

SDNPA Planning Committee – 16 January 2020

Update Sheet



Agenda Item	Page No	Para	Update	Source/Reason
7	12	3.1	Amendment: “The Application seeks permission to construct 18 terraced dwellings in 2 blocks of 8 and 10 respectively ”.	Error in original report
7	12	3.2	Amendment: “This application is for residential dwellings falling within the standard use class of C3, however the applicant clearly sets out that the dwellings will be marketed specifically in relation to age restricted retirement dwellings providing properties for prospective purchasers over the age of 55. The offer for residential development would include various services that the resident could purchase as part of their package. In addition, the applicant confirms that the securing of a use for the Chapel would form part of the package.	Error in original report.
7	12	3.5	Amendment: “The application is inextricably linked to the current application also being considered at Committee for the area within the development know as Kings Green East (SDNP/19/03904/FUL).	Amendment
7	13	3.8	Amendment: “The applicants consider that their two developments and particular offering of age restricted retirement dwellings are the only realistic prospect for a permanent use of the Chapel.”	Amendment
7	13	4.4	<i>Additional comments received from Easebourne Parish Council in relation to stepping back from speaking at Planning Committee:</i> <ul style="list-style-type: none"> • <i>Just wanted to explain reasons for deciding to let others speak against the 2 applications concerned at the meeting on Thursday.</i> • <i>Please be assured that this is absolutely not a case of the Parish Council being any less concerned about the suitability of the applications or uninterested in the result.</i> • <i>The Parish Council were very impressed with the knowledge and professional approach of the residents who presented their concerns to us back in October and November. From that and the numerous other objections received, both application were considered at length and strong objections submitted..</i> 	Update

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			<ul style="list-style-type: none"> • <i>The same group of residents have continued to work on these applications and until today I was under the impression that the Parish Council could speak in addition to the registered 3 speakers. Now I am aware of our misunderstanding in this matter, I feel that for one of the speakers to not be allowed to present at this late stage or for all 3 to have to re-write their presentations to reduce their timings would compromise the information being delivered to the Planning Committee.</i> • <i>Myself and our Head of Planning strongly feel that the people proposing to speak for each application will provide the Planning Committee with the most accurate and carefully considered information for them to make their decision, together with the detailed recommendations already submitted by Rob Ainslie. We understand that the Planning Committee is not looking for a repeat of what's already been submitted and we believe the nominated speakers are best placed to deliver the latest findings and concerns.</i> • <i>What I would appreciate is some assurance that by taking this decision, that the views expressed by the Parish Council will not be taken any less seriously now or in the future.</i> 	
7	15	4.8	<p>Additional comments received from Highways Authority in response to comments from residents group.</p> <ul style="list-style-type: none"> • In relation to point regarding accidents:- data indicates 2 serious accidents for 3 years to date. Accident at junction of A286 was not considered a fault of the design of the access. 2nd accident was a result of temporary road works and considered driver error. • In relation to internal layout and speed limit, road is privately maintained. Would request that passing places are considered by the applicant. Accept the speed limit point and also note the Transport Statement is inaccurate. • Do not consider there is a requirement for an ATC survey of any kind to ascertain further traffic numbers. Discrepancies within the submitted TS are not considered to alter of change the conclusions drawn on the application. • In terms of TRICS data, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a proposal. This is industry standard software that is supported as an assessment tool. We do not consider that the proposals would have a 'severe' residual impact on the highway network. • In terms of visibility splays, the applicant did quote a 20mph speed limit. Would accept there is an error within the applicants supporting statement. However, basing the visibility splays on a 20mph speed would in fact give a larger splay than a splay for 10mph and is therefore considered robust. 	Update

