

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE 11 July 2011

Held at Cowdray Hall, Midhurst at 10:30am

Present:

Andrew Shaxson - Chair	Barbara Holyome	Neville Harrison	Charles Peck
Ken Bodfish	Jennifer Gray	Alun Alesbury	David Jenkins
Margaret Paren (ex officio)	Tom Jones		

SDNPA Officers: Jim Redwood (Head of Planning) Pat Aird (Major Applications and Enforcement Lead), Michael Scammell (Historical Building Officer), David Townsend (Link Officer Chichester), Keith Reed (Local Development Framework (LDF) Lead), Claire Potts (Minerals and Waste Lead), Sam Dumbrell (WSCC) Becky Moutrey (Senior Solicitor) Rebecca Haynes (Member Services Officer).

APOLOGIES

1. Apologies for absence were received from Minette Palmer,

ELECTION OF THE COMMITTEE CHAIR AND DEPUTY CHAIR

2. Andrew Shaxson was the only nomination and duly elected as Chair and presided over the rest of the meeting.
3. Barbara Holyome joined the meeting at 10:34am
4. Neville Harrison was the only nomination and duly elected as Deputy Chair.

DECLARATIONS OF INTEREST

5. Andrew Shaxson declared a personal non prejudicial interest in agenda Items 6, 7, 8 and 10 as a member of Chichester DC. He explained that he is no longer a member of their Development Control committee, but was when Items 6 and 7 were considered by that committee as a consultee on 20 April 2011. He declared a personal interest in them at that time as a member of the SDNPA planning committee, and left the committee table when they were debated and therefore took no part in the proceedings. Andrew Shaxson also declared a personal, non prejudicial interest in agenda items 6, 7 & 8 as a member of Elsted and Treyford Parish Council, who sent comments for consideration to Chichester District Council (CDC) as the then planning authority as a result of a debate on items 6 and 7 at a SDNPA meeting on 25 November 2010. At the Parish Meeting he declared a minuted personal interest stating that he was both a member of the CDC Northern Area Development Control Committee and the South Downs National Park Authority (SDNPA) planning committee, reserving the right to express differing views from those he might express at that meeting in the light of further information being made available to meetings of those committees. Finally, a very long objection letter had recently been written on behalf of a number of bodies who are signatories, They include Elsted and Treyford Parish Council. He was not aware that the parish council chairman had agreed to this, and didn't see the letter until after it was published."
6. Margaret Paren declared a personal non prejudicial interest in agenda items 6,7 & 8 as a member of the RSPB.

MINUTES OF PREVIOUS MEETING HELD ON 13 June 2011

7. The minutes of the meeting held on 13 June 2011 were agreed as a correct record with the following amendments;

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- Minute 387 to be amended to read; Minette Palmer declared a personal and prejudicial interest for agenda item 15 (Hampshire Minerals and Waste Plan: Addendum Consultation document) as a relation of the family who manage Blackmoor Estate, which own Rookery Farm that was included as part of Kingsley Quarry. A personal but non prejudicial interest in item 15 was also declared as she was a member of Selborne Parish Council.
- Minute 390 to be amended to read; With the agreement of the Chair, an urgent item was considered during the meeting regarding the proposed temporary car parking at the Falmer Football stadium, known locally as the 'Amex Stadium'.
- Minute 406 ii. to read: condition 2 strengthened to include a further time period for the construction/removal of the yurts/tents within 2 weeks.
- Minute 407 bullet point 1 to read: condition 2 to allow a further time period for the construction/removal of the yurts/tents within 2 weeks.
- Minute 431 to amend the spelling of Selbourne to read Selborne.
- Minute 433 the removal of the word (name?) from the minutes
- Minute 438 bullet point 2 to read: some affordable housing was needed in small villages in addition to New Alresford and Bishop Waltham.

URGENT ITEMS

8. The Chair informed the Committee that agenda item 9 (Land at Madams Farm) would not be considered as the application had been withdrawn by the applicant.

