

Report to	<b>Planning Committee</b>
Date	<b>11 June 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>East Hampshire District Council</b>
Application Number	<b>SDNP/19/03160/OUT</b>
Applicant	<b>Mr H Janson</b>
Application	<b>Outline: redevelopment of existing redundant farmstead with ten two storey dwellings (4 x 2 bed; 3 x 3 bed and 3 x 4 bed) six double car ports, parking area and upgraded access after demolition of existing buildings.</b>
Address	<b>Lower Yard, Selborne Road, Newton Valence, Alton, Hampshire.</b>

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**Recommendation:**

**1) That outline planning permission be granted subject to:**

- **The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:**
  - a. Two affordable dwellings and two key estate workers' dwellings;**
  - b. A public bridleway and permissive path on the former Meon Valley Railway and appropriate connection to the right of way network;**
  - c. A scheme of new permissive footpaths and signage across the estate;**
  - d. Repair and maintenance of public bridleway no. 12;**
  - e. A scheme of Green Infrastructure Initiatives;**
  - f. A financial contribution towards repairs of Newton Valence Village Hall (up to £35,000);**
  - g. An energy audit of the estate and a strategy for energy reduction and use of renewable energy;**
- **The completion of bat and reptile surveys and provision of a suitable policy compliant mitigation and enhancement strategy, the consideration of which is delegated to the Director of Planning; and**
- **The conditions, substantially in the form set out in paragraph 11.2 of this report along with any additional conditions, the form of which is delegated to the Director of Planning' to address those mitigation matters that arise from the completion of bat and reptile surveys and strategy.**

**2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:**

- a) The S106 agreement is not completed or sufficient progress has not been made within 6 months of the 11 June 2020 Planning Committee meeting.**
  - b) The bat and reptile survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 11 June 2020 Planning Committee meeting.**
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## Executive Summary

The Planning Committee considered the application at a previous meeting on 12<sup>th</sup> March 2020 where Members resolved to defer the application to allow the Applicant the opportunity to work with officers to demonstrate the multiple benefits of the development proposal, in the context of the endorsed Whole Estate Plan (WEP) and wider landscape.

Officers have worked extensively with Newton Valence Farm and, following discussions, revised documentation has been received and shared with the Newton Valence Parish Council. This report outlines the projects and actions in mitigation that the proposed scheme will enable at Newton Valence Farm as well as provides updated consultee responses, planning history, and officer views following receipt of additional information. This report should be considered as an update to the report in **Appendix 2** (report reference PC19/20-50 considered by Planning Committee on 12<sup>th</sup> March 2020) and they should be read together.

The previous report recommended approval, subject to the completion of bat and reptile surveys, conditions and completion to a S106 legal agreement to secure the delivery of two affordable dwellings and two key estate workers' dwellings. Following Committee Members' concerns resulting in a deferral of the application, additional information provided on the delivery of the WEP and it responds to Members' concerns. The current proposal demonstrates that the development and associated contributions and projects to be implemented throughout the whole estate, will deliver multiple benefits and mitigation locally, in line with the purposes of the National Park, its special qualities and ecosystem services and are compliant with the legal tests required to justify their inclusion. The application is consistent with the South Downs Local Plan, the Partnership Management Plan, the Newton Valence Farm WEP and the Newton Valence Village Plan, which are also material considerations. Consequently, the application is recommended for approval as per the previous recommendation, subject to secure multiple benefits in a legal agreement.

This application is placed before the Committee given the earlier consideration and resolution to defer a decision at the 12<sup>th</sup> March 2020 meeting.

### 1. Introduction

- 1.1 This report follows the planning committee's decision to defer a decision on the application at the meeting on 12<sup>th</sup> March 2020. The previous report and update sheet are included at **Appendix 2**
- 1.2 The focus of this report are the matters of concern previously raised by Members. These consisted of the following:
  - The application lacked sufficient information to enable a decision. There should be a clear justification, and significant benefits shown, to accept the development as part of a Whole Estate Plan (WEP). The multiple benefits of the WEP and proposal had not been made clear and were not secured.
  - There was concern that six open market properties, and 10 dwellings overall, on a rural site was excessive.
  - There was concern at the amount of weight that had been given to the Newton Valence Village Plan 2015.
- 1.3 Members decided at the 12<sup>th</sup> March Planning Committee meeting to defer the application. The purpose of deferral was to allow the Applicant to demonstrate the full advantages of the scheme in the context of the WEP, being the multiple benefits demanded by policy capable of being secured.
- 1.4 Since the previous Planning Committee meeting, Newton Valence Farm (NVF) have worked with officers to address the issues above and to provide sufficient information on the WEP implementation, including projects to be implemented with the proposed development at Lower Yard.

### 2. Site description

- 2.1 This is detailed in **Appendix 2**.

### **3. Relevant Planning History**

3.1 This is detailed in **Appendix 2**.

3.2 In addition to the planning history as outlined in the 12<sup>th</sup> March Planning Committee Report, the following pre-application advice letter was issued in May 2020:

SDNP/20/01592/PRE New grain store and drier at Upper Yard.

