

## **SOUTH DOWNS NATIONAL PARK AUTHORITY PLANNING COMMITTEE 10 DECEMBER 2015**

Held at County Hall, St Anne's Crescent, Lewes, BN7 1UE at 09:45am.

Present:

David Coldwell	Neville Harrison (Chair)	Barbara Holyome	Doug Jones
Tom Jones	Gary Marsh	Robert Mocatta	Ian Phillips

SDNPA Officers: Tim Slaney (Director of Planning), Robert Ainslie (Development Manager), Stephen Cantwell (Development Management Team Lead (East)), Veronica Craddock (Landscape Officer) Michael Scammell (Historic Buildings Officer), Jody Slater (Design Officer), Claire Warwick (Assistant Manager, ESCC Highways), Alex Jack (Manager, ESCC Highways), Grant Moffat (Environment Agency), Becky Moutrey (Senior Solicitor), Rebecca Haynes (Member Services Officer) and Stella New (Member Services Support Officer).

### **OPENING REMARKS**

205. The Chair informed all present that this was the first time in recent years that a meeting of the South Downs National Park's Planning Committee had been held outside Midhurst. This reflected the great importance the SDNPA attached to this major development and its significance for the people of Lewes, for the future of this historic town and the whole of the National Park. The meeting would be webcast.
206. Committee members had spent considerable time and effort in familiarising themselves with the application, the whole of the North Street Quarter site as well as the town of Lewes, and had received numerous factual briefing sessions from officers including several site visits in order to fully understand the proposed development of the site and issues involved.

### **ITEM 1: APOLOGIES FOR ABSENCE**

207. Apologies were received from Alun Alesbury and Diana Kershaw.

### **ITEM 2: DISCLOSURE OF INTERESTS**

208. Tom Jones disclosed a Public Service interest in item 7 as a Cabinet member of Lewes District Council when it endorsed the Masterplan for North Street and entered into the Joint Venture Agreement with Santon Group to submit a joint planning application to the SDNPA for the redevelopment of the North Street Quarter, including Council owned land. He also declared a Public Service interest in item 7 as a member of the North Street Quarter Project Board. Through his positions as a Cabinet member of Lewes District Council and membership of the Board, he had been fully aware of the application scheme now before the SDNPA. At no point had he formed or expressed any concluded view as to the planning merits of the application and had at all times had an open mind about the scheme. He still had an open mind and proposed to listen carefully to the arguments both for and against the scheme before reaching any decision.
209. Neville Harrison disclosed a public service in item 7 as the SDNPA Member representative on the North Street Quarter Project Board. Through his membership of the Board, he had been fully aware of the application scheme now before the SDNPA. At no point had he formed or expressed any concluded view as to the planning merits of the application and had at all times had an open mind about the scheme. He still had an open mind and proposes to listen carefully to the arguments today both for and against the scheme before reaching any decision. He is also declared a Public Service interest in item 7 as a member of the South Downs Society who had commented on the application.

### **ITEM 3: MINUTES OF PREVIOUS MEETINGS HELD ON 12 NOVEMBER 2015**

210. With the amendments of:
- Minute 155 'Stephen Jenkins, *Hampshire County Council Highways Manager*' (HCC)
  - Minute 157 bullet point 2; sub bullet 1: 'The Environment Agency had categorised the site as Flood Zone 1 (low probability) *and were content with the scheme and its arrangements*'
  - The deletion of 'ARIS HOUSE FRENCHMANS ROAD PETERSFIELD HAMPSHIRE GU32 3AW' from the title of Item 9

The minutes of the meeting held on 12 November 2015 were agreed as a correct record and signed by the Chair.

#### **ITEM 4: MATTERS ARISING**

211. There were none.

#### **ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS**

212. The Director of Planning informed the Committee regarding:

- The Petersfield Neighbourhood Plan:
  - The Plan highlighted the importance of ensuring Petersfield remained a walkable town with green fingers of landscape with well-designed public realm, with the appropriate emphasis on employment and retail in line with the East Hampshire Joint Core Strategy.
  - The Plan had gone to referendum on 20 November 2015 with 83% of the votes in favour.
  - The Inspector had increased the housing figures by 10% albeit allowing the large self-build component.
  - The Plan would come back to the Committee for 'adoption' at the 21 January 2016 meeting and thereafter become part of the Development Plan.
- The Borough Hill appeal held on 20 November 2015:
  - The Committee's decision to refuse a proposal for a care home on a greenfield site on the grounds of its negative impact on highways, location and setting, and unsigned s106 agreement had been upheld by the Inspector.
  - The weight that had been given to the Petersfield Neighbourhood Plan which the proposal had not complied with.

