

SDNPA Planning Committee – 10 June 2021

Update Sheet



Agenda Item	Page No	Para	Update	Source/Reason
7	14	Recommendation	Section 106 agreement Head of Term updated (correction highlighted in bold): Junction improvement works including parking restrictions at the junctions between Mantell Close and Old Malling Way.	Correction
7	18	4.4	Revised Design Officer Comments received 07 June 2021, following the submission of the additional information on 04 May from the applicant: “[It is noted the applicant is] happy to commit to a zero carbon performance target which can be part of a sustainability condition. I also note that layout is now a reserved matter. In the light of the above changes, I am happy to withdraw my holding objection in my design response to this application ”.	Additional Comments
7	19	4.6	Further comments from East Sussex County Council Highway Authority received 08 June 2021, following the submission of additional information in May 2021. Full comments are available on the website, the Local Highway Authority retracts its objection , subject to the following matters being secured in the S106 Agreement: <ul style="list-style-type: none"> • Travel Plan (including monitoring and sustainable transport incentives) • Off-site highway works (such as traffic calming and localised pedestrian improvements) and provision of the access arrangements as part of a S278 Agreement • Bus stop relocation and improved facilities (including real time passenger information) • Railway cutting route improvements/enhancements for all weather suitability. 	Additional Comments
7	46	9.1	6 additional conditions have been recommended by ESCC Local Highway Authority. 3 of these are already included in the officer report (levels and construction management plan), however the wording of condition 17 has been updated to reflect the comments from ESCC accordingly (alterations in bold): Prior to first occupation of the development hereby approved visibility splays at the site’s primary access in accordance with approved plan 20A shall be provided and thereafter be maintained and kept free of all obstructions over a height of 600mm. The following conditions are proposed to be added following ESCC’s comments:	Additional conditions

Agenda Item	Page No	Para	Update	Source/Reason
			<p>Prior to the commencement of development technical details of the layout of the new vehicular access (which shall include details of rights of way and footway provisions) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development hereby permitted shall not commence until the construction of the access has been completed to base course level, and completed in full prior to first occupation. Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p> <p>No development shall take place on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted to and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense. Reason: In the interests of highway safety and the amenities of the area.</p> <p>The final condition recommended concerns the delivery of the off-site highway works, which is secured through the S106 Agreement.</p>	
7	21	5.1	<p>2 letters of representation have been received, raising concerns regarding the principle of developing a greenfield site, impact on residents at Old Malling Farm, loss of wildlife corridor, impact on protected species, impact on the conservation area, increase in vehicle use and vehicle emissions, inadequate bus services, flood risk, impact on GP services, loss of agricultural land and impact on dark skies. These matters are considered to have been dealt with within the Officer report to Committee, or would be subject to consideration at reserved matters stage. The need to consider the impact on Ashdown Forest has also been raised; this assessment was undertaken as part of the Habitats Regulations Assessment for the Local Plan, and as this is an allocated site does not need to be repeated for this application.</p> <p>The principle of the loss of this agricultural land was considered through the Local Plan examination process. In this case officers consider the loss of the Grade 2 agricultural land is outweighed by the benefit of housing and affordable housing provision on this allocated site.</p> <p>2 further representations seek clarification on the off-site works for highway improvements and pedestrian/cycle infrastructure. Comments include:</p> <ul style="list-style-type: none"> Clarification on the information submitted 21 May 2021 and whether consultation would take place on this. Officer Comment – the information received on this date provided clarification on the Landscape and Visual Impact Assessment tables, clearer information on the secondary access and relocated the footway on the primary access from the northern edge of the carriageway to the south. This was to overcome ESCC concerns and did not require further consultation. The relocation of this footway also provides a direct link to the cutting heading into town. 	Further third party representations

