

SOUTH DOWNS NATIONAL PARK AUTHORITY PLANNING COMMITTEE 13 AUGUST 2015

Held at The Memorial Hall, South Downs Centre, North Street, Midhurst at 10:00am.

Present:

Alun Alesbury

David Coldwell

Neville Harrison

Barbara Holyome

Doug Jones

Tom Jones

Diana Kershaw

Gary Marsh

Ian Phillips

Margaret Paren (ex officio) Norman Dingemans (ex officio)

SDNPA Officers: Trevor Beattie (Chief Executive), Rob Ainslie (Development Manager), David Doxford (Sustainable Economy Officer), Barry Smith (Solicitor), Rebecca Haynes (Member Services Officer) and Stella New (Member Services Support Officer).

54. The Chief Executive Officer chaired the meeting for items 1 and 2.

ITEM 1: APOLOGIES

55. Apologies were received from Robert Mocatta.

ITEM 2: ELECTION OF CHAIR

56. The Chief Executive Officer declared that nominations closed 5 clear working days prior to the meeting and 2 nominations were received; Neville Harrison and Gary Marsh. In line with the SDNPA Standing Orders each nominee was invited to address the Committee, in alphabetical order by surname for no more than 2 minutes.

57. Neville Harrison and Gary Marsh addressed the Committee, and without further question or debate and following a vote Neville Harrison was duly elected as Chair of the Planning Committee until the Authority AGM in 2016 and presided over the rest of the meeting.

58. The Chair gave a short acceptance speech thanking the Committee for their vote.

ITEM 3: ELECTION OF DEPUTY CHAIR

59. The Chair declared that nominations closed 5 clear working days prior to the meeting and 2 nominations were received; Alun Alesbury and Gary Marsh. In line with the SDNPA Standing Orders each nominee was invited to address the Committee, in alphabetical order by surname for no more than 2 minutes.

60. Alun Alesbury and Gary Marsh addressed the Committee, and without further question or debate and following a vote Alun Alesbury was duly elected as Deputy Chair of the Planning Committee until the Authority AGM in 2016.

61. The Deputy Chair gave a short acceptance speech thanking the Committee for their vote.

62. The Chair welcomed new Committee members David Coldwell, Gary Marsh and Robert Mocatta, and thanked former Committee member Jennifer Gray for her contribution.

ITEM 4: DISCLOSURE OF INTERESTS

63. Tom Jones declared a Public Service interest in item 9, as a member of Lewes District Council.

64. Neville Harrison declared a Public Service interest in item 9 as a member of the South Downs Society.

ITEM 5: MINUTES OF PREVIOUS MEETING HELD ON 9 JULY

65. With the amendments of

- Agenda Item 3 was amended to Agenda Item 5
- Page 3 Item 8 was corrected to Item 10
- Minute 48 Page 7 deletion of 'as the agent'

The minutes of the meeting held on 9 July 2015 as amended above were agreed as a correct record and signed by the Chair.

ITEM 6: MATTERS ARISING

66. There were none.

ITEM 7: UPDATES ON PREVIOUS COMMITTEE DECISIONS

67. The Chief Executive Officer updated the Committee with regard to the Examiners' Report on the Petersfield Neighbourhood Plan (PNP) published on 30 July 2015:
- The Examiner considered that the PNP met the basic conditions and could proceed to referendum, the following modifications were also recommended:
 - Extension to the site boundary of Land at Causeway Farm and an allowance of a scheme of up to 200 dwellings;
 - Removal of a density limit at Land South of Durford Road and inclusion of 48 dwellings as a minimum level of development;
 - Inclusion of an additional Town Centre opportunity site at Dragon Street/High Street for approximately 18 dwellings.
 - It was stated that Petersfield Town Council were largely content with the Examiner's proposed modifications, and SDNPA officers would consider the recommendations and prepare a Decision Statement for consideration by the Planning Committee in September 2015. It was anticipated that the referendum would take place in November 2015.

