

## **SOUTH DOWNS NATIONAL PARK AUTHORITY PLANNING COMMITTEE 19 JANUARY 2017**

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

Present:

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

Ex Officio Members for Planning Policy items only (may participate on Policy Items but not vote, no participation on Development Management Items)

Norman Dingemans    Margaret Paren.

SDNPA Officers: Rob Ainslie (Development Manager), Becky Moutrey (Senior Solicitor) and Rebecca Haynes (Governance Officer).

Also attended by: Michael Scammell (Conservation Officer), Genevieve Hayes (Design Officer), Robert Thain (Minerals & Waste Lead), Sarah Nelson (Strategic Planning Lead) and Lucy Howard (Planning Policy Manager).

### **OPENING REMARKS**

223. The Chair informed those present that:

- SDNPA Members have a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regard themselves first and foremost as Members of the Authority, and will act in the best interests of the Authority and of the Park, rather than as representatives of their appointing authority or any interest groups.
- The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.

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

224. Apologies were received from Heather Baker, David Coldwell and Amber Thacker.

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

225. Robert Mocatta declared a public service interest in Items:

- 7 as a member of East Hampshire District Council, and the Ward Councillor for Buriton
- 8 as the SDNPA representative on the Petersfield Town Council Development Committee and had abstained when the application was discussed
- 9 as he was involved in the process of the East Meon Neighbourhood Plan

226. Doug Jones declared a public service interest in Item 7 as a member of Buriton Parish Council and a member of other organisations that had submitted comments. When the applications were considered he declared that he was a member of the SDNPA and took no part in the decision making process. In his role as a Parish Councillor he had met the applicant knew the public speakers.

227. Neville Harrison declared a public service interest in Item 7 as a member of the South Downs Society and Item 12 as the SDNPA representative on the Lewes Town Neighbourhood Plan Steering Group.

228. Tom Jones declared a public service interest in item 11 as a member of Lewes District Council

229. Alun Alesbury declared a personal interest in Item 8 as he had previously worked in a professional capacity with public speaker Mathew Utting although not connected to the application.

230. Doug Jones declared a public service interest during item 8 as detailed in minute 247.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 8 DECEMBER 2016**

231. With the amendment of removing Tom Jones from the list of attendees. The minutes of the meeting held on 8 December 2016 were agreed as a correct record and signed by the Chair.

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

232. There were none.

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

233. There were none

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

234. There were none.

#### **DEVELOPMENT MANAGEMENT**

#### **EAST HAMPSHIRE DISTRICT COUNCIL**

#### **ITEM 7: SDNP/16/04494/FUL and SDNP/16/05687/LIS TITHE BARN, MONKS WALK AND GARAGES AT BURITON MANOR, NORTH LANE, BURITON, PETERSFIELD, HAMPSHIRE GU31 5RT.**

235. The Case Officer [presented the application](#) and referred to the [January update sheet](#) which detailed additional and amended conditions to both applications.

236. The following public speakers addressed the Committee:

- Margaret Johnson spoke against the application representing Buriton Parish Council.
- Jonathan Jones spoke against the application representing the Buriton Village Design Statement Group and the Buriton Village Association
- Richard Marks (Churchwarden) spoke against the application on behalf of St Mary's Church PCC Buriton
- Janet Long spoke in support of the application representing the applicant.

237. The Committee considered the report by the Director of Planning (Report PC01/17), the [January update sheet](#), the public speaker comments, and commented:

- A couple of Committee members did not think that the proposal would jeopardise the peace and tranquillity of the area and that the use of the Tithe Barn was sustainable
- All areas within the applicant's ownership should be included in the landscape management plan along with a caveat constraining any future development of these areas.
- Their surprise in regard to the open parking arrangements for the Tithe Barn
- Historic England were only content with the scheme if it was the optimum viable option
- The applicant had extant permission for the Tithe Barn as a function room and another owner might be successful in gaining a licence to hold events such as weddings
- There was a need to consider the application on its merits excluding hearsay regarding letters that the Committee had not seen
- The Tithe Barn was not at risk, therefore there was time to ensure an appropriate outcome
- Their concerns regarding:
  - Apparent letters and emails that demonstrated an alternative optimum use for the Tithe Barn and the lack of clarity surrounding the proposed alternative viable offer that was raised by the public speakers
  - They did not consider the proposal demonstrated that appropriate marketing had been carried out to demonstrate that the optimum viable use of the Tithe Barn had been achieved.
  - Light pollution. The village of Buriton was a sensitive part of the Dark Night Skies and significant glazing was being proposed
  - The landscape condition did not cover areas to the south west of the site by the southern access
  - Any changes to landscaping areas would have a detrimental impact on the landscape character and the setting of the Listed Building
  - Safety issues of increased vehicular access which would include deliveries and refuse collection which could cause greater harm than managed controlled event days