3.3 Advice stated that, in principle, a new grain store and drier facility at Upper Yard in replacement of the existing out of date facility on the A32 site is likely to be supported.

3.4 It has been demonstrated that the new facility is needed for the efficient operation of the farm and the expected improvements to the business follow from the objectives of the endorsed WEP. It would also entail the consolidation of all farm buildings in a single site.

3.5 Although the principle of development is likely to be compliant with the Development Plan, further information was requested to ensure compliance with policy on the following matters: impact on the local road network, sustainable construction details, material details, ecology, noise and visual impact.

### **4. Proposal**

4.1 This is detailed in **Appendix 2**.

### **5. Consultations**

5.1 Original consultee responses on the application are summarised in **Appendix 2** and remain relevant. The responses below have been received in response to the additional information.

5.2 **Whole Estate Plans Team (SDNPA):** Comments:

- It is recommended that the proposed benefits related to the endorsed WEP are secured as part of a Section 106 agreement. These are the following:
- Work on improvements to Green Infrastructure, which are advised to deliver:
  - Species rich grassland, and
  - Replacement of existing Maize shoot cover with Wild Bird Seed Mix in areas and quantities to be agreed.
  - These interventions should be above and beyond those required as part of the criteria for the Higher Level Stewardship grant funding.
- Three proposed improvements to increase access within the Estate, improving links to the existing public rights of way network, services and connected to the SNDP strategic ambitions. The full extent of these works and timetable for delivery should be determined through the S106 agreement.
- Provision of affordable housing and estate worker accommodation.

5.3 **Hampshire County Council (Public Rights of Way):** Comments:

- Broad support of the principle of providing public access along the old rail track and linking this into the existing rights of way network.
- To accept dedication of a right of way, the route would need to be accompanied by a commuted sum, providing future maintenance and HCC would need final approval on the detail and specification of the construction of the path.

### **6. Representations**

6.1 The responses received prior to the 12<sup>th</sup> March 2020 meeting are included in the report, the update sheet in **Appendix 2** and the 12 March Planning Committee meeting minutes. No further representations have been received.

### **7. Planning Policy Context**

7.1 All as stated in **Appendix 2**.

## 8. Planning Policy

8.1 All as stated in **Appendix 2**.

## 9. Planning Assessment

9.1 Considerations which do not relate to the reason for deferral are outlined in **Appendix 2**, which should be considered alongside the assessment below.

9.2 Projects to be implemented throughout Newton Valence Farm are detailed in **Appendix 3** ('Further Information on the Implementation of the WEP' – a statement produced by the agent). These are outlined and assessed below:

- a) Two affordable dwellings. These units will be provided at Lower Yard, under intermediate home ownership tenure, which are homes for sale at a cost below market levels provided to eligible households whose needs are not met by the market. Tenure, occupancy conditions and local connection criteria will be set out in a Section 106 agreement.
- b) Two key estate workers' dwellings. Also to be built at Lower Yard, and to be owned and managed by NVF and let out to key staff. A Section 106 agreement will set out the precise tenure restrictions and allocation criteria.
- c) New public bridleway on Meon Valley Railway (north section). A stretch of 850 metres of disused railway to dedicated as public bridleway, as a non-motorised route for walkers, cyclists and horse riders. To be connected with Writers Way and the A32 to the north and public footpath no. 5 and Newton Lane to the south. This dedication as public bridleway will be secured in a S106 legal agreement.

The Meon Valley Trail is one of the key motor traffic-free aspirational routes for the National Park, which, once completed, will link Alton to Wickham. This route is safeguarded in the Local Plan (Policy SD20 – Meon Valley Trail) as shared use travel route (foot, cycle, horse riding). This route will also positively contribute to horse riders access to Inadown Riding Centre from the north and reduce walkers and cyclists along the unsafe A32 road.

- d) New permissive path Meon Valley Railway (south section). A stretch of 785 metres of disused railway will become a permissive path. This one will continue south from Newton Lane to the junction of footpath no. 6, which coincides with the southern edge of the estate. This section also falls along the safeguarded Meon Valley Trail, as above-mentioned, and will be secured in a legal agreement.
- e) New permissive footpaths through the estate. The Applicant has agreed to discuss with the SDNPA and Hampshire County Council as appropriate for inclusion in a S106 new permissive paths and signage across the estate. There is potential to increase the amount of routes through the estate and better link the existing public right of way network, for pedestrians, cyclists and horse riders. The Village Plan aims for the establishment of the right to walk on the fields to the south of Newton Lane and Hullam Lane, some of which are within the NVF, therefore it should be explored and, if agreed, secured in the Section 106 agreement.
- f) Repairs and maintenance of the bridleway from the village to Selborne Common. Bridleway no. 12 crosses the estate and links the village of Newton Valence with Selborne Common. The Newton Valence Village Plan seeks to implement necessary remedial action and ongoing maintenance of this bridleway. This proposal consists of the repair of the surfacing and to establish appropriate maintenance of the route. A Section 106 agreement will cover the extent of the repairs and maintenance plan.
- g) New grain store, drier and weighbridge: Which will contribute to the currently implementing precision farming techniques and its monitoring. It is claimed to be an essential facility to upgrade the farming business at NVF to more sustainable standards, reduce energy and labour requirements as well as facilitating practices that reduce soil disturbance and diversification of crops.