DEVELOPMENT MANAGEMENT

CHICHESTER DISTRICT COUNCIL

Application No: 10/04389/FULNP
Proposal: Demolition of existing buildings and extensions and new development to provide 143 assisted care places and 220 new dwellings with associated communal facilities, parking, access roads and landscaping
Address: King Edward VII Hospital Kings Drive Easebourne Midhurst West Sussex GU29 0BL

Application No: 11/01711/FULNP
Proposal: 25 houses, 34 apartments, maintenance building and compound and underground car parking.
Address: King Edward VII Hospital Kings Drive Easebourne Midhurst West Sussex GU29 0BL

Application No: 10/04390/LBCNP
Proposal: Demolition of extensions to the sanatorium, the chapel, the lodge and the engine house, demolition of free standing storage buildings to the north of the engine house, internal and external alterations and additions to existing buildings to enable use for assisted care living, shop, cafe, swimming pool, gym, communal and health care facilities, houses and apartments, repair, reinstatement and restoration of walls within the Jekyll gardens.
Address: King Edward VII Hospital Kings Drive Easebourne Midhurst West Sussex GU29 0BL

9. The Head of Planning introduced the 3 King Edward VII Reports (PC37/11, PC38/11 & PC39/11).
10. The Committee were reminded of the updated recommendations and report content which were tabled at the meeting. These documents had been published on the SDNPA website attached to the agenda and meeting papers on 8 July 2011.

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11. The Major Applications and Enforcement Lead officer and the Historical Building officer gave a presentation to the Committee and made reference to significant issues. The presentation is available on the SDNPA website attached to the agenda and meeting papers.
With the agreement of the Chair, at 11:50am the meeting adjourned until 12:00pm
12. The Chair addressed the Committee with the following statement regarding the application for King Edward VII Hospital; “ I feel that there is real merit in debating all 3 applications together and hearing all the officer, supporters and objectors representations prior to any debate. My view is that the Committee will be in a position to grasp the whole matter that way. The order will therefore be as follows: First we will hear from the officers on all 3 applications, second we will hear from all objectors registered to speak on the 3 applications and Third, we will hear from those who support the applications”.
13. The Chair informed the Committee that David Brock from English Heritage was present at the meeting and as a statutory consultee, Members may wish him to address the Committee during consideration of the application.
14. Chris Savage spoke against the application.
15. Stuart Meier spoke against the application on behalf of Campaign for the Protection of Rural England (CPRE).
15. Ian Heustice spoke against the application.
16. Robert Serman spoke against the application as president of the Haslemere Society
17. Michael Shaw spoke against the application on behalf of the Lynchmere Society.
18. Councillor Philippa Hardwick spoke against the application on behalf of Lynchmere Parish Council.
19. Koren Evans spoke against the application.
20. Richard Southall spoke against the application.
21. Tom Haxworth spoke against the application.
22. Peter Village QC spoke in support of the application on behalf of the applicant
23. Anne Dare spoke in support of the application on behalf of the applicant
24. Simon Vernon-Harcourt spoke in support of the application on behalf of the applicant
25. Harvey Fairbrass spoke in support of the application on behalf of the applicant
26. Helen Moore spoke in support of the application on behalf of the applicant
27. The Head of Planning responded to guidance requested by a member of the Committee regarding the use of the information that was made public by the applicant on 8 July 2011. The information available on the SDNPA website was not new information and officers had considered this when preparing the reports. The information could be considered individually by members of the Committee.
28. The Committee discussed at length the SDNPA Purposes and Duty and the conflicting issues of enabling development to aid restoration. Concerns were raised as to the risk of the present proposal being too great:
 - the risk of the enabling development increasing in the future to support the restoration work
 - the risk of the developer selling the permission on and the work not being completed
 - the risk of the development company folding
 - questioning what liability would the SDNPA have if the project failed
29. Committee Members expressed their views including;
 - whilst some of the proposals on offer would improve the existing buildings they could not endorse the new development as it would urbanise the area

