requested in scenario 3.
- If the East of West Heath Common site was allocated could a condition be included in the development principle to extend the Petersfield to Midhurst railway line proposed cycle route through the CEMEX site. This should be done before commencement of any work.
- Concerns were raised in regard to conditions for the two proposed sites situated within the National Park. These should be considered major development within the National Park and the conditions should be exemplar and higher than expected elsewhere. It was proposed that a condition should be included to restore areas of the sites to heathland, and mitigation projects should be looked at in more detail.
- Could mitigation work be included to support the two ancient bridges which were used to carry the soft sand over the river Rother?

120. In response to questions, Officers clarified:

- Range was based on a series of scenarios, with the aim of reaching the higher level (2.8). The numbers given are optimal levels however it was expected that more detailed assessment of the sites at planning application stage could result in lower yields through the implementation of other relevant DM policies and the landscape led approach. There was potential for material to come into the area from less constrained sites to make up any shortfall.
- Inclusion of opportunities to improve long distance trails and key public Rights of Way at the East of West Heath Common site were included in item 7.2.8 of the draft report.

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This should include works to the Petersfield to Midhurst railway line proposed cycle route and should commence prior to the site being used as part of the site restoration agreement.

- Whilst the two potential site allocations in the Park could demonstrate exceptional circumstances and possibly meet the public interest test, this would be assessed at the planning application stage. Conditions would reflect the implications of development within a National Park setting. The adopted Joint Minerals Local Plan, and the South Downs Local Plan, contained policies that covered what was expected for applications in protected landscapes in regard to major development.
- Whilst the traffic over the ancient bridges was not expected to increase greatly, the impact on the bridges could be looked at during the application stage.

121. It was proposed and seconded to vote on the Officer's recommendation, subject to the following comments made by the Committee.

- Extra emphasis to be added to pages 151-152 for provision of restoration to the old Petersfield to Midhurst railway line, ensuring that the work is undertaken at an earlier rather than later stage of the restoration phase;
- Clearer wording on the level of mitigation and compensation that should come forward from major development allocations within the Park;
- To assess whether there is any impact on the ancient bridges due to extra load.

122. **RESOLVED:** The Committee:

1. Endorsed the direction of the draft Pre-Submission Soft Sand Single Issue Review policies as detailed in Appendix 1 and Appendix 2, subject to the following comments made by the Planning Committee:
 - Extra emphasis to be added to pages 151-152 for provision of restoration to the old Petersfield to Midhurst railway line, ensuring that the work is undertaken at an earlier rather than later stage of the restoration phase;
 - Clearer wording on the level of mitigation and compensation that should come forward from major development allocations within the Park;
 - To assess whether there is any impact on the ancient bridges due to extra load.
2. Noted the main issues arising from Sustainability Appraisal (SA) and Habitat Regulation Assessment (HRA) set out in this report.
3. Recommended that the National Park Authority approve the draft Pre-Submission Soft Sand Review for public consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that arise prior to the start of the consultation being agreed by the Director of Planning in consultation with the Chair of the Authority.
4. Recommended that the National Park Authority delegate authority to the Director of Planning in consultation with the Chair of the Authority to make any minor changes arising from the consultation and submit the Pre-Submission Soft Sand Single Issue Review to the Secretary of State under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for examination.
5. Noted that if major changes were required to the Pre-Submission Soft Sand Single Issue Review that a further public consultation and decision by the Authority may be required.

ITEM 12: THE SOUTH DOWNS NATIONAL PARK AUTHORITY'S RESPONSE TO THE SUBMISSION (REGULATION 16) CONSULTATION ON THE UPDATED FINDON NEIGHBOURHOOD DEVELOPMENT PLAN