- h) Farming business to adapt to Conservation Agriculture, which is a technique that would maintain a permanent soil cover, cause minimum soil disturbance and diversify plant species. This change in farming would lead to improvements in soil structure and health, carbon storage, soil erosion, reduces need for fertilizers and pesticides.
- i) Green Infrastructure Initiatives: NVF has signed Countryside Stewardship (CS) agreement with the Department of Environment, Food and Rural Affairs (DEFRA) in which NVF commits to a series of actions for the care and improvement of the environment within the estate, in exchange of financial incentives. The CS includes Green Infrastructure (GI) initiatives in the form of hedge laying and new hedgerow planting. NVF has offered to develop, in line with the WEP and SDNP Partnership Management Plan (PMP) 2020-2025, further GI initiatives to be built up from the CS. NVF have identified potential areas for GI improvements and linkages in the information submitted, and further detail and implementation can be secured in a S106 agreement.
- j) Energy Audit and Energy Reduction Scheme through renewables: NVF aims to carry out a whole estate energy audit and then a strategy for energy reduction and use of renewable energy (solar panels) across the estate buildings. NVF has set the target to reduce energy consumption by 50% by 2022. The reduction in energy consumption and use of on-site renewable energy will positively contribute to climate change mitigation and the resilience of the NVF and a scheme will be secured in a legal agreement.
- k) Covered arena and viewing gallery at Inadown Farm Riding Centre, as a form of upgrade of the riding school, which contributes to a strengthened secondary business at NVD and its diversification.
- l) Welfare facilitates for shoot and school visits: similar to the above, it contributes to the diversification of NVF.
- m) Financial contribution towards repairs and upgrading of the Village Hall. The Newton Valence Village Plan identified the need for funding for the Village Hall refurbishment. The plan seeks to improve the accessibility of the building amongst other works. In response to this, NVF offers a financial contribution of 50% of the costs (up to a maximum of £35,000) towards repairs and upgrading of the Village Hall.

9.3 Overall, the above outlined actions are in accordance with the purposes of the relevant policies and priorities of the South Downs Local Plan 2014-2033 and the Partnership Management Plan 2020-2025. Affordable housing will be secured as per tenure details required in Policy SD28 of the Local Plan, Green Infrastructure indicative initiatives follow the spirit of Policy SD45, new non-motorised access through the estate and particularly along the Meon Valley Railway are consistent with Policy SD20. Other more farming-focused projects such the grain store, weighbridge, conservation agriculture, etc. contribute to more efficient and sustainable farming techniques, which are broadly supported too.

#### Principle of development and multiple benefits for the National Park

- 9.4 The above outlined projects to be implemented across the whole estate are assessed, together with the development proposal at Lower Yard, against Policy SD25 of the Local Plan, as this one relates to the development strategy in the National Park. Policy SD25 states that in considering development proposals within rural estates, positive regard will be had to proposals that:
  - a) are part of a WEP that has been endorsed by the SDNPA; and
  - b) deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services.
- 9.5 Members were concerned at the last Planning Committee meeting that the application was not supported with sufficient information as to understand the proposal in the context of paragraph 'b' above, and therefore compliance with Policy SD25 could not be assessed.
- 9.6 To facilitate the assessment of whether proposals deliver to multiple benefits, officers have produced a table where all proposals are considered against the purposes, special qualities of the National Park and ecosystem services. This table has been appended in **Appendix 4**.