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- the existing infrastructure would not cope
 - more housing was proposed than was needed in the area
 - no proposed schemes for transport/travel plans
 - Midhurst in particular was reliant on the use of the private car and car clubs could be proposed
 - the applications did not conform to the SDNPA Purposes and Duty
 - concerns with the amount of financial deficit
 - the dilemma of the restoration against the large conservation deficit and the amount of development proposed
 - the applications were not sympathetic to the environment
 - the SDNP was not a wilderness Park, there were country areas of the Park but not any remote areas
 - it was a wrong scheme with the deficits outweighing the benefits
 - supporting heritage being restored but questioning if the cost was too high
 - questioning if there would be any other developers in a position to provide a better proposal
 - there would be a reaction to large scale development wherever it was suggested as members of the public would always react to significant developments
 - discussions on enabling development elsewhere within the SDNP may also not be an acceptable proposal and these factors should be taken into account
 - supporting conservation of listed buildings and in this instance the applicant had tried hard in the degree of benefits with the restoration, it was a difficult balancing act and the enabling development had grown larger in scale
 - the SDNPA was a public body with the public's interests at heart
 - the possibility of gaining a clear robust S106 agreement
 - a clear direction from English Heritage (EH) was required
 - officers were commended for a comprehensive report
30. The Committee discussed their previous preliminary response regarding the application at their meeting in November 2010. In particular reference was made to the minute which recorded that it was a preliminary view of the National Park Authority as consultee only and that Members wished to reconsider the application in light of further information becoming available.
31. In response to questioning by members officers advised that if the buildings were made water and weather tight there was no reason why their condition should deteriorate.
32. The Committee considered the letter from English Heritage (EH) dated 21 June 2011 and in order to clarify the situation requested that English Heritage explain to the Committee its recommendation..
33. At the invitation of the Chair, David Brock addressed the Committee to provide clarification regarding the wording of the conclusion of the EH letter dated 21 June 2011. EH had objected to all schemes because there was not enough enabling development to secure the long term future at present day values; therefore an increase in units by the applicant had made a difference to the figures. EH issues were in questioning if there was enough enabling development as there was still a sizable conservation deficit. EH were of the opinion that it should be zero. EH had suggested that good work had been done to bring down the deficit and suggested 'front load' restoration. The developers replied to this proposal stating that they would be open to enter into a different S106 agreement although the restoration would still be completed in phases and EH had concerns on the long time scale period.
34. Concerns were raised by the Committee concerning the large amount of the conservation deficit and how that would be reduced and if further enabling development would be sought

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to fund this. The Major Applications and Enforcement Lead Officer advised a robust 106 agreement would not address the conservation deficit but could reduce the risk.

35. The Head of Planning said the applicant was aware, that the only way to guarantee the scheme, was to complete the restoration work first. The applicant had said this was not possible and EH had concerns that this could mean there was a risk the restoration work may not be completed.

36. **RESOLVED Item 6: 10/04389/FULNP.** That the Committee refuses planning permission for the following reasons:

Having regard to:

- the substantial harm to the significance of the grade II* Sanatorium and Chapel and the less than substantial harm to the grade II Registered Historic park and gardens by reason of development which adversely affects their fabric and setting;
- the financial appraisals which have not demonstrated that the enabling development will secure the long term future of the heritage assets and the public benefits will be delivered without the need for further enabling development which will have an unknown impact on the significance of the heritage assets;
- the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid;
- the lack of evidence to demonstrate there is no alternative to support the heritage assets without the need for enabling development;
- the design and type of development that will harm other public interests;

it is considered that the public benefit of bringing the heritage assets back into use does not outweigh the following disbenefits of departing from the development plan:

1. The proposal is for a major development within a remote part of the South Downs National Park where there is a presumption against major development.
2. The proposal is contrary to the provisions of the development plan and national planning policy in that it proposes new residential development outside any area allocated in the development plan for that purpose for which there is no proven need which will adversely affect the character and appearance of the landscape and social well being of the community in this part of the SDNP.
3. The development is proposed in an unsustainable location where there is limited access to services and facilities essential for day to day living which will result in an over-reliance on the private car.
4. The activity during construction and when the development is brought into use will adversely affect the tranquillity of this remote area and the quiet enjoyment of the special qualities of the SDNP.
5. The alterations to the A286-Kings Drive junction and to Kings Drive will have an inappropriately urbanising effect on the rural character of the area.
6. There is no provision for affordable housing.
7. There is no provision for transport contributions to mitigate against the use of the private car;
8. There is no provision for a means of securing mitigation for the potential impact on the SSSI from domestic pets consequently there is a risk to protected species of ground nesting birds.

The proposal is therefore contrary to PPS5 policies HE9.1, HE9.2, HE9.3, HE9.4, HE10.1, HE11, national planning policy set out in Circular 20/10, PPS3 PPS4 PPS7, PPS9, PPG13 and the following policies of the development plan: policies C2, CC1, CC4, CC6, H1, H3, BE6 and SP3 of the South East Plan 2006-2026

and policies, BE4, BE5, BE11, BE12, RE1, RE15 and RE28 of the Chichester District Local Plan.

