

SDNPA Planning Committee – 11 June 2020

Update Sheet

Agenda Item	Page No	Para	Update	Source/Reason
7	15 & 32	Recommendation and paragraph 10.1	<p><u>Amend structure of the recommendation as follows:</u></p> <p>The application is recommended for approval, subject to:</p> <ol style="list-style-type: none"> 1) The completion of a S106 Legal Agreement, the final form of which is delegated to the Director of Planning, to secure the following: <ul style="list-style-type: none"> • Provision of 3 on-site affordable units. 2) The conditions as set out in paragraph 10.1 of the report. 3) 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 has not been made within 6 months of the Planning Committee meeting of 11 June 2020. 	Update
7	32	10.1	<p><u>Amend condition 3 as follows:</u></p> <p>The floor space within the frontage building onto Lavant Street annotated as ‘commercial space’ on plans PPI263-120-03-P4 and PPI263-120-04-P4 shall only be used for the following uses, as defined by the Use Classes Order 1987 (as amended):</p> <ol style="list-style-type: none"> 1. Upper Ground floor: either A1 (retail), A2(financial services) or B1(a) (office) use; 2. First, second and third floors: either A2 (financial services) or B1(a) (office). <p>The ‘commercial space’ shall not be used for any other purpose whatsoever unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To provide new business use floor space in accordance with the proposals.</p>	Update

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8	45	5.1	<p>A letter was received by Members and officers from Genesis Town Planning on behalf of Mr and Mrs Dominic Fagan of Downsedge House (neighbouring property to the north west of the site). The letter raised objections to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • A similar scheme was refused in 2018. Essentially the schemes are the same and the only changes are the removal of an additional dwelling and reductions to the scale of buildings; • A failure to justify a need for the development that over-rides the primary purpose of protecting the landscape of the SDNP; • The adverse impact arising from the development on the character and appearance of the area and the amenities of nearby residents; and • The provision of two additional dwellings outside the settlement boundary in the countryside contrary to national and adopted Local Plan policy. 	Update
9	107 and 109	Recommendation and 10.1	<p>Revised recommendation as follows;</p> <p>1) That planning permission be granted subject to:</p> <ul style="list-style-type: none"> • 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: To use all reasonable endeavours to agree all the terms of a lease (including as to rent) and to grant such a lease from the Iford Estate to the Egrets Way Project, (or such relevant body) for a period of 25 years over a parcel of land between 2.5m and 18m in width between points A and B on the plan attached pursuant to the delivery of the Egrets Way Cycle Link through the Iford Estate • The conditions, substantially in the form set out in paragraph 10.1 of this report along and as detailed in the update sheet to Members <p>2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:</p> <ul style="list-style-type: none"> • The S106 agreement is not completed or sufficient progress has not be made within 6 months of the 11 June 2020 Planning Committee meeting. 	
9	110	5.2	<p>Since the publication of the committee report a further 13 representations have been received. All were raising objections to the scheme and bring the total number of objections to 248 and the total number of representations received to 255. One of the representations was from the Ramblers Association, summarised as follows;</p>	

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			<p><u>Bridleway from Lewes to Iford Via Rise Farm</u> On behalf of the Ramblers I have been in negotiation with Iford Farms and the ESCC rights of way team with the aim (agreed on all sides) for a public right of way on this route. So I welcome its creation as a condition of the grant of planning permission. However the Ramblers is concerned that it is now envisaged as a permissive route rather than a right of way. This has never been the basis of our negotiations. It is important that any permission is subject to the creation of a public right of way rather than a permissive path.</p> <p><u>The footpath by the river across Iford Farm land</u> Concerns are raised within the representation with regard to the upgrading o the existing path to bridleway would cause conflict with cyclists and walkers. If it were made a condition of consent that a separate surfaced cycleway be constructed through Iford Farms this would contribute to the long term creation of the Egrets Way, subject to the agreement of other landowners.</p> <p>Other additional matters raised within new representations are;</p> <ul style="list-style-type: none"> • Impact on highway with regard to transportation of land raising material and construction traffic. The volumes of imported materials must be calculated. The number of vehicular trips this would generate should be calculated. If the land cannot accommodate the development without significant change then is the location suitable? Have alternatives been assessed? • The hard surfacing materials should be considered prior to slab level, with specific regard to creation of access road. • Much more work is needed to explain the full impacts of the current project and the current WEP, does not provide sufficient detail as to the development context within which the project is set and its interdependencies. • Egrets Way, comments submitted show there is confusion about what could and needs to be supported by a s106 agreement. Clarification is needed prior to the determination of the application. <p>Officer comment -</p> <ul style="list-style-type: none"> • In terms of the level of fill required, the applicant advises the an estimated 60,000 tonnes will be needed. This has been considered by Officers both in terms of construction impact and visual impact. A number of the suggested conditions seek to control the import of material including condition 16 that requires a Construction Management Plan to be submitted and approved prior to any development taking place to control construction traffic. 	

