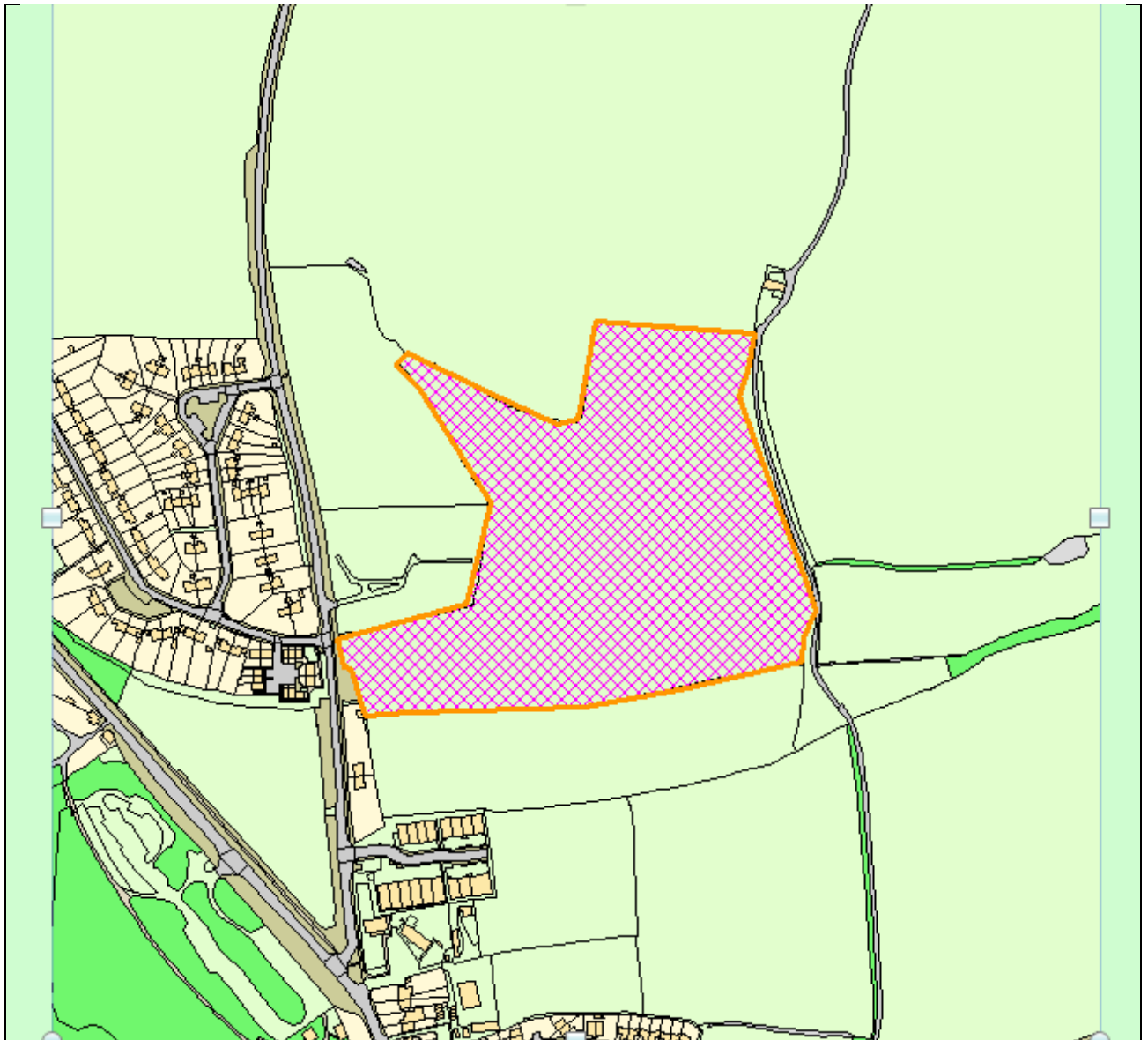


Report to	Planning Committee
Date	10 January 2024
By	Director of Planning and Environment
Application Number	SDNP/23/02453/FUL
Applicant	Mr Mark Chandler/ G. Chandler Farming Ltd
Application	Use of grassland for permissible access recreation site for the local community. With a circular pathway, 2 no. wildlife ponds, a viewing sp with bench, installation of dog proof stock fencing and native hedgero and trees.
Address	Land Next to Hampers Green Cemetery Petworth West Sussex GU28 9JL

Recommendation: That the application be Approved subject to the conditions set out in paragraph 10.1 of this report.