37. **RESOLVED Item 7: 11/01711/FULNP That** the Committee refuses planning permission for the following reasons:

Having regard to:

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- the substantial harm to the significance of the grade II* Sanatorium and Chapel and the less than substantial harm to the grade II Registered Historic Park and Garden by reason of development which adversely affects their fabric and setting;
- the financial appraisals which have not demonstrated that the enabling development will secure the long term future of the heritage assets and the public benefits will be delivered without the need for further enabling development which will have an unknown impact on the significance of the heritage assets;
- the inherent needs of the heritage asset rather than the circumstances of the present owner or the purchase price paid;
- the lack of evidence to demonstrate there is no alternative to support the heritage assets without the need for enabling development;
- the design and type of development that will harm other public interests; it is considered that the public benefit of bringing the heritage assets back into use does not outweigh the following disbenefits of departing from the development plan:
 1. The proposal in conjunction with the development proposed in application 10/04389/FULNP is for a major development within a remote part of the South Downs National Park where there is a presumption against major development.
 2. The proposal in conjunction with the development proposed in application 10/04389/FULNP is contrary to the provisions of the development plan and national planning policy in that it proposes new residential development outside any area allocated in the development plan for that purpose for which there is no proven need which will adversely affect the character and appearance of the landscape and social well being of the community in this part of the SDNP.
 3. The development is proposed in an unsustainable location where there is limited access to services and facilities essential for day to day living which will result in an over-reliance on the private car.
 4. The activity during construction and when the development is brought into use will adversely affect the tranquillity of this remote area and the quiet enjoyment of the special qualities of the SDNP.
 5. The alterations to the A286-Kings Drive junction and to Kings Drive will have an inappropriately urbanising effect on the rural character of the area.
 6. There is no provision for affordable housing.
 7. There is no provision for transport contributions to mitigate against the use of the private car;
 8. There is no provision for a means of securing mitigation for the potential impact on the SSSI from domestic pets consequently there is a risk to protected species of ground nesting birds.

The proposal is therefore contrary to PPS5 policies HE9.1, HE9.2, HE9.3, HE9.4, HE10.1, HE11, national planning policy set out in Circular 20/10, PPS3 PPS4 PPS7, PPS9, PPG13 and the following policies of the development plan: policies C2, CC1, CC4, CC6, H1, H3, BE6 and SP3 of the South East Plan 2006-2026 and policies, BE4, BE5, BE11, BE12, RE1, RE15 and RE28 of the Chichester District Local Plan.

38. **RESOLVED Item 8: 10/04390/FULNP** That the Committee refuses Listed Building Consent for the following reason:
The proposal contains elements that would cause substantial harm to a grade II* listed building and would therefore be contrary to PPS5 policy HE9.1 and 9.2 and policies BE4 and BE5 of the Chichester District Local

With the agreement of the Chair, at 2:17pm the meeting adjourned until 3:00pm

CHICHESTER DISTRICT COUNCIL

Application No: 11/01574/FULNP
Proposal: Erection of solar photovoltaic panels ground mounted
Address: The Stewards House, Bignor Park, Bignor

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39. The Committee considered a report by the Head of Planning (Report 41/11)
40. The Committee were reminded of the updated recommendations and report content which were tabled at the meeting. These documents had been published on the SDNPA website attached to the agenda and meeting papers on 8 July 2011
41. Scott Greenhalgh spoke in support of the application as the applicant.
42. The Committee discussed supporting small scale renewable schemes although would need to be mindful that no policy had been agreed by the SDNPA on renewable energy and would also need to be mindful of setting a precedence that would affect future policy.
43. The Committee discussed how each application would need to be viewed on its own merits and that this application whilst large in scale would be well screened and shielded by vegetation within an area of the Park that was reasonably remote.
44. **RESOLVED** That the Committee grants planning permission for the following reasons:
The proposal is for a renewable form of energy generation for domestic use that will contribute towards nationally and regionally set targets to reduce carbon emissions. The solar photovoltaic array is modest in size and the site is well screened and additional planting of appropriate species can be secured by condition. The solar photovoltaic array will not therefore have a detrimental impact on the character and appearance of the landscape in this part of the SDNP. The proposal therefore complies with national policy guidance set out in PPS1, Planning Policy Statement: Planning and Climate Change – Supplement to PPS1, PPS7, PPS22, policies C2, CC1, CC2, CC3 of the South East Plan and policies RE1, BE11, BE14 and BE16 of the Chichester District Local Plan (First Review) 1999.
subject to the following conditions:
1. The development hereby permitted shall commence within three years of the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act. 1990 (as amended)
 2. In the next planting season following commencement of development native trees and shrubs of a species to be approved by the South Downs National Park Authority in writing shall be planted in the area shown as proposed planting on the approved block plan. Any trees or shrubs which within a period of five years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species'
Reason: To ensure that the natural beauty of the South Downs National Park is conserved and enhanced in compliance with policies RE1 and B14 of the Chichester District Local Plan (First Review) 1999.
 3. Should the solar photovoltaic panels hereby permitted cease to be used for the generation of electricity the panels and the metal frames shall be permanently removed from the site before the expiry of a three months period commencing on the date at which they were last so used and the land shall be reseeded in the next seeding season.
Reason: To prevent the proliferation of unused solar panels in the National Park, in the interests of visual amenity and to conserve and enhance the natural beauty of the National Park, in compliance with policies RE1 and RE4 of the Chichester District Local Plan (First Review) 1999