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7	16	4.14 (new para)	<p>South East Water – Comments Received.</p> <ul style="list-style-type: none"> • Neither of the developments are located in South East Water area of operation (both are within Southern Water’s operating area) • Would ordinarily expect Southern Water to be responsible for providing a new supply. • Despite being outside the operating area, South East Water does currently provide a small existing bulk supply to a private network for the old hospital site. Historically Southern Water was not in a position to provide a supply due to infrastructure constraints at that time. • There is no capacity in existing infrastructure to provide a sufficient supply to the proposed developments. • South East Water has recently met with the developer to confirm the current position and the nature of the work required were south east water to provide a new supply. • Understand that the developer is in contact with Southern Water and South East Water are awaiting a final decision by the developer of their preferred approach to securing a new water supply for the proposed developments. 	Update
7	21	5.4 (new para)	<p>Letter received from Applicants agent in response to Committee Report and in support of application:</p> <ul style="list-style-type: none"> • Concern that officers have not told Members that the applicants have provided a formal legal opinion not agreeing with the view of officers that the development cannot be regarded as enabling development. Unclear whether officers have procured own legal advice as indicated. • Officers state that future of heritage asset is secured but this is not considered to be correct and failure to allow development will not secure the future of the Chapel and remove it from the register. • Reports do not mention the DRP and their comments on design particularly that the revised scheme is better than the existing consent. Reports include criticism of the design that has not been communicated to the applicants previously and the applicants have not been able to address this. • Consider there are numerous areas where important information has not been reported to Members. We cannot see how members can make a reasonable decision on the applications. • Urge the Authority to defer the applications so that appropriate legal opinion can be provided and the design matters can also be addressed. • Should the authority proceed to determine the applications in a premature manner, the applicants will be considering steps available given the Authority has not met its legal duty to “have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with an planning application. 	Update

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			<p>Officer comments in response to Letter from applicants agent:</p> <ul style="list-style-type: none"> • Officers consider that the matter of enabling development has been fully explained in the section of the report titled 'Principle of Development' (paras 8.1- 8.16) Officers did seek legal advice in response to legal advice received from the applicants. In addition, the legal advice gained by the Authority also included consideration of the Heads of Terms submitted by the applicants legal advisors (Town Legal LLP). The advice officers have received has informed the preparation of the report. • Design Review Panel Comments: Officers do acknowledge that an early iteration of the plans for the site were subject to consideration by the Design Review Panel. The notes taken from the meeting are available to view on the following link (18 June 2019 DRP Review Session) • https://www.southdowns.gov.uk/planning/planning-advice/design-review-panel/design-review-panel-minutes/ • Whilst the notes do confirm that comments included that "this is an improvement on the previous scheme" the full minutes did raise a number of issues (and it must be appreciated that this formed part of a pre-application enquiry, the comments of which are always without prejudice to the submission of a formal application). • The applicant was aware of concerns with regard to the KGE site, having had sight of consultation responses from the Authority's officers. Indeed, the applicant submitted a rebuttal letter in response to the issues raised in the consultation responses. Whilst the particular concerns of the case officer, with regard to the Superintendent Drive scheme had not been sent to the applicant, it was considered that the issues were so fundamental that amended plans could not address the concerns given the limited land within the red outline of the site (and also given that there remains a fundamental issue in relation to the principle of development.) • Officers consider that they have worked with the applicant in a positive and proactive manner insofar as explaining our considerations and indeed assisting the agent in defining the application. 	
8	34	3.2	<p>Amendment:</p> <p>"This application is for residential dwellings falling within the standard use class of C3, however the applicant clearly sets out that the dwellings will be marketed specifically in relation to age restricted retirement dwellings providing properties for prospective purchasers over the age of 55. The offer for residential development would include various services that the resident could purchase as part of their package. In addition, the applicant confirms that the securing of a use for the Chapel would form part of the package.</p>	Error in original report
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8	36	4.5	<p><i>Additional comments received from Easebourne Parish Council in relation to stepping back from speaking at Planning Committee:</i></p> <ul style="list-style-type: none"> • <i>Just wanted to explain reasons for deciding to let others speak against the 2 applications concerned at the meeting on Thursday.</i> • <i>Please be assured that this is absolutely not a case of the Parish Council being any less concerned about the suitability of the applications or uninterested in the result.</i> • <i>The Parish Council were very impressed with the knowledge and professional approach of the residents who presented their concerns to us back in October and November. From that and the numerous other objections received, both application were considered at length and strong objections submitted..</i> • <i>The same group of residents have continued to work on these applications and until today I was under the impression that the Parish Council could speak in addition to the registered 3 speakers. Now I am aware of our misunderstanding in this matter, I feel that for one of the speakers to not be allowed to present at this late stage or for all 3 to have to re-write their presentations to reduce their timings would compromise the information being delivered to the Planning Committee.</i> • <i>Myself and our Head of Planning strongly feel that the people proposing to speak for each application will provide the Planning Committee with the most accurate and carefully considered information for them to make their decision, together with the detailed recommendations already submitted by Rob Ainslie. We understand that the Planning Committee is not looking for a repeat of what's already been submitted and we believe the nominated speakers are best placed to deliver the latest findings and concerns.</i> • <i>What I would appreciate is some assurance that by taking this decision, that the views expressed by the Parish Council will not be taken any less seriously now or in the future.</i> 	Update
8	40	4.14	<p>South East Water – Comments Received.</p> <ul style="list-style-type: none"> • Neither of the developments are located in South East Water area of operation (both are within Southern Water’s operating area) • Would ordinarily expect Southern Water to be responsible for providing a new supply. • Despite being outside the operating area, South East Water does currently provide a small existing bulk supply to a private network for the old hospital site. Historically Southern Water was not in a position to provide a supply due to infrastructure constraints at that time. • There is no capacity in existing infrastructure to provide a sufficient supply to the proposed developments. 	Update