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Executive Summary

Reason for Committee Referral: Parish Objection – Officer recommends Permit

The application seeks to create a permissible access recreation site including the creation of a pathway and wildlife ponds. The principle of development is considered acceptable within the scope of Policies SD2, SD9, SD40, SD43, SD45 and SD46 and the NPPF. The proposals may lead to some intensification of parking in the local area, however any detriment to local amenity as a result of this is considered to be outweighed by the ecological benefits and the benefit to the community. Approval is therefore recommended.

1. **Site Description**

The site consists of an area of improved grassland (approximately 6.4 hectares) located to the northeast of Petworth, adjacent to the Hampers Green housing estate. There is a hedge and ditch surrounding the grassland and sporadic mature trees. The land slopes downwards from north to south. The land has been used for occasional sheep grazing but this has now stopped. The proximity to housing means the land is of limited agricultural value.

2. **Relevant Planning History**

No recent planning history.

3. **Proposal**

Use of grassland for permissible access recreation site for the local community. With a circular pathway, 2 no. wildlife ponds, a viewing spot with bench, installation of dog proof stock fencing and native hedgerows and trees.

4. **Consultations**

Petworth Town Council – 09.11.23

The Committee has asked me to reply to you on their behalf to say that their views have not changed since receiving the Applicant's letter and that although they support the principle of the development, they continue to object to it on the grounds of inadequate assessment of parking provisions and the impact on Ball's Cross Road, as well as the impact on parking and traffic flow for those visiting the cemetery, and more generally on the residents of Hampers Common.

Petworth Town Council – 10.08.23

Although we support the principle of the development, we must object to it on the grounds of inadequate assessment of parking provision and the impact on Ball's Cross Road.

WSCC - Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

This application seeks the change of use of grassland to recreation site for local community, with associated works. The site is located on Balls Cross Road, a C-classified road subject to a speed restriction of 30 mph in this location.

The site is served by an existing gated access on Balls Cross Road. However, this access will not be made available for visitors to use. The site will be accessible by foot only. The LHA does not anticipate that the proposed change of use would give rise to a significant material intensification of movements to or from the site, given that most of the

trips to the site are expected to be on foot by locals, or linked to existing trips to locations nearby, such as to Petworth House.

No vehicular parking is proposed - as such, vehicular parking would have to be accommodated on-street. The LHA does not anticipate that the proposed nil car parking provision would give rise to a highway safety concern or parking capacity issue, due to the above-mentioned points. However, the LPA are advised to consider the potential impacts on on-street parking from an amenity point of view.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Environmental Strategy, Chichester District Council

Dormice

Following submission of the Ecological Appraisal (June 2023) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Great Crested Newts and Reptiles

Following submission of the Ecological Appraisal (June 2023) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on a building / trees facing south/south westerly positioned 3-5m above ground.

Hedgehogs

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March ' 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on a building and / or tree within the site.

CEMP

Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP). This should be submitted to us prior to any works taking place on site and a condition should be used to secure this.

Economic Development Service, Chichester District Council

The Economic Development Service has no objection to this development.

Although the development is intended as a local resident amenity, it may become a wider visitor attraction.

The location is considered very much out of town, however, due to the close proximity could become a town centre attraction.

Monitoring, of visitor numbers may be required to ensure the use remains within the stated objectives of the use of the land.

CH – Sport and Leisure Development Management

No response received.

WSCC – Surface Water Drainage

No response received.