WEST SUSSEX COUNTY COUNCIL

Application No: WSCC/006/11/AL/SDNP
Proposal: Temporary change of use for a five year period to operate a soils and aggregate recycling facility using mobile plant
Address: Slindon Bottom Gravel Pit, Fontwell, Chichester, West Sussex, BN18 0SN

45. The Committee considered a report by the Head of Planning (Report 42/11)

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46. The Committee were reminded of the updated recommendations and report content which were tabled at the meeting. These documents had been published on the SDNPA website attached to the agenda and meeting papers on 8 July 2011.
47. Paul Kennedy spoke against the application as nearby residents.
48. Norman Dingemans spoke against the application as nearby residents.
49. Mick Balch spoke in support of the application as the applicant
50. Adrian Lynham spoke in support of the application on behalf of the applicant as the agent
51. The Committee discussed their observations from the site visit as to the need for restoration and what level of restoration was needed. Clarification was gained from officers that no restoration was proposed within this proposal. Members were also advised that if approved, yet incomplete, restoration was to be completed materials would need to be imported at a scale requiring planning permission in its own right. Members were advised that this level of restoration could not reasonably be imposed by either condition/s or legal agreement if they were minded to approve this proposal. The Gravel Pit's planning history was discussed as was the issue of past and potential enforcement action in relation to the approved yet incomplete restoration works.
52. Committee Members expressed their views including;
 - if minded to approve the application, there would be considerable traffic implications for many years to come. With increased HGV activity around the site for around 10 years
 - the application was not exceptional circumstances and therefore did not conform to the SDNPA Purposes and Duty
 - the roads around the site were narrow and already busy
53. **RESOLVED:** That the Committee refuses planning permission for the following reasons:
 1. The proposed development would prejudice the purposes of, and duties under, the National Park designation and has not demonstrated that there are exceptional circumstances to justify it being granted planning permission. The proposal is therefore contrary to Paragraph 22 of PPS7: Sustainable Development in Rural Areas (2004); Paragraphs 21, 29 and ANNEX E of PPS10: Sustainable Waste Management (2005); Policies C2 & W17 of the South East Plan (2009); Policies GEN3 & AREA9 of the Arun District Local Plan (2003) (Saved Policies 2007); Policies RE1 and RE4 of the Chichester District Local Plan (1999) (Saved Policies 2007); Policies 4 & 7 of the West Sussex Minerals Local Plan (2003) (Saved Policies 2007); and the intention behind policies G2 & G7 of the West Sussex Waste Local Plan Revised Deposit Draft (2004).
 2. The proposed development would compromise the approved, yet incomplete restoration of the Slindon Bottom Gravel Pit, a former mineral extraction site, required by planning condition (Conditions 1 & 2 of planning permissions AL/33/98 & ER/98/1195 and Conditions 1 & 2 of planning permission AL/12/01). The proposal is therefore contrary to Paragraphs 21, 29 and ANNEX E of PPS10: Sustainable Waste Management (2005); Policy C2 of the South East Plan (2009); Policies GEN3 & AREA9 of the Arun District Local Plan (2003) (Saved Policies 2007); Policies RE1 and RE4 of the Chichester District Local Plan (1999) (Saved Policies 2007); Policies 4, 5 & 7 of the West Sussex Minerals Local Plan (2003) (Saved Policies 2007); and the intention behind policies G2 & G10 of the West Sussex Waste Local Plan Revised Deposit Draft (2004).
 3. Due to insufficient information it has not been demonstrated that the proposed development's impact on road safety can be properly assessed. The proposal is therefore contrary to Paragraphs 21, 29 and ANNEX E of PPS10: Sustainable Waste Management (2005); Paragraphs 65, 67, 81 and ANNEX B3 of PPG13: Transport (2011); Policy TR6 of the Chichester District Local Plan (1999) (Saved Policies 2007); Policies 4 & 7 of the West Sussex Minerals Local Plan (2003) (Saved Policies 2007); and the intention behind Policy G6 of the West Sussex Waste Local Plan Revised Deposit Draft (2004).

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54. **RESOLVED:** that should unauthorised activities recommence that the decision to take appropriate and proportionate enforcement action be delegated to the Head of Planning.

CHAIR

Meeting closed at 3:59pm