#### **ITEM 6: URGENT ITEMS**

213. There were none.

#### **DEVELOPMENT MANAGEMENT**

#### **LEWES DISTRICT COUNCIL**

#### **ITEM 7: SDNP/15/01146/FUL NORTH STREET INDUSTRIAL ESTATE**

214. The Director of Planning informed the Committee:

- The application was on a brownfield site that had been allocated and that the exceptions and public interest tests had already been carried out in respect of the allocation for major development.
- The Committee were invited to consider the scheme as a whole in relation to Lewes as well as the immediate impacts and benefits/disbenefits on the site itself, which was a sound way to approach such a major development.
- The 10 December 2015 Update sheet and amended conditions published on 9 December 2015 required further design details regarding the flood defences, footbridge and under-croft car park, and a new condition requiring a Design Code for commercial frontages to be submitted for approval.

215. The Case Officer presented the application and referred to the 10 December 2015 update sheet and Amended Conditions published on 9 December 2015.

216. The Committee heard from the following public speakers:

- Cllr Merlin Milner spoke on behalf of Lewes Town Council
- Cllr Susan Murray spoke on behalf of Lewes Town Council
- Cllr Joanna Carter spoke as the District Ward Councillor for Lewes Bridge Ward
- Cllr Michael Chartier spoke as the District Ward Councillor for Lewes Castle Ward

- Cllr Rosalyn St Pierre spoke as the County Councillor for Ringmer & Lewes Bridge Division
- Wendy Baker spoke against the application on behalf of youth provisions in North Street
- Raphael Kaplinksy spoke against the application on behalf of the small independent businesses on the Phoenix Industrial Estate
- Chelsea Renton spoke against the application on behalf of Lewes Phoenix Rising
- John Chaplin spoke against the application on behalf of Lewes Tree Group
- Cllr Peter Gardiner spoke in support of the application on behalf the applicants, Lewes District Council and Santon
- Robert Cheesman spoke in support of the application on behalf of the Friends of Lewes
- Clive Wilding spoke in support of the application on behalf the applicant, Santon North Street
- Cllr Andy Smith spoke in support of the application on behalf the applicant, Lewes District Council.

217. In response to Member queries, officers clarified:

- The scheme's proposed flood defences met the requirements of existing national planning policy to mitigate against predicted flood events of one in one hundred years severity, with 30% added to cater for future climate change, and were supported by the Environment Agency, who had recommended planning conditions.
- The conditions relating to flood defence required the submission of final detailed drawings, allowing the opportunity for any changes in national planning policy regarding flood management to be considered, should these occur up to the point when the conditions were being discharged.
- Southern Water had required the discharge of water to the sewer network to be less than the existing volume, which the proposed drainage system, including the separation of surface water and foul water would achieve.
- Water boards required developers to apply for a license to build within certain distances of public sewers, which was separate to the planning process.

218. The Committee commented on and expressed their thanks to the Case Officer for a clear presentation and the work that had gone into dealing with the application, and to the public speakers for their informative contributions.

219. The Chair informed the Committee that debate would be focussed along six themes: 1. Flood Risk & Drainage, 2. Land Use, Employment & Housing, 3. Heritage, Design & Public Realm, 4. Highways, 5. Recreation & Environment, and 6. Planning Obligations.

220. The Committee considered the report by the Director of Planning (Report PC85/15), the 10 December 2015 update sheet and Amended Conditions published on 9 December 2015, and the public speaker comments.

#### Land Use, Employment & Housing

221. The Committee commented:

- The benefit of high density housing development on a large brownfield site in need of regeneration, which could reduce pressure on other greenfield sites in the National Park.
- The location of the site near the town centre and its suitability for development.
- The challenge of achieving 40% affordable housing, especially on a brownfield site.
- The 80% of market value for affordable rents was nationally defined by Government.
- The mix of housing was very good, with an emphasis on small 1 and 2 bed units, and was suited to local need.

- Their sympathy for those speaking on behalf of the existing cluster of creative industries, and noted the 'cycle of gentrification' that such industries tended to trigger in marginal urban areas such as North Street Quarter.
- The impossibility of being able to plan completely for creative activities and industries which developed organically.
- The wider benefits provided by the proposal outweighed the benefits provided by the existing industries.
- The proposal provided some subsidised space for creative industry in perpetuity, and some new B2 industrial space was to be provided elsewhere in Lewes.