WSCC – Public Rights of Way

No response received.

5. Representations

Two third-party representations have been received, including 1no. objection and 1no. support:

Summary of representations:

- Concerns with parking
- Positive for wildlife

6. Planning Policy

6.1 Relevant Sections of National Planning Policy Framework:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF08 - Promoting healthy and safe communities
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- Strategic Policy SD4 – Landscape Character
- Strategic Policy SD9 – Biodiversity and Geodiversity
- Development Management Policy SD22 – Parking Provision
- Development Management Policy SD40 – Farm and Forestry Diversification
- Development Management Policy SD43 - New and Existing Community Facilities
- Development Management Policy SD46 - Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds/Cemeteries

6.3 Relevant Policies of South Downs Management Plan (2020-2025)

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 2
- Partnership Management Plan Policy 4
- Partnership Management Plan Policy 11
- Partnership Management Plan Policy 13
- Partnership Management Plan Policy 15
- Partnership Management Plan Policy 16
- Partnership Management Plan Policy 28
- Partnership Management Plan Policy 30

7. Planning Assessment

Principle of development

- 7.1 Local Plan Policies SD46, SD43 and SD40 are relevant to establishing whether the principle of the proposed development is acceptable.
- 7.2 The purpose of Policy SD46 is to ensure provision is made for open space, sports and recreational facilities commensurate with assessed need and protects existing facilities that are valued by the communities they serve. Development proposals for open space are required to demonstrate how they are of a type determined by the scale and type of development and the needs of the local area. Regard is had to the fact the space is already used informally for the proposed use demonstrating a de facto need for the permissible access recreation site proposed. Development proposals for open space are also required to be of a high-quality design, be safe and accessible for all members of the community and include provision for the long-term management and maintenance of the space provided. The design of the proposal is discussed in more detail below. Safe and accessible use by all community members has been considered through the provision of a hard, dry path which can be used all year round plus incorporation of a pedestrian gateway that is practical and complies to The Equality Act 2010 allowing access for all. The long term management and maintenance of the space would be secured through the management of the recreation space as part of G Chandler Farming Ltd business. The proposal will be a not-for-profit project and is designed to help complete the holistic farming approach of environmental enhancement, sustainable arable production, NETZERO 2030 ambitions and greater public access and education in the countryside of G Chandler Farming. The proposals are therefore considered to meet the requirements of Policy SD46.
- 7.3 The purpose of Policy SD43 is to support new facilities and protect existing community facilities that serve the local communities of the National Park. The Policy requires development proposals for new community facilities will be permitted where they demonstrate a local need; the scale of the proposed infrastructure is proportionate to the local area; there has been prior community engagement; they are accessible and inclusive to the local communities they serve; and appropriate consideration has been had to the shared use, re-use and/or redevelopment of existing buildings in the host community.
- 7.4 As discussed above, there is considered to be a demonstrable local need for the recreation site due to the de facto use of the site by the community for that purpose already. This application seeks to formalise an informal arrangement. In light of that, the scale of the infrastructure proposed is of minimal intervention and merely designed to provide accessible access and promote ecological benefit.

Community engagement from the applicants has been informal and based on conversation with existing users of the site with accessible and inclusive infrastructure incorporated to facilitate such access.

- 7.5 Policy SD40 of the South Downs National Park Local Plan relates to farm and forestry diversification. The parcel of land to which the proposals relate is classed as Grade 3 (Good to moderate) agricultural land. However, the versatility of the land for agricultural purposes is limited due to its proximity to housing. The site is used sporadically for grazing sheep however the applicant has advised this use has been suspended after the loss of a ewe due to a dog attack. A farm diversification plan has been submitted which sets out that the farming enterprise is mainly arable and covers the management of 1600 Ha under various tenures. The intention is that arable farming will remain at the core of the business and the proposals at the Hampers Green site will be a not-for-profit project designed to complement the holistic farming approach of environmental enhancement, sustainable arable production, NETZERO ambitions and greater public access to and understanding of the countryside. The Hampers Green proposals remain very much subsidiary to the business of the farm and would not cause disruption to the agricultural holding. The proposals are considered to meet the requirements of Policy SD40.