Agenda Item	Page No	Para	Update	Source/Reason
			<ul style="list-style-type: none"> • Concerns that the vehicular access will be at the same level as the base of the railway cutting so that all traffic will conflict with pedestrian and cycle movements. Officer comment – it has always been the case that the vehicular access would be at grade. However those heading south (which will be the majority of users) will not need to interact with the vehicular access owing to the relocated footway. • Concern that application boundary precludes both pedestrian and cycle access to the railway cutting at the southern end... If a direct link from the southern end of the application site is only being 'part funded', the requirements of policy SD76 and concerns of the Access Team are being met. Officer comment – this has been covered in the officer report and S106 Heads of Terms, which make allowances for this link. • What are the details of the exact scope and nature of the off-site works? Full details of all further off-site infrastructure work should be provided. Officer comment – funding will be secured through the S106 to improve railway cutting from the northern access to Malling recreation ground, to enable use in all weathers, year round. Further survey work and detailed design will be required before constructing this link. Full details will be available once this has been carried out, but it is not necessary to provide at this stage. • Confirmation of the other non-motorised user route improvements for enhanced routes to Lewes town centre. Officer comment – the options proposed by Lewes DC and SDNPA Access Officer for cyclist and pedestrian infrastructure will be part of a suite of options to enable flexibility in the S106 Agreement to provide the right solution alongside the other developments highlighted that will be coming forward, and to ensure the package of non-motorised user infrastructure achieves the correct balance with traffic calming and junction improvement works. 	
7	46	9.1	<p>The following wording marked in bold, has been added to condition 10: No development shall take place until details, including plans and cross sections of the existing and proposed ground levels, including finished floor levels, associated with the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. Reason: To ensure a satisfactory relationship between the new development and adjacent buildings.</p>	Updated condition wording
8	64	5.1	<p>10 further representations received from parties who have previously responded on the application. Many concerns raised are already summarised in the report. Additional comments are summarised below:</p> <p><u>Individuals:</u></p> <ul style="list-style-type: none"> • Lack of new planting within the site and further trees needed to block views between seating area and Meon Close. • Scheme would be more acceptable with additional trees and hedges at the rear of the development and delivery times were limited. • Insufficient engagement with local residents by Aldi. • Increase in pedestrian traffic through Meon Close and impact on amenity. 	Update

Agenda Item	Page No	Para	Update	Source/Reason
			<ul style="list-style-type: none"> • Impact on amenity from out of hours deliveries. • EHDC's Economic Development team concur there is no need for another supermarket. • Would disrupt the character of Petersfield. • Design officer outlines concerns that the scheme would not be in keeping with the area. • Inadequate economic assessment in light of Covid-19 pandemic. • Short notice of the committee meeting and must be held in Petersfield. Meeting in Lewes impedes those in Petersfield from attending and voicing objections and lack of local representation at the meeting. • Additional information provided by Aldi does not satisfy concerns about increased traffic. <p><u>Ward Councillor Mr Jamie Matthews:</u></p> <ul style="list-style-type: none"> • Disappointing the highways issue regarding increased traffic on Rushes Road and congestion has not been satisfactorily addressed. • No evidence in Applicant's submission that traffic will not use Rushes Road. • Lack of community engagement by the Applicant. They have not engaged with residents in regard to highways concerns, subsequent to their initial single consultation. • Insufficient pedestrian crossings, additional crossings at the junction of Rushes Road/Winchester Road and Bell Hill roundabout required. Further assessment required and evidence gathered in regard to need. – Request additional condition if approved that the junction of Rushes Road and Winchester Road be modified to improve pedestrian movements and discourage traffic from using Rushes Road as a short cut. • Tilmore Brook better known as Drum Stream. <p><u>Martin Robeson Associates on behalf of Tesco Stores Ltd</u></p> <ul style="list-style-type: none"> • Recent Petersfield Town Council meeting suggests that there is business interest in the site for employment purposes, contrary to marketing evidence provided – which should be afforded limited weight. <p>Officer comment: The marketing information submitted has been assessed within the report. No evidence regarding any serious bids/offers from those who attended at the Town Council meeting.</p> <p><u>Lidl Great Britain Ltd</u></p> <ul style="list-style-type: none"> • Departure from the Development Plan, yet the application has not been explicitly advertised as such. The decision would therefore be liable to challenge. 	