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8	45	5.4 (new para)	<p>Letter received from Applicants agent in response to Committee Report and in support of application:</p> <ul style="list-style-type: none"> • Concern that officers have not told members that the applicants have provided a formal legal opinion not agreeing with the view of officers that the development cannot be regarded as enabling development. Unclear whether officers have procured own legal advice as indicated. • Officers state that future of heritage asset is secured but this is not considered to be correct and failure to allow development will not secure the future of the Chapel and remove it from the register. • Reports do not mention the DRP and their comments on design particularly that the revised scheme is better than the existing consent. Reports include criticism of the design that has not been communicated to the applicants previously and the applicants have not been able to address this. • Consider there are numerous areas where important information has not been reported to Members. We cannot see how members can make a reasonable decision on the applications. • Urge the Authority to defer the applications so that appropriate legal opinion can be provided and the design matters can also be addressed. • Should the authority proceed to determine the applications in a premature manner, the applicants will be considering steps available given the Authority has not met its legal duty to “have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with an planning application. <p>Officer comments in response to Letter from applicants agent:</p> <ul style="list-style-type: none"> • <i>Officers consider that the matter of enabling development has been fully explained in the section of the report titled ‘Principle of Development’ (paras 8.1- 8.16) Officers did seek legal advice in response to legal advice received from the applicants. In addition, the legal advice gained by the Authority also included consideration of the Heads of Terms submitted by the applicants legal advisors (Town Legal LLP). The advice officers have received has informed the preparation of the report.</i> 	Update

