

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE 12 APRIL 2018

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

Present: David Coldwell, Neville Harrison (Chair), Barbara Holyome, Gary Marsh, Robert Mocatta, Ian Phillips (Deputy Chair)

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

Officers: Tim Slaney (Director of Planning), Becky Moutrey (Senior Solicitor), Gill Welsman (Committee Officer), Richard Sandiford (Senior Committee Officer)

Also attended by: Rob Ainslie (Development Manager), Lucy Howard (Planning Policy Manager), David Cranmer (Development Management Lead), Luke Smith (Senior Planner Development Management), Michael Scammell (Conservation Officer), Alma Howell (Neighbourhood and Policy Planning Officer)

OPENING REMARKS

The Chair informed those present that:

- SDNPA Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would 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

1035. Apologies for absence were received from Alun Alesbury, Heather Baker, Roger Huxstep, Doug Jones and Tom Jones.

ITEM 2: DECLARATION OF INTERESTS

1036. Robert Mocatta declared a public service interest in Agenda Item 9 as he was the District Councillor and County Councillor for Buriton and was therefore acquainted with speakers listed for the item; Karen Crookshank, Tricia Newby and Ian Johnston.

1037. Neville Harrison declared a public service interest in Agenda Item 8 as he was acquainted with one of the speakers, Robert Cheesman.

1038. Barbara Holyome declared a public service interest in Agenda Item 9 in relation to the additional information from Hampshire Buildings Preservation Trust as she represented the National Park on the Trust, but had not dealt with this matter.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 8 MARCH 2018

1039. The minutes of the meeting held on 8 March 2018 were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING

1040. The Director of Planning updated the committee in relation to land west of New Monks Farm, Agenda Item 7 of the March committee. The Authority had submitted a formal consultation response raising the Authority's concerns about the proposed development and a response had been received from both the District Council and Agent, with a meeting being arranged to address the concerns of the National Park.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

1041. The Director of Planning updated the Committee on the progress of Madehurst Lodge which had been subject to a Judicial Review, with the Judge supporting the Authority on all counts.

1042. The challenge had been made on two grounds (1) a failure to correctly apply the test for major development in NPPF paragraph 116 and (2) the Officer's misrepresentation of the meaning of NPPF paragraph 134 and failure to take into account Optimum Viable Use (OVU) in relation to historical assets and that the original use, residential, was more appropriate than the proposed hotel use.
1043. In terms of the majors test, it was clear that where there were concerns from statutory consultees, third parties and our own expert advice it did not necessarily make something major. The potential to have an adverse impact was a broad test.
1044. In relation to OVU it was found that the Officer Report had given correct weight to the various options available. It was judged that it was not the OVU that was the key consideration, it was the balance of public benefit and harm. OVU was one element of the balance, not the key determinant. The recuperation of costs associated with the decision were still being finalised.
1045. The Development Manager informed the Committee that, a S106 agreement had been secured for Southdowns Road, Lewes and the decision issued.

ITEM 6: URGENT MATTERS

1046. There were none.

DEVELOPMENT MANAGEMENT

ITEM 7: APPLICATION WITHDRAWN

ITEM 8: SDNP/17/03100/FUL – LAND AT UNITED 6-8 BROOKS ROAD, LEWES

1047. The Case Officer presented the application and referred the Committee to the April 2018 Update Sheet.
1048. The following public speakers addressed the Committee:
- Robert Cheesman spoke against the application on behalf of Friends of Lewes.
1049. The Committee considered the report by the Director of Planning (Report PC19/18), the public speakers' comments and requested clarification on the following:
- If Officers were satisfied with the viability assessment to provide this number of affordable housing units.
 - Whether the affordable dwellings would remain affordable in perpetuity.
 - Clarification as to who would be responsible for the ongoing management of the affordable housing.
 - The current status of the Lewes Neighbourhood Development Plan (NDP) and what weight had been given to it with regard to this application.
 - The location and type of the proposed access to playing fields.
 - Whether payment in lieu was necessary for the highway works on Brooks Road.
 - Whether the management charges for accommodation would apply to the affordable housing units, and if so whether these charges would be managed appropriately.
 - If the opportunity to review the S106 agreement after two years referred only to commercial aspects and whether the contamination costs were speculation.
1050. In response to questions, Officers clarified:
- Officers were satisfied with the viability report that had been undertaken. The site was not allocated for housing so the delivery of affordable housing had to be considered within the context of prioritising the delivery of commercial units on the site. The site also had contamination issues and the benchmark values were deemed to be realistic. A level of tolerance to certain costs, that could only be ascertained once development had commenced, was included in the viability assessment.
 - The affordable housing would remain affordable in perpetuity, with 75% of market rent. The units would be rented directly with allocation being controlled by the District

Council.