Agenda Item	Page No	Para	Update	Source/Reason
			<p>Officer comment: Application has been advertised in the correct manner and as outlined in the report it is not considered to be a departure from the Development Plan policies, albeit there is conflict with policy RPI which has been outweighed as outlined in the report.</p> <p><u>Employment allocation</u></p> <ul style="list-style-type: none"> • Development is a departure from the Development Plan as clearly contrary to policy which allocate the site and seek to resist out of centre retail development. • Suggestion that the proposals are an employment/business use because of retail and offices now both within Class E should be given zero weight. • Development Plan seeks to safeguard the site for ‘traditional’ office, light industrial, general industrial and storage and distribution uses and not retail/shops. • Alternative uses have been refused twice. • Marketing campaign is flawed. Expressions of interest have been turned down due to offers not being high enough; given proposed retail use concern raised as to whether any offer of employment development would ever be accepted. • EHDC Economic Development team maintain objection, stating there is a demand for industrial and office space; proposals contrary to policies BP2 and SD35. <p>Officer comment: The committee report outlines considerations in regard to Class E and the weight applied to this in relation to a commercial use on site. Marketing information has been submitted in accordance with policies BP2 and SD35 and, as outlined in the report, is considered to be sufficient. Comments from EHDC are considered in the committee report.</p> <p><u>Retail impact</u></p> <ul style="list-style-type: none"> • Proposals will have a significant adverse impact on town centre shops – notably Lidl. • 29% impact on Lidl accepted by SDNPA’s consultants but this cannot be anything other than a significantly adverse impact. • 29% loss of trade is an under-estimate and is based on assumptions. – These previous concerns have not been addressed. • Proposals contrary to policy RPI and no demonstrable case as to why the conflict with this policy is acceptable; no overriding need for the new food store. <p>Officer comment: The retail impacts have been independently assessed for the SDNPA. It is not considered that there would not be a significantly adverse impact on the town centre as a whole. Policy RPI has been considered within the planning balance.</p>	

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			<p><u>Major development</u></p> <ul style="list-style-type: none"> • Proposals fall within the definition of ‘major’ development within planning legislation (Development Management Procedure Order 2015). • Application has been registered as ‘major’ development but it has subsequently been decided it is not for the purposes of the presumption against such development within National Parks, as per paragraph 172 of the NPPF. • Therefore, conflict between the approach of the application and interpretation of policy, which would be grounds for challenging a planning permission. <p>Officer comment: Notwithstanding that the application was registered as a major application, given the scale of development proposed, paragraphs 6.3 to 6.6 of the report outline that the scheme is not ‘major development’ for the purposes of paragraph 172 of the NPPF and its footnote.</p>	
8	62	S.4	Further responses from consultees have been received following a re-notification process. These are the County Council (Lead Flood Authority), EHDC drainage officer, and Southern Water. These responses re-iterate previous comments already summarised in the report.	Update
8	80	10.2	<p>Updates to planning conditions:</p> <p><u>Condition 9:</u> This condition to be ‘prior to slab level’ as opposed to a pre-commencement condition.</p> <p><u>Condition 13:</u> No development above slab level shall take place until a site-wide detailed Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not necessarily be restricted to, details of measures to retain existing boundary features; long term objectives and management responsibilities; the management regime of the landscape scheme; measures to enhance ecology through the provision of landscape species; and the recommendations within the Ecological Appraisal by Ecology Solutions (November 2020). The approved measures shall thereafter be implemented in full and maintained in accordance with the approved details.</p> <p><u>Condition 24:</u> No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This shall accord with the Flood Risk Assessment and Sustainable Drainage Strategy (ref: 3727231). Surface water discharge to the Tilmore Brook shall be limited to 6.13 l/s. Any amendments to the submitted documentation must include a technical summary highlighting any changes, updated detailed drainage plans and updated drainage</p>	Update

Agenda Item	Page No	Para	Update	Source/Reason
			<p>calculations. The sustainable drainage scheme shall thereafter be managed and maintained thereafter in full accordance with a management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority.</p> <p><u>Condition 27:</u></p> <p>The development shall be carried out in full accordance with the Flood Risk Assessment (prepared by Stirling Maynard, January 2021) and the following mitigation measures it details: & Sustainable Drainage Strategy Ref: 3727231. Surface water discharge to the Tilmore Brook shall be limited to 6.13 l/s and the following mitigation measures shall be undertaken:</p> <p>a. Finished floor levels shall be set no lower than 65.65m above Ordnance Datum (AOD). This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.</p> <p>The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.</p> <p>Reason: To ensure a satisfactory means of drainage for the development.</p> <p>Remove criterion (a) relating to floor levels and include this criterion as a new condition no.31, as below.</p>	
9	94	1.2	<p>Immediately south of the copse there is a barn which gained permission in 2008 for uses associated with the restoration of steams engines. The area immediately south of the copse also features a large flat hard-standing used for parking by the angling club users and a new stockman's dwelling which is under construction. Two Several residential properties are in the locality: Nyewood House (containing three properties), approximately 300 metres to the east of the car park, and Tygalls Farm, about 400 metres away to the east, and approximately 160 metres away from the boundary of the site.</p>	Correction
9	94	1.5	<p>The Serpent Trail runs along Dumpford Lane, although it has been recently diverted via footpath 872 along the western boundary of the site, the dismantled railway to the south and footpath 873 further to the east. The site is not visible from Dumpford Lane, although views can be achieved from public footpath no. 872,</p>	Correction