- 9.7 The proposal at Lower Yard has been accompanied with a series of other projects throughout the estate that generally positively contribute to the purposes of designation of the National Park, improving the recreational opportunities within Newton Valence Farm as well as the conservation management and Green Infrastructure network. Furthermore, it will contribute to the social sustainability of the area through the provision of new affordable dwellings, key workers' dwellings and with financial contributions to the repair of the Newton Valence Village Hall.
- 9.8 The majority of these projects build upon the endorsed WEP, which set out goals and an Action Plan for five years for Newton Valence Farm (2017-2022). The residential development at Lower Yard and other projects outlined are consistent with the vision of Newton Valence Farm of creating a socially, financially and environmentally sustainable, robust and diversified farming business, with a group of associated businesses contributing to and enhancing the primary farming activities. Should planning application be granted and projects delivered, the WEP Action Plan will see a substantial progress in its implementation.
- 9.9 These projects are also developed in the context of the SDNP Partnership Management Plan 2020-2025 (PMP), insofar as the WEP is a mechanism for the Newton Valence Farm to implement the ambitions set out in the PMP.
- 9.10 Through the proposed development, the National Park Authority will support Newton Valence Farm to diversify, and invest in conservation and benefits to the local community in form of affordable housing and recreational and accessibility opportunities, all within the already agreed framework of the endorsed WEP. Proposals do materially deliver the SDNP Partnership Management Plan in that they contribute to the following priorities and outcomes:
- a) Protect and enhance landscape character, create Green Infrastructure and increase resilience to climate change;
  - b) To create, restore and improve areas of priority habitat to be more, bigger, better and joined up at a landscape scale;
  - c) Enable everyone to experience the National Park, improve accessibility through a network of high quality routes connecting communities and landscape;
  - d) Increase affordable housing stock; and
  - e) To strengthen and support sustainably managed land-based industries and local enterprise.
- 9.11 As illustrated in **Appendix 4**, the proposal at Lower Yard and set of projects throughout the estate have the potential to deliver substantial ecosystem services locally. It is considered that the application is now supported with sufficient information as to confirm that proposals will deliver numerous opportunities that positively impact ecosystem services at the whole estate level.
- 9.12 The proposed residential development at Lower Yard, on its own, will have, as detailed in the previous committee report (**Appendix 2**) a positive impact on ecosystem services. In addition to this, proposals will add substantial opportunities for ecosystem services throughout Newton Valence Farm, in manifest compliance with Policy SD2 (Ecosystem Services) and SD25.3.b (Development Strategy).
- 9.13 Overall, the development proposal at Lower Yard and the associated set of projects and mitigation to be implemented throughout Newton Valence Farm will deliver multiple benefits in line with the purposes and special qualities of the National Park and in regard to ecosystem services.
- Amount of development
- 9.14 Concern was raised by some Members at the March Planning Committee meeting in relation to the amount of residential development at Lower Yard. Although the affordable and key estate workers' dwellings did not raise many questions, there was doubt on whether six open market units is a proportionate amount of development in this location.

- 9.15 Officers have worked with NVF on this issue. Officers are of the view that the scale of development and its density are not disproportionate for this location. Dwellings would be erected in an area that is already spoiled, of low visual and landscape value and found to be redundant for agricultural purposes. The redevelopment of the yard has been well informed by its context and contributes to an overall enhancement of the area without resulting a cramped form of development neither causing stress to the infrastructure network.
- 9.16 The supporting text of Policy SD25 states that where new dwellings are proposed, these should be affordable homes or accommodate full-time rural workers. It also states that an exception may be made where to do so would make the delivery of multiple benefits to ecosystem services and the special qualities of the park unviable.
- 9.17 The residential scheme at Lower Yard will deliver affordable and rural estate workers' dwellings, and with the open market dwellings will contribute to deliver on the multiple benefits that Policy SD25 requires. Considering that the development is of an appropriate scale and does not lead to harm to the landscape and qualities of the National Park, the proposal is acceptable and seeking a lower intensity is not deemed necessary as it would jeopardise the delivery of multiple benefits.
- 9.18 The development proposed makes an efficient use of land, it is sensitively designed to blend with its surrounding landscape and no harm to the road network has been identified. It has been demonstrated that the residential scheme has taken all reasonable opportunities to make this scheme more sustainable, given its location and that no unacceptable pressure on infrastructure and services will result from the development. Furthermore, the proposal, through the mitigation to be secured, will contribute to substantial environmental, open access and recreation improvements across 518 hectares of the Newton Valence Farm, which outweigh the sustainability concerns raised with the site location, complying with the aims of the NPPF and the Local Plan. Therefore, the principle of a new residential development at Lower Yard, in its current form, and associated projects across the estate are given positive regard and accepted.

#### Securing multiple benefits for the National Park

- 9.19 The use of a Section 106 legal agreement is considered the best tool to mitigate the impact of the development and secure the delivery of those projects that will result in multiple benefits for the National Park and ecosystem services.
- 9.20 The development proposal and associated projects have passed the test for planning obligations of paragraph 56 of the NPPF. These are considered to be necessary to make the development acceptable (compliance with Policy SD25), directly related to the residential development in question, as they form part of a WEP implementation plan, and are fairly and reasonably related in scale and kind to the development.
- 9.21 Consequently, a S106 legal agreement will secure the delivery of those projects that provide the most benefits and for which the SNDPA and NVF can agree a precise obligation independently from changes in Government environmental and agricultural policy. These projects are:
- a) Two affordable dwellings and two key estate workers' dwellings;
  - b) A public bridleway and permissive path on the former Meon Valley Railway and appropriate connection to the right of way network;
  - c) A scheme of new permissive footpaths and signage across the estate;
  - d) Repair and maintenance of public bridleway no. 12;
  - e) A scheme of Green Infrastructure Initiatives;
  - f) A financial contribution towards repairs of Newton Valence Village Hall (up to £35,000);
  - g) An energy audit of the estate and a strategy for energy reduction and use of renewable energy;

#### Reptile and bat surveys update

- 9.22 The agent has confirmed that both reptile and bat surveys are being carried out at the moment of writing this report. Surveys and reports are expected to be completed and

published at some time in June. From initial results, it appears that no significant evidence of bats or reptiles have been found on site, although this needs to be confirmed in the reports.