ITEM 8: URGENT ITEMS

68. The Chief Executive Officer updated the Committee in regard to the recent High Court judgement, overturning the new National Planning Guidance thresholds on affordable housing.
- The Judgement was relevant to the Authority as the South Downs Local Plan was due to go out to consultation based on the National Park threshold of 6 units in September 2015.
69. During a visit to the SDNPA, the Minister for Housing and Planning, had indicated that the Government proposed to appeal, and would consider passing primary legislation to restore the original threshold. On that basis it was considered that there was no need to alter the draft Local Plan.
70. The Committee discussed the importance of including a lower threshold limit setting out the SDNPA's position when the draft plan was out for consultation.
71. In response to queries, officers clarified:
- Following the judgement, Development Management applications would now be determined using existing District Local Plans and Joint Core Strategies in regard to housing thresholds. All local authorities working with the SDNPA under host arrangements for determining planning applications had been informed of this change.
 - As the South Downs Local Plan was not due for publication until 2017 and the outcome of the affordable housing position was unknown, officers had considered that no action was required to amend the Local Plan at this stage.
 - The Local Plan consultation draft included text explaining that the Local Plan was based on existing legislation as of July 2015 which was subject to change, and that the SDNPA would follow any changes in legislation as required.
 - The Chief Executive Officer, in consultation with the Authority Chair, had delegated authority to make minor changes to the consultation draft prior to publication for public consultation, and could amend the introductory statement and include a letter to be issued with the consultation draft of the Local Plan explaining the current position.
72. It was proposed and seconded that the Chief Executive Officer, in consultation with the Authority Chair, inform consultees of the recent judgement in regard to affordable housing thresholds both in the introduction of the Local Plan draft document and in an accompanying letter. Following a vote the proposal was carried.

73. **RESOLVED:** That the Chief Executive Officer, in consultation with the Authority Chair, inform consultees of the recent judgement in regard to affordable housing thresholds both in the introduction of the Local Plan draft document and in an accompanying letter.
74. The Chief Executive informed the Committee that the Minister for Housing and Planning had expressed his support for Neighbourhood Planning. He was informed that the Authority had 47 Local Plan being prepared of which 6 had been made. The Minister had confirmed that a team from the Department for Communities and Local Government (DCLG) would be developing a mentor programme and guidelines for Neighbourhood Planning good practice, and may visit the SDNPA in the near future during the preparation of the programme.

DEVELOPMENT MANAGEMENT

LEWES DISTRICT COUNCIL

ITEM 9: SDNP/15/01303/FUL, LAND AT SOUTHDOWNS ROAD LEWES EAST SUSSEX

75. The Case Officer presented the application and referred to the update sheet. He informed the Committee of the following further updates:
- Condition 38 (originally 39) relating to the assessment of the acoustic impact would be amended to include the wording '*in writing*'
 - Condition 36 (originally 37) relating to ecology would be amended to include the wording '*prior to the commencement of construction*'
 - Condition 3 relating to Access and Parking would be secured by means of a s278 agreement with the Highways Authority.
 - A management plan could be secured by a S106 agreement for a period of time greater than 5 years, and be amended to include Blake's walk.
76. The Committee heard from the following public speakers:
- Robert Cheesman spoke against the application on behalf of the South Downs Society and the Friends of Lewes
 - Michael Scruby spoke against the application on behalf of the residents of Castle Court
 - Mrs Gillian Please spoke against the application on behalf of herself
 - Raymond Charmak spoke in support of the application on behalf of the applicant
 - Paul Fender spoke in support of the application as the architect
 - Adam King spoke in support of the application as the Director of ECE the Architects.
77. The Committee considered the report by the Director of Planning (Report PC64/15), the update sheet, the public speaker comments, and commented:
- Lewes was an architecturally significant town in the SDNP, and it was desirable for any new design to reflect the typically varied character, materials, palettes and roof heights, and the rhythm and shape of fenestration.
 - A lack of regard had been given to improving cycle routes, given the sustainable nature of the site and proximity to Lewes town centre.
 - The site was located in a residential/industrial area outside the main centre of Lewes.
 - The design was innovative bold and contemporary, and an improvement on the previous scheme.
 - The character and design of Lewes architecture was not uniformly consistent, and contemporary designs could be preferable to those reflecting an older style.
 - The elevational treatments reflected the varied character of the townscape and fitted within the context of the site.
 - The proposed design reflected the industrial setting of the site, and could help to detract from the dominance of the nearby Sackville House building.
 - The non-reflecting solar panels would assist in protecting the long views from Malling Hill.

- Commendation to the developer for the inclusion of affordable housing.
- The significant need for housing in Lewes which was greater than the need for employment development.
- Some concern was raised that the massing and height of the proposal was still too large for the site, the design did not reflect the varied character of Lewes Town and if the application was approved, future development management proposals in Lewes could be influenced.
- With regard to Blakes Walk:
 - The avenue had been constructed in memory of Councillor Blake, by his wife and was used regularly by local residents.
 - Their reservations as to whether bringing the building closer to the pavement edge was the correct design solution, given the avenue was pre-existing, and the proposed removal of trees.
 - The avenue was currently unattractive and overgrown with brambles, and had required remedial work by East Sussex County Council (ESCC).
 - The removal of trees and introduction of a hedge or railings could increase permeability and improve security for users, particularly during winter months.
 - Retention of the existing hornbeam and lime trees, which grew to a large size, could adversely affect the amenity of the proposed adjacent housing.
 - Landscape treatment of the Eastern edge of the avenue would be necessary to ensure it could remain sustainable and compatible with development, whilst retaining its commemorative aspect, and whether the Western edge could also be included.
 - The need to further consider the landscaping proposals, particularly with regard to trees at the perimeter of the site, in terms of ownership and future maintenance.
 - The applicant's commitment to 100% replacement of any removed trees.
- The need for the management plan to consider how all hard and soft landscaping areas would be managed, including:
 - The aspirational green roofs
 - The treatment and layout of the public space, which offered opportunity for community interaction.