Agenda Item	Page No	Para	Update	Source/Reason
			which runs in a north to south direction along the access track and western boundary of the site. The site is also partially visible from long distance viewpoints along the chalk scarp to the south, such as Harting Down approximately 3.7 kilometres away. Also, the dismantled railway (Petersfield to Midhurst) is 400 metres south of the site, which is safeguarded as a non-motorised route, but offers no views of the site.	
9	95	4.1	Harting Parish Council has commented on the latest layout revision and further documents and still objects to the planning application. Their comments still stand.	Additional comments
9	97	4.14	WSCC Fire and Rescue Service has submitted updated comments. They state that if the proposal will only comprise of a single hut (toilet and shower) and are no other proposed structures, then, the SDNPA should carry out a fire risk assessment to ensure there is adequate fire safety provisions in place for any guests. Officer comment: An assessment of fire risks has been carried out by the SDNPA. The assessment and fire safety measures can be found on paragraphs 8.71 to 8.73 of the report.	Additional comments
9	97	4.15	WSCC Lead Local Flood Authority has raised no further comments. Their initial comments remain as ‘no objection’.	Additional comments
9	99	5.3	Three emails from three objectors of this planning application have been received (sent to members and forwarded on to the case officer). They raise the following concerns: <ul style="list-style-type: none"> • Photos and video footage of the campsite were submitted by an objector. These were recorded two weekends before the planning committee meeting and show campervans, music, vehicles at pitches, large groups of campers and fires; • Noise late at night, dogs chasing wildlife and urination in the countryside; • Traffic and highways safety concerns on Dumpford Lane. The proposed informative in the report suggests concerns about access from the east. Highways Officers have not visited the site and there are questions about the appropriateness of their assessment; • Planning permission for the erection of the stockman’s dwelling has lapsed and this application cannot rely on it. Similarly, the farm shop nearby doesn’t have planning permission. Question on whether the existing hardstanding has planning permission; • Restrictions on pitch numbers and management needs to be part of a legal agreement; • The outbuildings, toilets, shop have nearly been completed before planning permission has been given. • Other issues raised in previous objections: tranquillity, access by car through a narrow lane, excessive car park. Officer comment: The concerns raised above have been considered in the assessment section of the report and don’t add new material considerations to the planning assessment. Officers are of the view that the proposal does	Third party representations

Agenda Item	Page No	Para	Update	Source/Reason
			<p>differ from the ongoing camping activities that have taken place until today and that adequate controls to mitigate negative impacts on the surrounding community are in place in the recommendation. The proposed conditions should avoid the issues raised by objectors in terms of impact to neighbours and the environment.</p> <p>No building/structure part of this proposal has been erected on site.</p> <p>There is evidence that demonstrates that the hardstanding in question has been in place since at least since 2002. Therefore, it falls outside of the timeframe for enforceability of 4 years for operational development and 10 years for the material change of use of land. It is concluded that the hardstanding is lawful.</p> <p>With regards to the stockman's dwelling, its implementation started in 2016, within the three-years' timeframe of planning permission SDNP/13/03454/FUL granted in 2014. The stockman's dwelling is lawful. This dwelling in question is not part of this proposal and neither is being retrospectively being applied for. It has only an indirect relationship with the current application, which refers purely to the campsite.</p> <p>The lawfulness of the farm shop at Rother Valley Farm, in Nyewood, is not directly relevant to this planning application.</p>	
9	N/A	N/A	<p>The following questions have been raised by a Member of the committee:</p> <p>Q.1 – The Executive Summary and paragraph 8.1 of the report refers to the campsite having operated benefiting from permitted development rights. But the campsite has operated well beyond the 28/56 period.</p> <p>A – This is noted. This planning application, if granted, would regularise the use of the land and bring it under planning control.</p> <p>Q.2 – Paragraph 1.2 of the report refers to properties nearby. There are three, not one, properties at Nyewood House. Also, whilst Tygalls Farm is 400m from the car park, the property is within a few metres of the most easterly of the proposed pitches.</p> <p>A – This has been corrected.</p> <p>Q.3 – Paragraph 1.5 of the report refers to the Serpent Way, which has been diverted off a length of Dumpford Lane, and now follows footpath 872 a stretch of the former railway line and footpath 873.</p> <p>A – This has been corrected.</p> <p>Q.4 – Paragraph 8.15 of the report refers to 'cycle storage', but there is no indication on the plans where this might be and the form it might take.</p> <p>A – The cycling storage was proposed by the agent of this application, who agreed to control details via condition. See condition 8 in the report.</p>	Member's question