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			<ul style="list-style-type: none"> The suggested condition 6 requires the specification of the access to be submitted prior to the commencement of development. It is suggested that for clarity the condition is amended to include the track also. This is addressed under points 8.4 to 8.11 of the report to committee. The Iford to Lewes route is progressing with the applicant and ESCC and that it is understood that it will be a dedicated right of way. In terms of progressing the requirements of condition 28, officers have continued to work on this matter with the applicant and the applicants have agreed to enter into a Unilateral Undertaking to grant a lease from the Iford Estate to the Egrets Way Project, (or such relevant body) for a period of 25 years over a parcel of land between 2.5m and 18m pursuant to the delivery of the Egrets Way Cycle Link through the Iford Estate. As such, a revised recommendation is set out below to recommend approval to members subject to conditions and the completion of a S106 agreement. <p>Member's attention is also drawn to the previously circulated Public Response Document that was circulated to Members in May and to the summary of representations document that was recently sent direct to Members of the Planning Committee by Sue Carroll.</p>	
9	120	Condition 6	<p>Amended condition ;</p> <p>6. The development shall not commence until details of the layout of the new access and track and the specification for the construction of the access and track which shall include drainage have been submitted to and approved in writing by the Planning Authority and the development not be occupied until the construction of the access has been completed in accordance with the agreed specification.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and the in the interests of amenity and landscape character.</p>	
9	124		<p>Additional condition;</p> <p>No development shall commence until full details of the type, source and composition of the inert soils to be imported into the site has been submitted to and approved in writing by the Local Planning Authority. Only such materials as approved shall be used in the remodelling of the site. No minerals, compostable materials or non-inert materials, shall be imported to, treated at or exported from the site.</p> <p>Reason: Other materials raise policy, environmental and amenity issues and in order that the Local Planning Authority can limit use of the site to that permitted and to safeguard the character and appearance of the South Downs National Park.</p>	

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10	135	9.22	An update email on the reptile and bat surveys was received from the agent and ecologist. This email confirms that the final surveys report will be available in mid-June once the final visit for the reptile survey and final round of Bat survey has been done. The update anticipates a low population of slow worms on site for which appropriate mitigation can be secured and that no bat roosts have been detected so far.	Update
10	131	5	<p>A letter of objection was sent to Members and officers from Newton Valence Parish Council, raising the following matters:</p> <ul style="list-style-type: none"> • The relative weight given to the WEP compared with the SDNP policies. • It would be unsafe to proceed with this application given the generic issue of WEPs in general and the consequences for subsequent planning applications across the National Park. • The endorsed WEP made no mention of redeveloping the Lower Yard nor of the intention to build houses on the Lower Yard to finance the WEP Action Plan. • Most of the 'Benefits' are either factually inaccurate, spurious or outside the control of the Applicant and his Estate and should therefore be disregarded as being irrelevant. • This outline planning application contravenes numerous SDNP Local Plan policies. No attempt has been made in the intervening period, nor in the new document submissions to address any of the policy non-compliances. Whilst a WEP is a Material Consideration it cannot be used to justify contraventions of so many SDNP Policies • The Multiple Benefits to the National Park document submitted by the applicant and its associated Appendices recently submitted in response to the March Planning Committee action, contain many factual inaccuracies. • The recent pre-planning application for a grain dryer makes it impossible to link or guarantee the delivery of the WEP to the individual Lower Yard Planning Application via a S106 Agreement. • There has still not been any Housing Needs Assessment undertaken. No evidence has been provided to justify the need for 2 key workers dwellings. <p>In addition to the above, the Parish Council has provided a list of comments to each document provided by the applicant, concluding that the following projects are either of no benefit to the National Park, irrelevant or out of the control of the applicant: a) Creation of Bridleway; b) New permissive footpath; c) Longhope Opera; and d) Bridleway to Selborne Common.</p>	Update

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10	131	6	<p>A letter of objection has been received from the Friends of the South Downs (South Downs Society) raising the following matters:</p> <ul style="list-style-type: none"> • This is a major application, contrary to Policy SD3 SDLP and there are no exceptional circumstances. • WEPS should not be the sole reason for planning approval. WEPS have not been subject to a full public consultation and therefore cannot claim public interest. • The Village Plan stated that no new residential properties were required in the village. There is no mention of housing requirements for Newton Valence in the SDLP. The development does not meet local needs. <p>The Society fully support all objections made by the Newton Valence Parish Council.</p>	Update
10	131	6	<p>A third party response was received from a person who previously commented on the application. Comments raised relate to the principle of new homes in unsuitable places, with no transport or amenities.</p>	Update
10	131	6	<p>A letter was received from the applicant in response to the Friends of the South Downs and Parish Council's comments. The main points are:</p> <ul style="list-style-type: none"> • The proposal does not constitute not major development (Policy SD3) as explained in the Major Development Statement submitted with the application. • The Village Plan says that 61% of the 72 respondents answered yes to a question 'No further housing', which differs from the Friends of the South Downs statement that no housing is required. • There is no public right of way along the former railway line. • The estimated costs of refurbishment of the Village Hall are circa £120,000, as stated by a member of the Parish Council. • There can be 200m long pool on the bridleway no. 12 in the winter, which needs a digger to remove the leaf mould and resurface with graded material. The applicant will contribute to remedial works but if those works are not needed or the National Trust will carry them out, then the offer may not be taken up. 	Update