- Access towards the playing fields had been assessed, whilst not finalised, a pedestrian/cycle path could be delivered. A Grampian condition requiring delivery of the footpath had been proposed. Other proposed fencing would be open fencing with one direct access point to the superstore.
- Submission of the NDP was imminent and did not specifically address this site. Other housing was proposed within the NDP which would meet affordable housing needs. Windfall sites such as this brownfield site were needed within Lewes and across the National Park as whole.
- It was envisaged that the District Council would complete the S278 agreement to secure the highway works but this had not been finalised. The inclusion of payment in lieu in the recommendation would provide additional security.
- The SI06 agreement would likely include residential management costs and ensure that costs were not unreasonable and would not exceed a certain level.

1051. The Committee moved into the debate and commented:

- The level of affordable housing, although lower than the 40% usually expected, was appropriate given that this was a windfall site that prioritised the delivery of commercial units.
- Recognised that this proposal addressed the need for both affordable housing and small commercial premises.
- The design had been improved in response to the Committee's earlier comments. It was a well-designed scheme with a good mix of use in this location.
- The biggest concern previously had been viability. Further viability assessments had been undertaken by an independent third party and were satisfactory.
- Concern was expressed that this scheme could set a precedent to deliver fewer affordable homes on other sites. On balance as this was not a site allocated for housing it was considered that no precedent would be set with regard to other sites outlined in the NDP.
- The scheme reflected a new way of living and could set a precedent for similar mixed developments in the future.
- The landscaping of the Brooks Road area would transform the area and help give a less industrial feel to the development.
- The development was sustainable with regard to access to public services.

1052. It was proposed to vote on the Officer's recommendation.

1053. **RESOLVED:**

1. That planning permission be granted subject to the conditions set out in section 11 of the report, the April 2018 update sheet and a legal agreement to secure:
 - Four affordable dwellings;
 - £18,137 towards Lewes Car Club;
 - A travel plan; and
 - Off-site highway works on Brooks Road (or payment in lieu).
2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress made within 3 months of the 12 April 2018 Planning Committee meeting.

ITEM 9: SDNP/17/00554/FUL & SDNP/17/00595/LIS MANOR HOUSE, BURITON

1054. The Case Officer presented the report and referred the Committee to the April 2018 Update Sheet and referenced the tabled information with regard to a late communication from Hampshire Buildings Preservation Trust.

1055. The following public speakers addressed the Committee:

- Ian Johnston spoke against the application representing B2C3 Ltd.

- Tricia Newby spoke against the application representing Buriton Parish Council.
 - Richard Marks spoke against the application on behalf of St Mary's Church and Buriton Village Design Statement group.
 - Janet Long spoke in support of the application on behalf of Planit Consulting, the Agent for the application.
1056. The Committee considered the report by the Director of Planning (Report PC20/18), the public speakers comments and requested clarification on the following:
- Whether deferment, as suggested by one of the Public Speakers, was an option for this proposal.
 - If viability for the Tithe Barn to be used as a community event venue had been explored fully.
 - Clarification on the definition of public benefit in relation to the conservation of the fabric of the building.
 - If the Dark Night Skies (DNS) Officer had been re-consulted for this application given the scale of glazing proposed for the developments.
 - Whether the concerns over the potential risk to DNS status could be effectively dealt with by condition and enforced if the conditions were not met.
 - If this site could be deemed to be exceptional given the pinch point location of the development within the DNS reserve.
 - Confirmation of the location of the two pieces of land included within the red line that were not to be developed.
 - Whether the route through the car park was a right of way or owned by the applicant.
 - Query as to why these were being considered together when there were three very different proposals within the one application.
 - The timeline of the previous committee decision in relation to the designation of the DNS reserve.
 - Clarification on car-parking designation should the Tithe Barn retain it's current use.
 - Whether the only change to the report since the Judicial Review was the issue with ecology.
1057. In response to questions, Officers clarified:
- A decision by the Committee would provide certainty on a number of matters that required guidance and clarity. Should further investigations take place which might necessitate a change from the Tithe Barn being proposed as a residential dwelling to being proposed as ancillary to the Manor House, this could not be dealt with under the current application as the Manor House falls outside of the red line of the application site.
 - The Authority had conceded the Judicial Review on one ground being that it could be argued that the Authority had not given due consideration to the use of the Tithe Barn as ancillary to the Manor House as the Optimum Viable Use. Subsequently, the Committee needed to reconsider the application. All information along with the current planning policy position had been thoroughly reviewed by Officers in making their recommendation. The conclusion of the applicant that the change of use to a residential dwelling was the OVU had not been sufficiently proved, given that it had not been demonstrated that the use ancillary to the Manor House had been sufficiently explored.
 - That this area was not so exceptional that DNS could not be adequately mitigated by conditions. The DNS Officer's comments from the previous report still stood, as when the Committee considered the application previously DNS designation had been in place for almost a year. Information within Appendix 4 of the Officer report was still relevant.
 - Officer attention, in relation to light spillage, had focussed on the glazing for the garage development and the emerging policy SD28. There was a potential conflict between preserving historic impact and development. The use of low transmission glazing was a