222. In response to questions the Director of Planning clarified:

- Officers could seek to secure a longer period for the Local Priority Purchase Scheme beyond the specified 8 weeks.
- An informative could be included relating to the relocation of existing creative industries through continued engagement with Lewes District Council (LDC), the applicants and East Sussex County Council.

#### Heritage, Design & Public Realm

223. The Committee commented:

- Considering and influencing a major urban development was a unique opportunity for a National Park.
- The design was attractive, varied and coherent, borrowing from the site's industrial heritage, and included design principles gleaned from Lewes town.
- The scheme had been through a number of design iterations and had incorporated improvements recommended by the SDNPA's Design Review Panel of independent design experts.
- The provision of sustainable development and the effort made to incorporate principles of green infrastructure such as green spaces, Sustainable Drainage Systems (SuDS) the proposed district heating system, and biodiversity.
- The welcome Riverside Walk which reflected the cultural heritage of Lewes and opened up new public space where none existed previously, and the new footbridge which was aligned with the pedestrian desire line.
- The welcome integration of the proposed cycle path with the wider cycle network.
- The intimacy of the streets and narrowing of main roads, which reduced the barrier between the site and the rest of the town and improved the public realm.
- The use of water to create additional streams of vegetation.
- The industrial buildings were not listed and their loss was outweighed by the wider benefits of the scheme.
- The welcome retention of the elevation of Unit 1 in the industrial complex, and the additional setting provided for the Green Wall designated heritage asset.
- The proposal's Design and Access Statement and Design Code laid out good principles of design.
- The design was not yet fully complete, and the amended conditions 76-82 allowed for further design improvements and refinements to be made.
- The opportunity to involve the creative industries currently on site in the provision of public art installations, and which could include a suite of iron and steelwork street furniture and signage that could reflect the site's industrial heritage.
- The importance of attaining high quality detailed design in public realm structures including the river wall and the under-croft car park to maximise public enjoyment and avoid bland or stark views.
- Whether the following could be additionally achieved:
  - Salvaging of the metal window frames for re-use as a design feature elsewhere

- Improvements to Wiley's bridge, which provided a connection to the northern edge of the site.

224. In response to questions the Director of Planning clarified:

- The site's and indeed the area's cultural heritage had been considered in its widest sense including the existing culture of creative industry, the potential for new culture including the riverside access.
- Conditions 77 and 80 had been purposely written to ensure design elements were of a sufficiently high quality and officers would seek to incorporate the Committee's suggested improvements into the s106 agreement with the relevant parties.

#### Flood Risk & Drainage

225. The Committee commented:

- The need to ensure the proposed flood defences were sufficiently robust in light of recent weather events.
- The importance of including flood defences in the Phase I Development, including the Pells area.
- Flood defences for the site was a policy requirement under emerging South Downs National Park Local Plan Preferred Options policies SP3 and SD34.
- The welcome inclusion of SuDS and other principles of Green Infrastructure which increased surface permeability, as well as swales and separation of foul drainage.

226. In response to questions officers and the Environment Agency representative clarified:

- The proposed flood defences complied with National Planning Policy assuming a flood frequency of at least one in one hundred years with 30% added to allow for future climate change, and were considered sufficient by the Environment Agency.
- The developer had included a further 300mm freeboard, and there was no residential sleeping accommodation proposed below 6.1m.
- The construction of the flood defences during Phase I would ensure that at no time would The Pells area be less defended than at present.
- Due to the time critical nature of flooding events, a permanent wall was considered to be a preferable to a demountable wall which would have to be stored and could take some time to erect.
- National policy on flood defence had previously increased the additional climate change allowance from 20% to the current 30%.
- The bund at the northern part of the river frontage continued across at a 6.1m Above Ordnance Data (AOD) level, and ramps and steps would give access between the site, Pells Path and the existing bridge.
- The slender pile foundation design would ensure minimal damage to tree roots along Pelham Terrace.

227. The Director of Planning reminded the Committee that the submission of final detailed drawings of flood defence structures as required by planning conditions could present an opportunity to consider any intervening changes in national planning.