- 9.23 Considering the above and the overall limited ecological value of the site, it is likely that protected species are not present and that in case, harm can be appropriately mitigated. However, the SNDPA must await the receipt of suitable up-to-date information to continue the ecological impact assessment of the site. Once all information is submitted, the SDNPA will be in a position to complete the assessment of the scheme against Policy SD9, which relates to biodiversity. It is proposed that this assessment is delegated to the Director of Planning.

#### The Newton Valence Village Plan as a material consideration

- 9.24 Consideration has been given to the Newton Valence Village Plan (2015) as endorsed by the SNDPA in 2018. This document sets out the vision of the parish by 2030, includes a series of community surveys' results and aspirations and priorities for the local community.
- 9.25 In the Village Plan, the community showed opposition to new housing developments, being 61% of respondents of the survey against any further housing. Options for small scale developments and affordable housing were supported by less than 30% of respondents. The Village Plan also shows the mixed views for the future use of redundant agricultural/farm buildings, as 57% of respondents supports their redevelopment for housing, only a smaller proportion of residents support businesses/storage units instead. These responses may appear contradictory, however, it can be extrapolated that the majority of residents oppose new housing development in green fields, but they have mixed views, and they do support, by a narrow margin, housing as the preferred option in the redevelopment of redundant farm sites. Given the mixed views, but the preference for an efficient use of redundant sites for housing development, this development proposal complies with the spirit of the community as captured in the Village Plan.
- 9.26 Other matters, such protection of the dark skies, conservation of verges and the character of historic sunken lanes, etc. have been considered in the assessment of this scheme and are covered in the previous committee report.
- 9.27 The Village Plan also refers to public access in the countryside and it identifies opportunities for improvements of the route network, especially for pedestrians. It seeks to implement necessary remedial action and ongoing maintenance on bridleway from the village on to Selborne Common. This is bridleway no. 12, which is proposed to be repaired and maintained by NVF.
- 9.28 A renovation of the Village Hall and an upgrade, including accessibility improvements is an aspiration of the Newton Valence Village Plan, although it also acknowledges the difficulty to fund this project, so the plan sets out the objective to investigate external funding for the refurbishment. The proposal, in view of the plan, as incorporated a financial contribution to the Parish Council for the repair and upgrade of the Village Hall. Although this contribution is not envisaged in the WEP Action Plan, it is consistent with the vision of the WEP and develops from the WEP community engagement objective as well as the aspirations of the Village Plan, which are material considerations. Given this context, it is considered that the proposed contribution is a justified mitigation measure.

## **10. Conclusion**

- 10.1 It is acknowledged that Lower Yard is located outside of the settlement boundary and, whilst development related to an endorsed WEP does not guarantee planning permission, officers consider that the additional information submitted by Newton Valence Farm addresses Members' concerns and provide clarification on the mitigation and benefits that the proposed development will entail.
- 10.2 Extensive work with officers have resulted in projects proposed across the estate that benefit the local community and the National Park. The previous assessment was well-balanced having considered the benefits to the National Park. Following negotiations and an increase in number, significance and detail of these projects and contributions, and in light of



the fact that these can be secured via a legal agreement, officers are of the view that the recommendation should remain for approval.

- 10.3 Proposals will deliver open market, affordable and estate workers' housing as well as open market dwellings at Lower Yard, which will justify and contribute the delivery of multiple benefits locally for the National Park and ecosystem services. New dwellings outside settlement boundaries are exceptionally permitted, however the principle of re-development of Lower Yard is considered to positively contribute to the local area and to materially deliver the Whole Estate Plan. It will also meet the outcomes and priorities of the SDNP Partnership Management Plan, resulting in great environmental and recreational gains, for the benefit of people, wildlife and businesses in accordance with the purposes and duty of the National Park.
- 10.4 The scheme does not meet the precise housing mix requirements of Policy SD27 of the SDLP, but has been found compliant with the remaining Development Plan. In consideration of the benefits of the scheme, on balance, the proposal is acceptable. It is therefore recommended that outline planning permission is granted subject to conditions, the satisfactory completion of the outstanding ecology surveys and completion of legal agreement as set out in this report.