123. The Planning Policy Manager presented the report.
124. The following public speakers addressed the Committee:
- David Hutchinson spoke against the report and its recommendations representing the Qualifying Body FPC/UNPWG
125. The Committee considered the report by the Director of Planning (Report PC19/20-15), and made the following comments:
- Clarification was sought on whether the Findon Neighbourhood Development Plan (NDP) could undo allocations in the new, adopted SDNPA Local Plan.
 - Whether the Committee could reject the sites proposed in the Findon NDP.
 - If all five allocation sites in the NDP were retained, was it possible for residents to vote against the NDP at referendum?
126. In response to questions, Officers clarified:
- The SDNPA had worked hard to encourage Findon to allocate sites during the preparation of the original NDP. As no sites were put forward the the examiner of the original Findon NDP had asked the SDNPA to allocate sites in the Local Plan. During the examination of the SDLP the Parish Council asked that the sites in the SDNPALP were removed. The SDNPA had sought legal advice which was provided to Members. . This confirmed that tthe sites in both Plans were not considered to be in conflict, therefore any sites put forward in the Findon NDP would be additional allocations to the sites allocated in the SDNPA Local Plan.
 - The Findon NDP was at the consultation stage and the SDNPA would submit a comment. Any decisions on sites allocations would be made by the Examiner.
 - Residents could vote to reject the Findon NDP at referendum. However, if the plan failed at a referendum, it would still carry weight as a material consideration as it had been through pre-submission and been submitted to the Examiner who would produce a report which would carry weight.
127. It was proposed to vote on the Officer's recommendation.
128. **RESOLVED:** The Committee agreed the Table of Comments as set out in Appendix 3 of the Officers report (PC19/20-15) which form the SDNPA representation to the updated Findon Neighbourhood Development Plan (FNDP) submission consultation.

ITEM 13: MAKING OF THE STORRINGTON, SULLINGTON & WASHINGTON NEIGHBOURHOOD DEVELOPMENT PLAN

129. The Communities Lead presented the report.
130. The Committee considered the report by the Director of Planning (Report PC19/20-16).
131. It was proposed to vote on the Officer's recommendation.
132. **RESOLVED:** The Committee:
- 1) Noted the outcome of the Storrington, Sullington & Washington Neighbourhood Development Plan Referendum;
 - 2) Agreed to make the Storrington, Sullington & Washington Neighbourhood Development Plan part of the SDNPA's Development Plan for the part of the parishes of Storrington, Sullington & Washington within the South Downs National Park.

ITEM 14: FITTLEWORTH NEIGHBOURHOOD DEVELOPMENT PLAN DECISION STATEMENT

133. The Communities Lead presented the report and referred to the update sheet.
134. The Committee considered the report by the Director of Planning (Report PC19/20-17), and the update sheet, and made the following comments:
- Clarification was sought over why Fittleworth neighbourhood planning group had not set out in more detail information on important views to their community prior to the Plan going to the Examiner.
135. In response to questions, Officers clarified:
- Fittleworth neighbourhood planning group had included a policy which protected important views, however, it hadn't identified specific views in that policy. The Examiner considered that this would be difficult for a decision maker to apply the policy without certainty of which views were considered important. The examiner requested that specific views were identified, however, given the advanced stage of the Neighbourhood plan preparation the qualifying body felt this would require a significant delay, which they would prefer to avoid. The Officer would encourage this to be addressed when the Plan was reviewed.
136. It was proposed to vote on the Officer's recommendation.
137. **RESOLVED:** The Committee:
- 1) Noted the Examiner's Report and recommended modifications to the Fittleworth Neighbourhood Development Plan to meet the Basic Conditions.
 - 2) Agreed to publish the 'Decision Statement' as set out at Appendix 2 of the Officers report (PC19/20-17).

ITEM 15: ADOPTION OF SWANMORE VILLAGE DESIGN STATEMENT AS A SUPPLEMENTARY PLANNING DOCUMENT

138. The Communities Lead presented the report.
139. The Committee considered the report by the Director of Planning (Report PC19/20-18).
140. It was proposed to vote on the Officer's recommendation.
141. **RESOLVED:** The Committee approved the adoption of Swanmore Village Design Statement as a Supplementary Planning Document.

ITEM 16: ENFORCEMENT UPDATE

142. The Enforcement Officer presented the report.
143. The Committee considered the report by the Director of Planning (Report PC19/20-19) and made the following comments:
- It was noted that a quarterly enforcement report would be useful to the Committee, and that it should include a summary of cases and more information on what stage the enforcement notices are at.
 - It was commented that it would be useful to make enforcement information public to raise awareness of the work that is done and that enforcement issues were taken seriously by the SDNPA.
 - Clarification was sought on whether any of the 2019-20 investigations were carried over from the previous year.
 - Queried the level of third party contact in notification of enforcement issues.
 - Queried the high percentage of 'no breach' when cases were closed.



144. In response to questions, Officers clarified:

- Some cases were carried over from the previous year and this would be noted in future enforcement reports.
- The majority of notifications on enforcement issues came from neighbours of sites where work was being carried out.
- The reason 'no breach' was cited for many of the closed cases was due to neighbour complaints where either planning permission had been granted or the work was allowed under permitted development rights.

145. **RESOLVED:** The Committee noted the update on enforcement action.

146. The Chair closed the meeting at 3.25pm.

Signed: 