228. The Chair adjourned the meeting at 12.40pm.

229. The meeting reconvened at 13.15pm.

#### Highways

230. The Committee commented:

- The highways elements of the scheme had been much improved since the original design.
- The rare opportunity to make such extensive highways improvements which can be secured through a section 106 agreement.
- The improvements to the gyratory benefitted the wider town considerably, diverting traffic away from congested areas.

- The good design principles that had been employed and regard to road widths which would provide effective traffic calming.
- The benefit of real time traffic information, provision for cycling, and the pedestrian area adjacent to the foot bridge.
- The calming effect of the overall highways appearance and the closure of East Street, which provided a greater area of public realm.
- Concern that access to and from the East gate carpark could be used as short cut.
- The benefit of providing over 500 under-croft car parking spaces without any visual impact.
- Phoenix Causeway was an important gateway to Lewes.
- The view that Phoenix Causeway could be exemplary subject to further design refinement, such as a greater emphasis on shared surface.
- The scope to further improve the design of crossing points and widen footpaths by softening lines and edges.
- Shared space was less easy to alter, if amendments were later required.
- Offsite highway improvements and how landscape treatments and surfacing could be utilised to improve public open space.
- The desirability of a bus service within the adopted road area for the less able in particular the 'Extra Care' accommodation.
- The requested contribution to improvements to Earwig Corner, which had been seen in previous applications, and the view that improvements to Wileys Bridge was of higher priority.

231. In response to questions officers clarified:

- Wileys Bridge had a direct connection to the development, and officers would seek to discuss improvements to the bridge further with the applicants.
- The request for improvements to Earwig Corner could change following the results of an imminent Public Inquiry.
- The amended conditions ensured that the highways design of gyratory junctions would be approved by the SDNPA as well as East Sussex County Council.
- The adoption of the access road off Phoenix causeway connecting into North Street offered some highway advantages including signage, management; potential road closure and mapping device compatibility.
- Adoption with suitable quality controls that covered street furniture and maintenance was sufficiently catered for under the s106 and s278 agreements and the Highways Act.
- The under-croft car park allowed for easy access to services without the need for the road surface to be disturbed.
- The Highways Agency was satisfied with traffic dispersal, and the modelling work carried out indicated that the new road would be used to access the housing areas beyond and that traffic would circulate around the gyratory more efficiently.
- The Sustainability Audit had secured the provision for disability access throughout the site and included individual access to buildings. Separate highway approval would be needed for adopted highway, including consideration of disability access.
- Bus operators had raised concerns regarding potential increase in journey times for existing users, and enhancement of existing services was preferred over the creation of a new route.

232. The Director of Planning informed the Committee:

- The proposed Highways Improvements needed to conform to Highway Standards, be viable in terms of development, and enhance the conservation area and public realm.
- The s106 and s278/Highway agreements would require consultation between the Highways Agency, the developer and SDNPA officers and went beyond the standard approach.

- Conditions 57 and 73 could be amended to include all gyratory junctions that required works as part of the impact of the scheme.

### Recreation and Environment

233. The Committee commented:
- The officer's report covered every aspect of recreation and other facilities.
  - Although the main recreation areas were off site and improvements not until the later phases, these were very accessible.
234. In response to questions officers clarified:
- The materials required to cap the contaminated land would likely result in a net importation of materials.
  - Construction traffic would be managed by the site manager, and noise levels would be addressed through the Construction Environment Management Plan (CEMP) which brought together a series of controls under different legislation and agencies.
  - Investigation of the delivery mechanism of the District Heating System using heat recovery from river water, with the potential to extend the network using a grant from Central Government, was subject to pre-condition prior to the commencement of development.
  - Officers were working with the Lewes District Council Recreation Officer with regard to the prioritisation and split of the s106 recreation monies, bearing in mind the needs of the development and existing local community.
  - The Play and Recreation strategy identified 9 locations within a 125m walking radius from any building within the site where play areas would incorporate informal and natural wood and stone climbing elements and seating walls.
235. The Director of Planning informed the Committee that broadband had not been included in the report, however the application stated that internet based information system via broadband was to be provided in plans for each home as part of the site sustainability plan.