## **11. Reason for Recommendation and Conditions**

### **11.1 Planning permission is recommended to be granted subject to:**

- 1) The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:
  - a) Two affordable dwellings and two key estate workers' dwellings;
  - b) A public bridleway and permissive path on the former Meon Valley Railway and appropriate connection to the right of way network;
  - c) A scheme of new permissive footpaths and signage across the estate;
  - d) Repair and maintenance of public bridleway no. 12;
  - e) A scheme of Green Infrastructure Initiatives;
  - f) A financial contribution towards repairs of Newton Valence Village Hall (up to £35,000);
  - g) An energy audit of the estate and a strategy for energy reduction and use of renewable energy; and
- 2) The completion of bat and reptile surveys and provision of a suitable policy compliant mitigation and enhancement strategy, the consideration of which is delegated to the Director of Planning; and
- 3) The conditions, substantially in the form set out in paragraph 11.2 of this report along with any additional conditions, the form of which is delegated to the Director of Planning' to address those mitigation matters that arise from the completion of bat and reptile surveys and strategy.
- 4) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:
  - a) The S106 agreement is not completed or sufficient progress has not be made within 6 months of the 11 June 2020 Planning Committee meeting.
  - b) The bat and reptile survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 11 June 2020 Planning Committee meeting.

### **11.2 Proposed conditions:**

1. Applications for the approval of the matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:-

- (i) three years from the date of this permission, or
- (ii) two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - To comply with the provisions of Section 92(2) of the Town and Country Planning Act, 1990.

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.

Sustainable construction

3. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:
  - a) design stage SAP data
  - b) passive house certificates
  - c) Site Waste Management Plan
  - d) design stage BRE water calculator
  - e) product specifications
  - f) Grown in Britain or FSC certificates;
  - g) sustainable material strategy
  - h) building design details
  - i) layout or landscape plans
 demonstrating that the dwelling has:
  - a) reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
  - b) reduced predicted CO2 emissions by a further 20% due to on site renewable energy compared with the maximum allowed by building regulations
  - c) EV charge point for every home
  - d) 5% of dwellings and at least one dwelling are passive house certified
  - e) predicted water consumption no more than 110 litres/person/day
  - f) separate internal bin collection for recyclables
  - g) SWMP and at least 50% of construction waste diverted from landfill;
  - h) private garden compost bin
 and evidence demonstrating:
  - i) sustainable drainage, enhanced green infrastructure and GI linkage and adaptation to climate change
  - j) selection of sustainable materials

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

Construction management plan

4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- (i) the anticipated number, frequency and types of vehicles used during construction;
- (ii) the method of access and egress and routeing of vehicles during construction;
- (iii) the parking of vehicles by site operatives and visitors;
- (iv) the loading and unloading of plant, materials and waste;
- (v) the storage of plant and materials used in construction of the development;
- (vi) the erection and maintenance of security hoarding;
- (vii) effective vehicle wheel-cleaning facilities to be made available throughout construction;
- (viii) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- (ix) details of public engagement both prior to and during construction works;
- (x) temporary arrangements for access and turning for construction traffic for each part of the site; and
- (xi) protection of trees and hedgerows to be retained.

Reason: In the interests of highway safety and the amenities of the area and having regard to National Policy Guidance contained in the National Planning Policy Framework 2019. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

#### Foul and surface water drainage

5. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development that meets the requirements of Policy SD17 of the South Downs Local Plan 2014-2033. To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework. And Position Statement G of the 'Environment Agency's approach to groundwater protection'. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

6. No development approved by this permission shall be commenced until details of surface water drainage, which shall follow the principles of sustainable drainage, have been submitted to and approved by the Local Planning Authority. These should include:
  - a) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
  - b) Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system and inform the design of the surface water drainage strategy. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus 40% climate change allowance) rainfall events. The drainage features should have the same reference that the drainage layout.
  - c) Groundwater monitoring should be undertaken between autumn and spring, which should demonstrate that there will be at least 1m unsaturated zone between base of the infiltration structures and the highest recorded groundwater level.

- d) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.
- e) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.
- f) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer.
- g) Finished ground floor levels of any proposed residential development must be sufficient to ensure that surface water does not pose a flood risk in the 1 in 100-year event.

The development shall be built in accordance with these agreed details.

Reason: To ensure satisfactory surface water drainage that meets the requirements of policies SD17 and SD50 of the South Downs Local Plan 2014-2033. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

#### Hard and soft landscaping

7. Notwithstanding the details shown on the approved plans no development shall commence unless and until a detailed scheme of hard landscape works has been submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. Once implemented they should be retained.

The scheme design shall include the following details:

- a) Details of existing trees and other vegetation to be retained in the scheme and methods/measures for the protection of trees during and after construction;
- b) Proposed and existing levels and contours, including retaining walls;
- c) Layout of surfaces including materials, permeability, kerbs, edges, steps, retaining walls, ramps;
- d) Schedule of surfacing materials;
- e) Boundary treatments details including gates and doors.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

8. Notwithstanding the details shown on the approved plans no development above slab level shall commence unless and until a detailed scheme of planting proposals have been submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The scheme design shall follow the principles of the submitted Ecosystem Services Statement (February 2020) and include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material, irrigation design, surface treatment according to location;

- c) Areas of grass & specification for seeding or turfing as appropriate
- d) Written specification for soil amelioration including cultivations, planting methodology, establishment maintenance Operations proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- e) Any bunding or swales (including cross sections).