7.6 Design and landscape Impact

The proposals are more intensive than the current land use with engineering operations (including a footpath and new ponds) having the potential to alter the landscape character. Development proposals will only be permitted where they conserve and enhance landscape character. The site is within the Landscape Character Area P2 (Northchapel Basin). This landscape character area is a low-lying vale located to the north-east of the Blackdown to Petworth Greensand Hills. It is made up of a mosaic of arable/pasture farmland and deciduous woodland plus areas of parkland and common land. The proposals will have the potential to alter the local landscape character of the field from arable farmland, the change in character is not at odds with the overall landscape character of the Northchapel Basin. The protection of existing trees, the enhancing of hedgerow boundaries and the introduction of locally native species of additional trees will enhance the landscape character, and is welcomed.

7.7 Parking

Policy SD22 relates to parking provision within the National Park. The policy does not specifically address the matter of parking requirements for new community facilities or open spaces. However, paragraphs 6.40 – 6.44 provide guidance for new public car parks and parking standards for non-residential developments.

- 7.8 The Petworth Neighbourhood Plan (July 2018) highlights the importance of parking to the town. One of the objectives of the Neighbourhood Plan (WS05) is to protect existing and seek increase car parking capacity within the town centre. However, there is no policy within the Neighbourhood Plan which specifically relates to public car parking.
- 7.9 Regard is had to the fact that Petworth Town Council have objected to the proposals on the basis that there has been inadequate assessment of parking provisions and the impact on Balls Cross Road, as well as the impact on parking

and traffic flow for those visiting the cemetery, and more generally on the residents of Hampers Green.

- 7.10 Paragraph 6.40 of the Local Plan recognises that roadside car parking is a problem at various locations, however the paragraph also states “the ability of the National Park’s road network and car parks to accommodate an increasing number of visitors’ cars is limited. It is not practicable, nor would it be desirable in landscape terms, to cater for peak demand.” Paragraph 6.41 highlights the primary focus for schemes including the construction of new public car parks should be increasing access to the site by public and non-motorised transport.
- 7.11 While the Town Council’s position is acknowledged, there is no support within the Local Plan for parking to be incorporated into the scheme. Parking provision for the site is likely to cause landscape harm by introducing hard standing and visual clutter into the space, reducing the capacity of the site for recreational and biodiversity uses. Additionally, the introduction of car parking at the site would encourage and facilitate transit to the site by private vehicle. The applicant has set out their intention is to provide a facility for local people, primarily those of Hampers Green. The intended audience are those who can easily access the site by foot or non-motorised transport and therefore there is not considered to be any justification for car parking at the site.

7.12 Ecology, ecosystem services and biodiversity

Local Plan policies SD2, SD9 and SD45 are relevant to assessing the impact of the proposals on the ecology and biodiversity of the National Park.

- 7.13 Policy SD2 requires development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. Policy SD9 requires development proposals will be permitted where they conserve and enhance biodiversity and geodiversity giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation. Policy SD45 promotes the provision of new Green Infrastructure (GI) whilst protecting existing assets and the integrity of the Green Infrastructure (GI) network as a whole.
- 7.14 The proposals are accompanied by an Ecological Appraisal conducted by The Ecology Co-Op dated June 2023. This document advises that the project is likely to represent a positive enhancement for biodiversity given the absence of any habitats of high wildlife value at present. Plant and invertebrate diversity would be improved, providing better foraging opportunities for bats, birds, reptiles and other species. The new species-rich hedgerow planting would increase the connectivity of the site (and its biodiversity value) to other important habitats in the area. Considering this the proposals are considered to meet the aims and objectives of policies SD2, SD9 and SD45.
- 7.15 The Ecological Appraisal recommends precautionary measures for breeding birds, dormice, reptiles, amphibians and hedgehogs. The Environmental Strategy Team has been consulted on the proposals and advised that the mitigation proposed within the Ecological Appraisal would be suitable. A condition would be used to ensure this takes place should planning permission be granted.
- 7.16 Regard must also be had to Conservation of Habitats and Species Regulations