78. In response to questions officers clarified:

- The buffer between the northern boundary and adjacent properties was as per the previous application, and had not been raised as an issue by the Inspector.
- The new proposal was comparable in height with the previous 4 storey design.
- Due the cost of remediation works on the site, the viability of the scheme required market housing to enable the required employment development, and the level of affordable housing had been considered acceptable by the Inspector.
- The Highways Authority were satisfied with the layout and width of the proposed internal road plan.
- Hours of construction were covered by other legislation, however the SDNPA's standard wording could be included in the construction management plan.
- Blakes Walk was not in the ownership of the applicant and therefore not enforceable by condition, however could be covered in the s106 agreement.
- A comprehensive management plan could also be included the s106 agreement, that included areas adopted by the Highways Authority and in private ownership.

79. The Solicitor advised that the Committee could additionally resolve to require Tree Preservation Orders (TPOs) to be placed on any new trees planted.

80. It was proposed and seconded to vote on the officer's recommendation, subject to the amendment of the S106 to include a comprehensive management plan covering the hard and soft areas landscaping within and outside the site and Blake's Walk; the conditions set out in paragraph 10.1 of Report PC64/15 and the revised conditions as set out in the August 2015

update sheet, the revised conditions as outlined during the meeting at **Minute 75** and to delegate authority to the Director of Planning to place a conditional Tree Protection Order on all new landscaping that forms part of the proposed landscape scheme both within the site and along Blake's walk. Following a vote, the proposal was carried.

81. **SDNP/158/10313/FUL RESOLVED:** That planning permission be granted subject to:

- 1) The completion of a s106 agreement to include:
 - i) The securing of financial contributions as set out in the August 2015 update sheet and in paragraph 8.54 of Report PC64/15
 - ii) Site management, public access, the provision of affordable housing and offices as set out in paragraph 8.60 of Report PC64/15, and
 - iii) A comprehensive management plan to include the hard and soft areas within and outside the site and Blake's Walk;
- 2) The conditions as set out in paragraph 10.1 of Report PC64/15, the revised conditions as set out in the August 2015 update sheet, and the revised conditions as outlined during the meeting at **Minute 75** of the 13 August 2015 meeting, and to delegate authority to the Director of Planning in consultation with the Planning Committee Chair to make changes to the conditions which are found to be necessary before the notice of permission is issued;
- 3) Delegated authority to the Director of Planning to refuse the application, with appropriate reasons if the s106 agreement is not completed within 6 months of the date of the 13 August 2015 Planning Committee meeting;
- 4) Delegated authority to the Director of Planning to place a conditional Tree Protection Order on all new landscaping that forms part of the proposed landscape scheme both within the site and along Blake's walk.

ITEM 10: DAIRY PATHFINDER FOOD ENTERPRISE ZONE

82. The Responsible Officer gave the Committee a verbal update on the work being done on the SDNPA's Dairy Pathfinder Food Enterprise Zone (FEZ) project.

83. The Chief Executive informed the Committee:

- The £50K Defra funding was for pilot FEZ schemes, and was sufficient funding for one Local Development Order (LDO) scheme.
- Any LDO would need to give a clear indication of the quality of design expected.
- The pilot would provide valuable learning for the SDNPA, and the opportunity to model a business led planning approach which could gain further support from Local Enterprise Partnerships (LEPs).

84. The Committee commented:

- Their support in principle for the motivation behind the scheme, which was excellent.
- The need for careful scrutiny of any scheme proposing to relax planning controls in what could be a significant proportion of the rural area of the SDNP.
- Whether farm safety and construction supplies companies could play a role in trialling solar panels and other forms of sustainable farming development.

85. In response to questions officers clarified:

- The difficulty of establishing the number of dairy farms in the SDNP, as farming businesses could change from dairy to beef depending on market conditions, however these were thought to have halved since the National Park's inception.
- There were currently 19 dairy farms in the project area, of which 15-16 were also the landowners, of which there were 3 considered to be potential candidates for an LDO.
- Consideration had been given to the implementation of an area-wide LDO, however this had been found to be impractical, and an LDO would be case specific, applying only to single estates or small groups of farms.

- An LDO would belong to the SDNPA, relate to food and food retail only, and be time limited (normally 3 years).
- A farm business approach using existing Permitted Development (PD) rights could suffice in some cases.

Chair

The meeting closed at 1.22pm.