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9	58	4.8	<p><u>Housing Officer Comments (Objection):</u></p> <p><i>Horsham Social Rented Housing List (as of 8 January 2020))</i></p> <table border="1" data-bbox="748 975 1760 1249"> <thead> <tr> <th data-bbox="748 975 1151 1062">Local Connection</th> <th data-bbox="1151 975 1760 1062">Unit Preference within Amberley Local Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="748 1062 1151 1114">Amberley</td> <td data-bbox="1151 1062 1760 1114">3x applicants for 1 bed units</td> </tr> <tr> <td data-bbox="748 1114 1151 1249">Parham/Cootham</td> <td data-bbox="1151 1114 1760 1249">4x applicants for 1 bed units 3x applicants for 2 bed units 1x applicant for 3 bed unit</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Housing Officers are unable to support the application due to the lack of on-site affordable rented housing being proposed <ul style="list-style-type: none"> – There are 63 households active on the Council’s housing register that have identified Amberley as their choice for permanent accommodation, three of which have a local connection to Amberley 	Local Connection	Unit Preference within Amberley Local Area	Amberley	3x applicants for 1 bed units	Parham/Cootham	4x applicants for 1 bed units 3x applicants for 2 bed units 1x applicant for 3 bed unit	Consultee response
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			<ul style="list-style-type: none"> - Additional households that meet the local connection criteria will apply once the scheme is 'advertised' as available for application - When rented properties become vacant a locally connected household will always be sought before implementing the cascade to households on the Council's housing register - Little evidence is provided of the local demand for only discounted market units - The affordable housing provision should include discounted market sale/shared equity homes, for which appropriate providers are available, and a small number of smaller rented homes for local households. 																
9	63	8.14	<p>Number of Social Rented Units in Amberley</p> <table border="1" data-bbox="748 544 1760 805"> <thead> <tr> <th data-bbox="748 544 875 596">No</th> <th data-bbox="875 544 1319 596">Location</th> <th data-bbox="1319 544 1760 596">Managed by</th> </tr> </thead> <tbody> <tr> <td data-bbox="748 596 875 649">10</td> <td data-bbox="875 596 1319 649">Newland Gardens</td> <td data-bbox="1319 596 1760 649">Saxon Weald</td> </tr> <tr> <td data-bbox="748 649 875 702">15</td> <td data-bbox="875 649 1319 702">Hurst Cottages</td> <td data-bbox="1319 649 1760 702">Saxon Weald</td> </tr> <tr> <td data-bbox="748 702 875 754">16</td> <td data-bbox="875 702 1319 754">Amberley</td> <td data-bbox="1319 702 1760 754">Stonewater</td> </tr> <tr> <td data-bbox="748 754 875 805">41</td> <td data-bbox="875 754 1319 805">TOTAL</td> <td data-bbox="1319 754 1760 805"></td> </tr> </tbody> </table>	No	Location	Managed by	10	Newland Gardens	Saxon Weald	15	Hurst Cottages	Saxon Weald	16	Amberley	Stonewater	41	TOTAL		Correction following figures received from Horsham Housing Officer
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9			<p>Further information from Applicant</p> <ul style="list-style-type: none"> • A number of documents have been provided to Members of the Planning Committee as follows: <ul style="list-style-type: none"> - A Factsheet by English Rural Housing Association on Discounted Market Sales explaining how the product works and who is eligible - A copy of the representation made by Amberley Parish Council - A letter setting out other reasons why Discounted Market Sales is appropriate: <ul style="list-style-type: none"> ▪ The danger of creating an enclave ▪ The demand for reduced market housing for sale particularly from older purchasers who wish to downsize ▪ The combined sites provide more affordable housing than would be required under SD28 ▪ Calculations indicating that a mortgage repayment would similar to the monthly payment on an 80% discounted rental property ▪ The properties could be secured in perpetuity meeting local connection criteria of SD28 through a s106 	Additional information															

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10	105	5.3	<p>Further Representation</p> <ul style="list-style-type: none"> • A further letter of objection has been received raising the following concerns <ul style="list-style-type: none"> – The applicant has not provided a viability appraisal – The site has a high current use value – Applying the draft SDNPA Affordable Housing SPD methodology the application proposals are not viable, and the requirements of policy SD70 therefore cannot be met – The residual site value is calculated at £692K whereas the benchmark value of the property as a private house and grounds is £1.59m – Assurance should be sought from the applicant that the level of affordable housing would not be reduced at a later date/post consent. 	Additional information
10	114	10.1	<p>1. The scheme, would fail overall to positively enhance the contribution of the site by reason of its large scale agricultural typology and combined domestic features, would create a confused character that would generate negative landscape impacts, and, as a result, neither conserve nor enhance the site's contribution to the downland landscape, or views from public rights of way to the east and south, Nepcote Green and Cissbury Ring. The proposal is therefore contrary to the National Park's First Purpose, policies SD4, SD5, SD25 and SD70 of the South Downs Local Plan (2014-2033), policies HD4 and EN1 of the Findon NDP (2016) and the NPPF.</p>	Amended reason for refusal
12	N/A	N/A	Correspondence received from the Applicant stating that the correct recommended width for the footpath should be 1.5m, based on Hampshire County Council's guidance.	Update
12	N/A	N/A	Correspondence has been received from the Chairman of Binsted Parish Council requesting a deferment of the application to allow further discussion with the Applicant. However, subsequent to this, further correspondence has been received from the Binsted Parish Council clerk clarifying that this request should have been made as a parishioner and not representing the parish council. Additionally, as a Parish Council, they confirm their 'no objection' response to the application.	Update
12	152	Section 5	<p><u>Additional comments received as below:</u></p> <p>One additional objection received. It states that, as a farmer just outside of the National Park who also operates a farm shop, they question the rationale for a farm shop on this site with no farming activities and in a National Park.</p> <p>A further representation has been received from an objector who re-iterates their previously submitted comments, plus the following views:</p>	Update