- There might be a need for the residents of the Tithe Barn to access the churchyard to carry out maintenance
- inadequate parking facilities; and that more than 2 spaces would be required for a 5 bedroomed home
- The only access to the Tithe Barn garden was through the house
- The associated residential paraphernalia associated with residential living would cause harm to the setting.

238. In response to questions, officers clarified:

- The applicant had agreed that the existing door that opened onto the Churchyard could be blocked off
- The S106 would bind the land.
- Condition 16 covered the removal of permitted development rights
- The Tithe Barn was a conversion and the applicant had confirmed that no trees would be harmed during the process, there was no objection from the arborist.
- There was an existing link between the Tithe Barn and the Garages
- Access to the garden from the Tithe Barn was through the dwelling
- The areas of glazing were similar to the existing areas on the garages and Monks Walk any roof lights were the same as the appeal decision
- Sufficient parking spaces had been allocated on site for the dwellings
- In relation to areas to the south west of the site by the southern access; as the land is within the control of the applicant condition (3) could be extended to cover the area and could be extended past 10 years if the Committee were minded to
- The Authority was notified through the representation process that an offer to purchase the Tithe Barn had been made however this letter of representation was subsequently withdrawn. The Authority had no detailed evidence to support the offer, funding or viability, and therefore had no information to consider. Whilst the existence of an offer is a material consideration Members were advised that it should be given little weight due to the lack of information around this offer.
- Officers considered that if the applicant signed the legal agreement relinquishing the rights to use the Tithe Barn as a function room; then the previous reason for refusal in regard to vehicular access and safety would be significantly lessened. There would be less vehicular activity that the extant permission for use as a function room 365 days of the year
- Officers reference the Planning Practice Guidance that requires a marketing exercise to be submitted. The Committee therefore needs to consider if viability had been demonstrated and if they judged that the marketing exercise had considered all areas or if any areas had been excluded
- The extant planning permission on the site needed to be considered
- If the Committee were minded to permit:
  - A strengthen landscape management plan could be included to cover areas to the south west of the site by the southern access
  - A more robust glazing condition could be added to include glazing and Monks Walk
  - An Informative could be included to cover appropriate use of the courtyard.

239. **SDNP/16/04494/FUL and SDNP/16/05687/LIS:** It was proposed and seconded to vote on the officer's recommendation as amended and to include:

- i) A strengthened Condition 3 to ensure all areas within the applicants ownership would be controlled
- ii) An additional condition for a detailed landscape management plan to cover conveyancing and access to garden areas
- iii) Additional condition to ensure approval and details of all glazing
- iv) Addition of an informative on the appropriate use of the courtyard

Following a vote, the proposal fell.

240. SDNP/16/04494/FUL: It was proposed and seconded to vote to refuse the application with the final form of wording to be delegated to the Director of Planning in consultation with the Planning Committee Chair for the following reasons:
- 1) Insufficient and inappropriate marketing had been carried out to demonstrate that the optimum viable use of the Tithe Barn had been achieved
  - 2) There was inadequate landscape provision within the application (in relation to areas to the south west of the site by the southern access), that the proposal would not have a detrimental impact on the landscape character of the site and surrounding area and would fail to preserve or enhance the character of the Conservation Area
  - 3) In the absence of a legal agreement securing the relinquishment of rights to use the Tithe Barn as a function venue the proposal would result in an unacceptable degree of vehicular activity through the existing Community Car Park which would result in a danger to users of this and the adjacent highway to their detriment.
241. **RESOLVED: SDNP/16/04494/FUL:** That planning permission be refused for the following reasons:
- 1) It had not been demonstrated, on the basis of submitted information, that the proposals would represent the optimum viable use of the Tithe Barn and the absence of a meaningful marketing exercise to thoroughly explore the optimum viable use which would not have such an impact on the existing building or the setting of the listed building, as the current scheme
  - 2) It had not been demonstrated, on the basis of the information submitted with the application in relation to areas to the south west of the site by the southern access, that the proposal would not have a detrimental impact on the landscape character of the site and surrounding area and would fail to preserve or enhance the character of the Conservation Area
  - 3) In the absence of a legal agreement securing the relinquishment of rights to use the Tithe Barn as a function venue the proposal would result in an unacceptable degree of vehicular activity through the existing Community Car Park which would result in a danger to users of this and the adjacent highway to their detriment.
242. SDNP/16/05687/LIS: It was proposed and seconded to vote to refuse listed building consent for the reason that Insufficient and inappropriate marketing had been carried out to demonstrate that the optimum viable use of the Tithe Barn had been achieved. Following a vote the proposal was carried.
243. **RESOLVED: SDNP/16/05687/LIS:** That planning permission be refused for the following reason:
- i) It had not been demonstrated, on the basis of submitted information, that the proposals would be the optimum viable use of the Tithe Barn. In the absence of a meaningful marketing exercise to thoroughly explore the optimum viable use which would not have such an impact on the existing building or the setting of the listed building, as the current scheme.
244. Committee members Gary Marsh and Tom Jones requested that their votes against the proposal were recorded.
245. The Chair adjourned for a comfort break at 11:59am
246. The meeting re convened at 12:05pm