2017 (as amended) (Habitat Regulations). The SDNP Habitat Regulations Assessment (HRA) Screening matrix has been used to identify that the site is within the Sussex North Water Resource Zone. However, the proposals do not fall into the category of development which is required to demonstrate water neutrality as they will not result in an increased demand for water. The proposed ponds would be filled naturally by rain water and not tap water as tap water can lead to algal blooms due to the high nutrients present.

- 7.17 The site is within the 6.5km buffer zone of the Ebernoe Common SAC and The Mens SAC. As such an HRA screening assessment has been carried out. This concludes that there will not be likely significant effects on The Mens SAC and Ebernoe Common SAC as a result of the proposals. The south east corner of the site is intersected by the mapped Bat SPA flight lines for the Ebernoe Common SAC. However, the Ecological Appraisal has advised that no trees or buildings are impacted in relation to the proposed pathway and pond creation and therefore roosting bats are not deemed a constraint to the development. There are not considered to be any negative impacts on foraging areas or flight lines as a result of the proposals (which ultimately are intended to enhance the biodiversity of the site). Therefore the proposals have been screened from having an impact on the Sussex Bat SAC flight lines.

8. Conclusion

The principle of development is considered acceptable within the scope of Policies SD2, SD9, SD40, SD43, SD45 and SD46 and the NPPF. The proposals may lead to some intensification of parking in the local area, however any detriment to local amenity as a result of this is considered to be outweighed by the ecological benefits and the benefit to the community. Approval is therefore recommended.

Added Value

National Park for all

9. Reason for Recommendation and Conditions/Reasons for refusal

- 9.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

Planning Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

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.

3. All external materials used in the construction of the development hereby approved shall match the type, texture, composition, colour, size and profile of those used on the existing building and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

4. The details and mitigation methods contained within the Ecological Appraisal conducted by The Ecology Co-Op dated June 2023 for the development hereby permitted are approved and shall be implemented in full.

Reason: In order not to disturb nor deter the roosting of Bats, a species protected by the Wildlife and Countryside Act 1981 and in the interests of any protected species using the site.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Lauren Cripps

Tel:

email: lcripps@chichester.gov.uk

Appendices Appendix 1 - Information concerning consideration of applications before committee

SDNPA Consultees N/A

Background Documents N/A

Appendix 1 – Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 183 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 183 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 183 is undertaken in the Assessment Section of the main report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2019-2025

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery

Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

All policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD10 - International Sites
- Strategic Policy SD20: Walking, Cycling and Equestrian Routes
- Development Management Policy SD22: Parking Provision
- Development Management Policy SD40: Farm and Forestry Diversification
- Development Management Policy SD43: New and Existing Community Facilities
- Strategic Policy SD45: Green Infrastructure
- Development Management Policy SD46: Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds/Cemeteries
- Development Management Policy SD50: Sustainable Drainage Systems

Legislation for Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on

planning authorities when determining applications for planning permission that may affect Listed Buildings, Conservation Areas or their setting. Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 relates to conservation areas specifically, and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is confirmed that, where the application relates to Listed Buildings, the setting of Listed Buildings, or sites within or adjacent to a Conservation Area, regard has been had to the above legislation

Scheduled Ancient Monuments (SAMs) are protected by law and any physical works affecting them is likely to require Scheduled Monument Consent from Historic England (on behalf of the Secretary of State) which is separate from the statutory planning process. In regard to planning decisions, the impact of development upon the setting of a scheduled monument and its nationally important heritage significance can be a material planning consideration and will have been taken into account when assessing the proposals.

Human Rights Implications

These planning applications have 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.

Equality Act 2010

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

Crime and Disorder Implication

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