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.

9. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior occupation of the development. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character and conserve and enhance the ecological standard.

10. Prior to the commencement of the development hereby permitted, measures for the protection of the trees to be retained as outlined in the submitted Arboricultural Impact Assessment and Method Statement (Helen Brown Treescapes – 17 June 2019) shall be implemented. These measures shall be retained until the completion of works.

Reason: In the interests of the amenity and the landscape character of the area. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

#### Access and parking

11. No development shall start on site until the access, including the footway and/or verge crossing has been constructed and lines of sight of 2.4 metres by 29 metres provided in accordance with the approved traffic plan ref. 022.0022.003. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

12. No enclosure or infilling of the sides/fronts of the car-ports/car-barns hereby approved shall take place without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to ensure a satisfactory development in the interest of amenity, character and appearance of the area.

13. Before the development hereby permitted is first brought into use, details for the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage details shall be implemented prior to the occupation of the development and thereafter retained.

Reason: To provide for alternative and sustainable modes of transport.

External lighting

14. No external lighting shall be installed within the site unless further details of the lighting have been submitted to, and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents, create an appropriate amenity space and conserve dark night skies of the South Downs National Park, in accordance with National Park Purposes and the NPPF.

Land contamination

15. No development shall commence until a Contamination Phase 2 intrusive report has been submitted to and approved in writing by the Local Planning Authority, detailing all investigative works and sampling on site, together with the results of the analysis. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity, soil and water quality and to protect the health and future occupiers of the site from any possible effects of land contamination in accordance with local and National policy. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

16. If the Phase 2 report identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved and any ongoing monitoring shall be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity, soil and water quality and to protect the health and future occupiers of the site from any possible effects of land contamination in accordance with local and National policy. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

17. In the event that contamination not previously identified is found at any time when carrying out the approved development then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works.

Refuse and recycling bins

18. The development hereby permitted shall not be brought into use unless and until details of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage facilities shall be implemented prior to the occupation of the development and thereafter be retained.

Reason: To preserve the residential and visual amenities of the locality.

Removal of permitted development rights

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within the

following Classes of Schedule 2 of the Order shall be carried out without the prior written approval of the South Downs National Park Authority: Part 1 Classes A, B, C, D, E and F, and Part 2 Class A.

Reason: To ensure the appearance of the development is satisfactory in accordance with the purposes of the South Downs National Park.

20. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site, unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of the appearance of the development and to ensure that development is satisfactory in accordance with the purposes of the South Downs National Park.

### Informatives

1. Environmental Health recommends developers follow the risk management framework provided in CLR 11 Model procedures for the Management of Land Contamination when dealing with land affected by contamination. A leaflet entitled "Development on Potentially Contaminated Land" is available as a download on the following East Hampshire District Council website <http://www.easthants.gov.uk/sites/default/files/documents/ContaminatedLandGuide.pdf> and which contains a template for a Completion Statement. This should be completed by the applicant at the end of the development, regardless of whether contamination was investigated/discovered on site. Approval of this statement will enable discharge of the unsuspected contamination condition.
2. The SDNPA encourages the use of locally sourced materials to support local character and distinctiveness, and to reduce the costs both financially and environmentally of transporting materials long distances. The applicant is recommended to undertake a resource mapping exercise for materials, starting within a 5km radius of their site, and then 10km, 25km.
3. Please note that this development may require an environmental permit from the Environment Agency. Further information can be found on the gov.uk website - <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits> The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit. We recommend that the Applicant contacts the Environment Agency at the earliest opportunity to commence permit discussions.

### **12. Crime and Disorder Implication**

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

### **13. Human Rights Implications**

- 13.1 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.

### **14. Equality Act 2010**

- 14.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **15. Proactive Working**

- 15.1 In reaching this decision, the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of extensive advice from the SDNPA Design, Landscape, Development Management Officers and the opportunity to provide additional information to overcome critical issues and the opportunity to amend the proposal to add additional value as identified by officers and Members.