Agenda Item	Page No	Para	Update	Source/Reason
			<p>Q.5 – Paragraph 8.16 makes reference to a local farm shop at Rother Valley Farm, 800 metres away. This appears to be referring to a facility that doesn't have planning permission.</p> <p>A – Whether the farm shop benefits from planning permission or not is not directly relevant to this planning application.</p> <p>Q.6 – With regards to condition 7 (Parking), it makes reference to parking being in accordance with 'approved plans'. The plans submitted don't appear to detail parking spaces.</p> <p>A – Drawing no. W2113 – 04 (Parking Layout) shows the parking details. This plan was received on the 15th of April 2021 and it is available on the public access website.</p> <p>Q.7 – Condition 15 (Removal of permitted development rights) applies to 'all land edged in red and blue on approved drawing'. The applicant owns land within the same holding west of the red/blue lined area. What is the status of that land concerning permitted development rights?</p> <p>A – The land to the west of the application site (around Nyewood House) falls within the applicant's ownership. Therefore, it has been requested for the location plan to be amended to reflect the whole extent of land ownership within a blue line. A revised plan has been submitted and condition 15 has been amended accordingly.</p>	
9	113	Condition 15	<p>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 4 Classes A and B, and Part 6 Classes A and B. This condition will apply to all land edged in red and blue on approved drawing W2113-01 & 02 REV E (Site plan) W2113 - 05 REV D (Revised location plan – received on 9 June 2021).</p> <p>Reason: To ensure the development is satisfactory in accordance with the purposes of the South Downs National Park and does not result in harm to landscape or in an unacceptable intensification of use.</p>	Amendment of condition
10	N/A	N/A	<p>This is in response to a Member request to show the changes to the Statement of Community Involvement (SCI) in comparison to the previous Version 3 August 2017.</p> <p style="text-align: center;">Significant changes to the Statement of Community Involvement (SCI) for Version 4 June 2021 compared to Version 3 August 2017</p> <ul style="list-style-type: none"> Section added to cover the temporary measures enacted in the Covid-19 pandemic. Page 128 of Reports Pack, Section 1c) Changes to the Planning System [was section 3c)], new paragraphs 1.13 to 1.15 	Member request

Agenda Item	Page No	Para	Update	Source/Reason
			<ul style="list-style-type: none"> • Updated section on Parish Workshops explaining new format of two webinars and three meetings per year following review in 2021. Page 130, Section 1e) Parish Workshops [was section 3e)] paragraphs 1.28 to 1.31 [replace previous paragraphs 3.22 to 3.25] • Updated chapter on Developing Planning Policy reflecting that South Downs Local Plan (SDLP) adopted in July 2019. Page 132-133, Chapter 2 Development Planning Policy [was Chapter 4] and removal of previous sections 4c), d), e) and f) • Updated section on minimum consultation requirements to cover all Development Plan Documents, reflecting the fact that SDLP now adopted. Page 136, Chapter 3 Approach to Consultation (Planning Policy) [was Chapter 5], paragraph 3.8 [was paragraph 5.8 and Figure 3.1] • Updated chapter on Development Management by amending the section on Call-In Procedure and clarifying the terminology by using wording “key” applications rather than “significant”. Also changed period to 28 days (from 21 days) for responding to a site notice, newspaper advertisement and/or neighbour letter Page 139 and 141, Chapter 4 Approach to Consultation (Development Management) [was Chapter 6], section 4b) Call-In Procedure [was section 6b) Significant Applications] and paragraph 4.14 [was paragraph 6.18] • Page 158, New Appendix 4: Protocol for Neighbourhood Planning and Pre-application Advice. This protocol was created since the last version of the SCI was published. 	
10	136	3.9	Figure 5.1 should read Figure 3.1	Correction