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			<ul style="list-style-type: none"> • Notification of the planning committee is too short notice to attend. • The pro-formas submitted in support are not verifiable and these persons have not submitted independent comments with any detailed reasons. They should be given little weight. 	
12	157	8.14 and 8.15	<p><u>Replace paragraphs 8.14 and 8.15 as follows:</u></p> <p>8.14 Concern has been raised in representations and by HCC regarding the width given to FP55. A width is not specified in the definitive statement for FP55 at this site and a width was not determined during the Public Inquiry. HCC are unable to provide a definitive width for FP55 at the site and rely upon their guidance in their response, which outlines that where a footpath is enclosed on either side of it (either by hedgerows, walls or fences for example), a recommended minimum width of 2.5m should be applied.</p> <p>8.15 In the context of this application, FP55 would be enclosed between the proposed barn and an adjacent existing barn for a length of 4m. The submitted plans do not include a 2.5m width and, in the absence of a definitive width, HCC's guidance carries some weight. However, HCC have provided no firm evidence to justify that a 2.5m width should be provided and it is officer's understanding that this width does not relate to a legal minimum where a path is enclosed, rather it is a recommended width in order to allow access for a variety of users.</p> <p>8.16 Whilst a 2.5m width would be desirable based on HCC's guidance, notwithstanding, officers consider the north western end of the barn would physically obstruct the definitive route. This has been determined through an assessment of the plans and the line of the definitive route, with a 1.8m width being applied to it. The 1.8m has been determined on the basis that this is a width cited in the definitive statement elsewhere on the footpath, an analysis of plotting the proposals and definitive route onto ordnance survey plans, and in the absence of any further official documented evidence of its width. Also, further discussion with HCC concluded that this was a reasonable approach. On this basis, it is considered that the north western end of barn encroaches onto the definitive line of the footpath by approximately 1.1m.</p> <p>8.17 The Applicant contends that a 1.5m width is the correct measurement based on HCC's guidance. However, officer's view of the guidance is that this width only applies to maintaining such widths through arable fields where farmers are required to maintain legal minimum widths when cultivating the land. In any event, if the footpath was defined by a 1.5m width the proposed barn would still encroach upon the footpath albeit to a lesser degree.</p> <p>8.18 The Applicant has sought to submit revised plans to reposition the barn in response to these concerns, however, these have not been accepted on the basis that this would not overcome a principle concern officers have in regard to the impact upon the amenity value of FP55.</p>	Update

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12	158	9.1	<p>Amendment to paragraph 9.1</p> <p>In light of the above considerations, and recognising the fine balance of what development could be implemented, the current policy context and the Inspector's decision it is considered that the proposed barn would obstruct the footpath as well as have an unacceptable impact upon the amenity value of FP55 in relation to the impact on views and enjoyment of the special qualities of the National Park. For these reasons, the application is recommended for refusal.</p>	Update
12	158	10.1	<p>Amended reason for refusal, as follows (amendments in bold):</p> <p>The proposed barn would obstruct the public right of way, known as Binsted 55, due to its siting. Furthermore, the siting and design of the proposed barn would not conserve or enhance the amenity value of the public right of way in regard to its harmful impact upon views and the enjoyment of the special qualities of the South Downs National Park.</p> <p>The proposals are therefore contrary to adopted policies SD5, SD6 and SD20 of the South Downs Local Plan 2014-2033, National Park Purposes, and the National Planning Policy Framework 2019.</p>	Update
14	235	Recommendations	<p>The Committee is recommended to:</p> <ol style="list-style-type: none"> 1. Note the Examiner's Report and recommended modifications to make the Stedham with Iping Neighbourhood Development Plan meet the basic conditions as set out at Appendix 2 of the report. 2. Agree the 'Decision Statement' as set out at Appendix 3 of the report, which sets out the modifications that will be made to the Stedham with Iping Neighbourhood Development Plan in response to the Examiner's recommendations. 	Correct error in original report