### **TIM SLANEY**

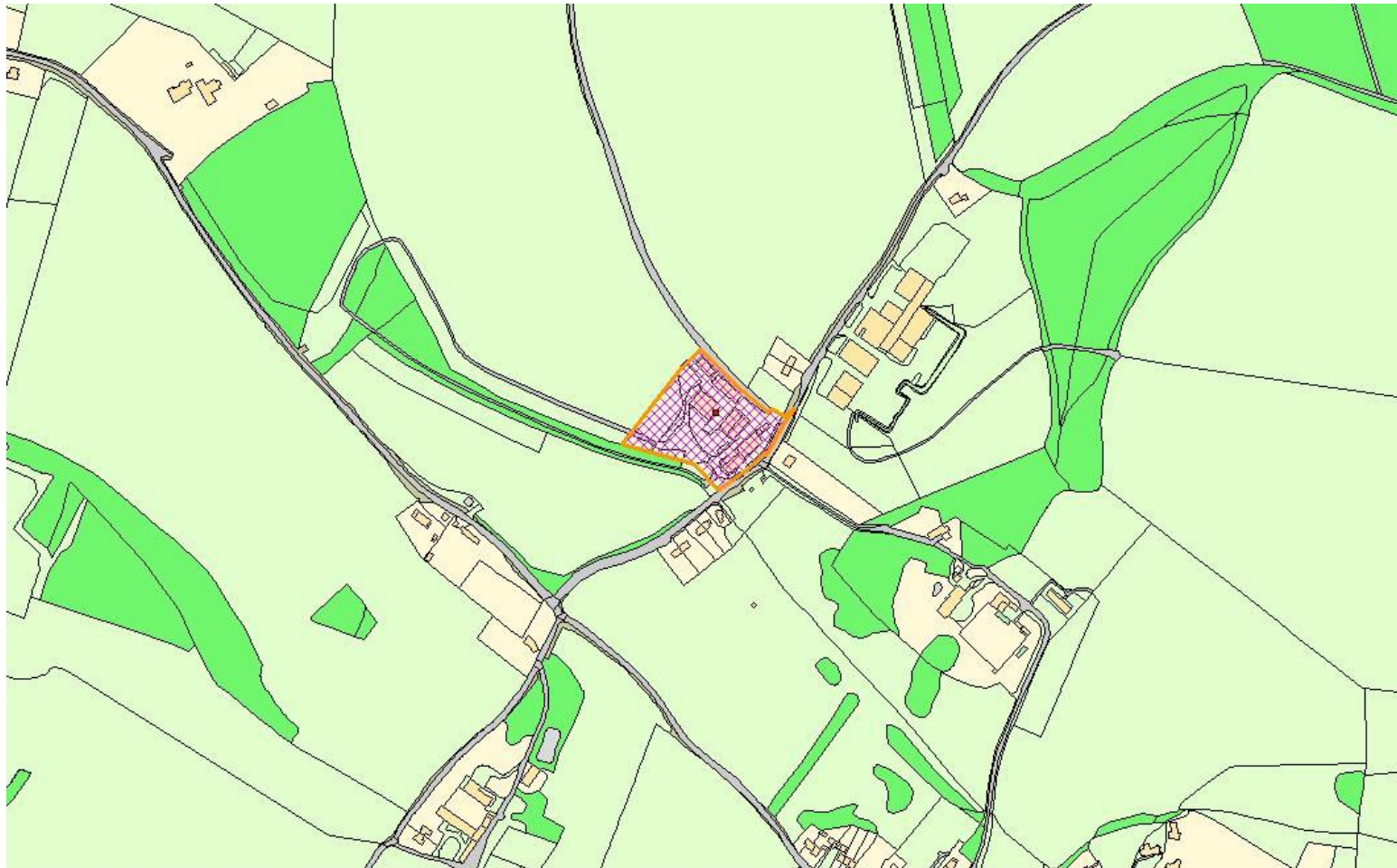
#### **Director of Planning**

#### **South Downs National Park Authority**

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email:	<a href="mailto:Rafael.Grosso-Macpherson@southdowns.gov.uk">Rafael.Grosso-Macpherson@southdowns.gov.uk</a>
Appendices	<ol style="list-style-type: none"><li>1. Site Location Map</li><li>2. Previous Planning Committee Report PC19/20-50 and Update Sheet from 12<sup>th</sup> March 2020 planning committee meeting.</li><li>3. Further Information on Implementation of the WEP.</li><li>4. Multiple Benefits Table.</li></ol>
SDNPA Consultees	Legal Services, Development Manager.
Background Documents	<p>Planning application (documents, representations and consultation responses) <a href="https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a></p> <p>South Downs Local Plan 2014-2033 <a href="https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/">https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/</a></p> <p>National Planning Policy Framework (2019) <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>The South Downs National Park Partnership Management Plan (2014-2019) <a href="https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management-plan/">https://www.southdowns.gov.uk/national-park-authority/our-work/partnership-management-plan/</a></p> <p>English National Parks and the Broads: UK Government Vision and Circular (2010): <a href="https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010">https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010</a></p> <p>South Downs Integrated Landscape Character Assessment (2011) <a href="https://www.southdowns.gov.uk/planning/planning-advice/landscape/">https://www.southdowns.gov.uk/planning/planning-advice/landscape/</a></p> <p>Newton Valence Village Plan 2015 <a href="https://www.southdowns.gov.uk/wp-content/uploads/2018/06/Newton-Valence-Village-Plan.pdf">https://www.southdowns.gov.uk/wp-content/uploads/2018/06/Newton-Valence-Village-Plan.pdf</a></p> <p>Roads in the South Downs 2015 <a href="https://www.southdowns.gov.uk/wp-content/uploads/2015/09/Roads-in-the-South-Downs.pdf">https://www.southdowns.gov.uk/wp-content/uploads/2015/09/Roads-in-the-South-Downs.pdf</a></p>



**Site Location Map**



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