**ITEM 8: SDNP/I5/06484/FUL PENNS FIELD, HEATHFIELD ROAD, PETERSFIELD, HAMPSHIRE.**

247. Committee Member Doug Jones declared a personal Interest in that Public Speaker James Dean was known to him
248. The Case Officer [presented the application](#) and referred to the [January update sheet](#) which detailed the revised recommendation and amended conditions.
249. The following public speakers addressed the Committee:
- Stephen Proctor spoke against the application on behalf of himself with support of other residents of Barnfield Road and Heathfield Road
  - Councillor James Dean spoke in support of the application as the Town Ward Councillor.
  - Matthew Utting spoke in support of the application on behalf of the applicant.
250. The Committee considered the report by the Director of Planning (Report PC02/17), the [January update sheet](#), the public speaker comments, and commented:
- As had been successful with other sites within the SDNP a liaison group could be set up for the duration of the development.
  - It was pleasing to see that the design elements of the proposal had improved; the developer had listened to previous comments and positively responded. The process should be commended as the applicant had worked with both SDNPA officers and the Design Review Panel to aspire to meet the Neighbourhood Plan
  - There were large areas of landscape which would need to be carefully managed
  - Their agreement in principle for development on the site and it was pleasing to see that the boundary housing faced outwards towards the views of the National Park
  - The design approach of the development appeared regimented with a straight main road into the site; however it was noted that with 85 houses within the suite road layouts were limited.
  - Some Committee members were not contented with the use of grey material for window surrounds
  - The details of the materials to be used across the site was important to ensure it was in keeping.
  - It was pleasing that the development had access directly onto the council recreational area; however there was a need to ensure child safety on the roadways in order for them to access the ground safely
  - The use of solar tiles rather than panels should be encouraged. The use of sustainable renewable energy should benefit those living in the affordable homes. It would be appropriate to remove Permitted Development rights for renewable energy solutions from all homes to ensure any renewables were in keeping with the area and design of the development
  - The concerns of the residents raised by the public speakers needed to be addressed
  - It would have been beneficial to have received a comment from the Town Council particularly in regard to their Neighbourhood Plan
  - The Highways Authority had approved the access route
  - It was pleasing to see the use of a shared path around the site
  - Their concerns that the pumping station's proposed position was not the most suitable and required better landscaping
251. Committee Member Gary Marsh left the meeting at 12:55pm
252. In response to questions, officers clarified:
- S106 details were required to be specific on proposed schemes in order to ensure delivery. All schemes had been agreed with relevant partners, organisations and

agencies. As consultation had taken place, caution was advised in regard to proposed changes to any schemes.

- It was understood that all chimneys would be functional
- It was understood that the provision for parking had been met
- The Authority was working with the community to achieve a construction management plan that addressed the issues and concerns from the local community, however the developer had little control on areas outside of the development site. In addition to the S106 agreement the Committee might wish to include a S59 agreement to ensure the developed made good any damage to the highway and surrounding residential roads as a result of the development
- The applicant had confirmed that they would meet the 10% renewables by flu gas heat recovery and waste water recovery. Condition 17 could be strengthened to ensure any renewables were in keeping with the area and design of the development

253. The Committee were informed that the Authority had received notification that a request had been submitted for the application to be 'called in' for determination by the Secretary of State.