### Obligations

236. The Committee commented on the need for the Estate Management Plan to be very detailed and for incoming residents and users to be fully informed of its scope.
237. In response to questions officers clarified:
- A conveyancing plan would be drawn up to indicate which areas would be adopted and by whom, and officers would ensure there were no gaps.
  - Management Plan charges were an arrangement between the District Housing Officer and the developer/end provider, and would reflect a reduction for the affordable housing element.
  - Occupiers of affordable homes would be subject to maintenance costs as well as those in market homes, however these charges would be taken into account when identifying an affordable rent. Benefits of thermally efficient homes and district heating would help to reduce other household costs.
  - Both capital and revenue costs had been included in the calculation of the s106 recreation monies, and revenue costs for the existing recreation areas were likely to be lower than for the creation of new open space.
  - The coach parking related to tourist coaches visiting Lewes and would be relocated to Malling Brooks under the 106/s.278 agreement. .
238. The Director of Planning informed the Committee that the Estate Management Plan was a detailed and complex document and, as evidenced in previous major developments approved by the SDNPA, such detailed Management Plans could be successfully devised and operated.
239. The Chair invited the Committee to summarise their views.

240. The Committee commented:
- The proposal was a once in a lifetime opportunity in a very important town in the National Park
  - It was the National Park's responsibility to secure a high quality development.
  - The proposal represented the beginnings of a development that all could be proud of.
  - Their sympathy with the groups who felt they were losing something, however the development provided long term benefits to the wider community.
241. The Director of Planning summarised the amendments suggested by the Committee:
- The ambition to seek under the s106 agreement to extend the 8 week period currently proposed for the Local Priority Purchase Scheme
  - The desire for improvements to Wiley's Bridge; which following negotiation would be reported back to the Committee.
  - The amendment of Conditions 56 and 73 relating to Highways Improvements to include all gyratory junctions shown on the application plans.
  - The amendment of Condition 81 relating to Landscaping to include Phases 1, 2 and 3.
  - The inclusion of informatives relating to the relocation of the various cultural groups and businesses, and to utilise local creative abilities and willingness in opportunities for public art.
242. It was proposed and seconded to delegate to the Director of Planning, in consultation with the Planning Committee Chair, to grant planning permission subject to the completion of the legal agreement as substantially set out in Report PC85/15 and the 10 December 2015 Update Sheet, with the aspiration to additionally include an extension of the Local Priority Purchase Scheme beyond the proposed 8 weeks to a more realistic timeframe and improvements to Wiley's Bridge; the conditions substantially in the form set out in Paragraph 10.1 of Report PC85/15 and the 10 December 2015 Update Sheet and Amended Conditions, with the amendments of Condition 56 and 73 to include all junctions shown on plan [573 Rev A] and Condition 81 to reference Phases 2 and 3 as well as Phase 1; the Amended Plans to remove minor plan inconsistencies, and the inclusion of informatives relating to relocation of the existing cultural groups and businesses and utilisation of the local creative skills, abilities and willingness in the design of public art for the site and floodwalls. Following a vote, the proposal was carried.
243. **SDNP/15/01146/FUL RESOLVED:** That authority be delegated to the Director of Planning in consultation with the Chair of the Planning Committee to grant planning permission subject to:
- a) The completion of a S106 legal agreement to secure:
    - The provision of 40% affordable dwellings on the site
    - The provision of recreation facilities with a value of £1,145,000
    - A contribution of £803,829 towards Secondary Education
    - The provision of Creative Workspace and Subsidy to the value of £640,000
    - All other infrastructure and requirements substantially in the form set out in Table 6 at section 8.300 of Report PC85/15 and the 10 December 2015 Update Sheet
  - b) That as far as possible the following be secured through the S106 legal agreement:
    - An extension of the Local priority purchase scheme beyond the proposed 8 weeks to a more realistic timeframe
    - Improvements to Wiley's Bridge adjacent to the scheme
  - c) The conditions substantially in the form set out in Paragraph 10.1 of Report PC85/15 and the 10 December 2015 Update Sheet with the amendment of the following conditions:
    - Condition 56 and 73 relating to Highways Improvements Works to include all gyratory junctions as set out in plan [573 Rev A]



- Condition 81 relating to Landscaping and a requirement that it should also reference Phases 2 and 3 as well as Phase 1
- d) Amended plans to remove minor inconsistencies
- e) An informative relating to the need for the applicant, local cultural groups and the local authorities to work together to relocate as far as possible the existing cultural groups and businesses to the most appropriate spaces
- f) An informative to encourage the applicant and any subsequent developers to utilise the local creative skills, abilities and willingness in the design of public art to be integral to the site and floodwalls.

## **CHAIR**

244. The Chair thanked SDNPA and ESCC officers for their work in preparing for and delivering the meeting, the members of the public who attended and spoke at the meeting, and the Planning Committee members.
245. The meeting closed at 2.25pm.