254. It was proposed and seconded to vote on the revised officers recommendation and to
- Amend condition 17 to include the removal of permitted development rights for solar panels and to ensure that all renewables needed to be in keeping with the area and design of the development and
  - Include a requirement for the applicant to enter into a S59 agreement (under the Highways Act 1990) to make good any damage to the highway and surrounding residential roads as a result of this development.

Following a vote the proposal was carried.

255. **RESOLVED: SDNP/15/06484/FUL:** That

- 1) That planning permission be granted for the reasons and subject to the conditions set out in the January Update Sheet and Section 10.1 of report PC 2/17 and subject to:
  - i) The completion of a S106 agreement with obligations relating to:
    - A provision of 34 dwellings (40%) on site for affordable housing
    - A contribution of £44,511 towards Public Open Space
    - A contribution of £300,670 towards Highways Infrastructure
    - A contribution of £103,920 towards Community Facilities
    - A contribution of £66,493 towards employment opportunities (if requirements set out in the Agreement to provide on-site construction jobs is not met);
    - A contribution of £21,250 towards a community project worker
  - ii) The completion of a S59 agreement with obligations relating to:
    - The repair of any damage to the highway and surrounding residential roads as a result of this development.
  - iii) Condition 17 to include the removal of permitted development rights for solar panels and that all renewables needed to be in keeping with the area and design of the development
- 2) That authority be delegated to the Director of Planning to refuse the application, with appropriate reasons if the S106 and S59 agreement is not completed within 2 months of the 19 January Planning Committee meeting

256. The Chair adjourned the meeting at 1:18pm for lunch and Committee member Tom Jones left the meeting.

257. The meeting re convened at 1:55pm

## **STRATEGY & POLICY**

### **ITEM 10: UPDATED LOCAL DEVELOPMENT SCHEME.**

258. The Committee considered report PC04/17, the [January update sheet](#).
259. It was proposed and seconded to vote on the officer's recommendation. Following a vote, the proposal was carried.
260. **RESOLVED:** That the Committee:
1. Approved the Local Development Scheme (Third Revision)
  2. Agreed that any subsequent minor changes were delegated to the Director of Planning in consultation with the Chair of the Planning Committee.

### **ITEM 11 THE JOINT SOUTH DOWNS NATIONAL PARK AUTHORITY, EAST SUSSEX COUNTY COUNCIL AND BRIGHTON & HOVE CITY COUNCIL WASTE AND MINERALS SITES PLAN**

261. The Committee considered report PC05/17 the [January update sheet](#) and commented that whilst no new sites had been allocated there were existing sites in Beddingham and Southerham.
262. It was proposed and seconded to vote on the revised officer's recommendation. Following a vote, the proposal was carried.
263. **RESOLVED:** That the Committee recommend the National Park Authority to:
1. Adopt and publish the Joint Waste and Minerals Sites Plan, incorporating the Main Modifications and Minor Modifications and updated Policies Map;
  2. Publish the relevant Adoption Statement and Sustainability Appraisal (incorporating Strategic Environmental Assessment) Report;
  3. Note the contents of the Inspector's Report and his conclusion that the JWMP is legally compliant and 'sound';
  4. Commit the National Park Authority to work in partnership with East Sussex County Council and Brighton & Hove City Council to undertake an early review of the joint Waste and Minerals Plan; and
  5. Authorise the Director of Planning to agree any further minor non-material changes to the content of the Joint Waste and Minerals Sites Plan in consultation with the Chair of the National Park Authority and East Sussex County Council and Brighton & Hove City Council.
264. Committee member Robert Mocatta left the meeting at 14:04pm
265. As there were no longer any Local Authority appointed members in attendance at the meeting the meeting was not quorate and therefore in accordance with Standing Order 4.4 the Committee continued to debate and discuss the further items on the agenda but would not take any resolutions.

### **ITEM 9 QUARTERLY UPDATE ON THE PROGRESS OF NEIGHBOURHOOD PLANNING**

266. The Committee considered report PC03/17 the [January update sheet](#):
267. In response to questions, officers clarified:
- Midhurst were not preparing a neighbourhood Plan, however, they were working closely with the Authority on the development of the South Downs Local Plan
268. The Committee noted the progress to date on the preparation of Neighbourhood Development Plans across the National Park.

### **ITEM 12: TO NOTE THE DATE AND VENUE OF THE NEXT MEETING**

269. Thursday 9 February 2017 at 10am at the South Downs Centre, Midhurst.

## **CHAIR**

The meeting closed at 14:08 pm.