matter to be weighed up by the Committee in making their decision.

- The Officer referred the Committee to the government's guidance on Planning Practice Guidance of Public Benefit detailed within the presentation.
- Areas within the red line that were to remain unaffected were the paddock area and the garden area.
- Car parking and vehicular movements had been considered within previous applications. An Appeal Inspector had expressed concern and refused permission based on additional activity from dwellings along the southern part of the site. However the appeal decision had been made when the Tithe Barn was being used for weddings. This issue would fall away if the extant use of the Tithe Barn for weddings/events were to be relinquished as proposed through this application.
- The Monks Walk and garage part of the application was acceptable in highway terms only if the current use of the Tithe Barn was relinquished.
- There had been clear indication previously that a master plan for the whole development would be the appropriate course of action, hence the application being submitted as a whole.
- The southern access was a lawful private right of access for these and other buildings.
- Conditions had been used in the past in relation to DNS and Officers were happy that they could be enforced, the comments of the DNS experts had not changed. As there had been no additional comments from the DNS Officers the Committee were advised of the risks if they were to add this as a reason for refusal. The only change was within the Village Design Statement and related to the use of roof lights, not glazing.

1058. The Senior Solicitor advised the Committee with regard to a question on judicial review, that the whole decision could be quashed even if the Authority erred on only one ground, should a judicial review follow.

1059. The Committee moved into the debate and commented:

- Works on the Monks Walk and garage development were already being undertaken, despite no approval of the scheme.
- The Village Design Statement had changed with a new emphasis on DNS and stated that roof lights were inappropriate.
- There was a lack of coherence between the different elements of the one application.
- There was confusion between Buriton Manor and viability, whilst there were three reasons for refusal OVU was key, as ecology issues and the absence of a legal agreement securing the relinquishment of rights could be resolved.
- Concern that the proposal would threaten DNS designation. The potential harm to DNS status should be included as a reason for refusal and that this site should be treated as exceptional.
- Concern that DNS conditions would be hard to enforce effectively and the reliance on unproven technology to control the light spillage.
- There was a lack of clarity and uncertainty with many issues in the proposal and the impact of one development against another meant they should be considered as a whole.
- The reasons for refusal were valid.
- Concern that the B2C3 Ltd proposal would still be intrusive.
- There was concern that not all options had been fully explored in terms of business viability or that alternative venues had been considered.
- Concern with the red line of the development and the potential impact on the boundary of the Manor House.
- There were still issues that were unresolved and had not been clarified by the applicant. The previous decision had been quashed due to uncertainty which still remained.
- Deferment was not appropriate, a decision needed to be made to give clarity.

1060. It was proposed and seconded to vote on the addition of a further reason for refusal within the recommendation relating to the potential risk to DNS designation and the restriction of roof lights in this part of the DNS reserve. The Committee voted against the proposal with one abstention from Gary Marsh.
1061. The Director of Planning summarised the conclusions of officers as set out in the committee report.
1062. It was proposed and seconded to amend the wording of paragraph 1 in section 10.1 of the report and paragraph 1 in section 10.2 of the report to replace 'confirming' with 'indicating'.
1063. It was proposed to vote on the Officer's recommendation with the amended wording. The Committee agreed the recommendation with an abstention from Gary Marsh.
1064. **RESOLVED:**
1. That planning permission SDNP/17/00554/FUL be refused for the reasons set out, with the amendment to the wording of paragraph 1 of section 10.1 of the report.
 2. That listed building consent SDNP/17/00595/LIIS be refused for the reasons set out, with the amendment to the wording of paragraph 1 of section 10.2 of the report.
1065. The Committee broke for lunch at 12:25.
1066. Gary Marsh left the meeting at 12:25
1067. The Committee resumed at 13:00.
1068. Margaret Paren and Norman Dingemans joined the meeting at 13:00.

ITEM 10: MAKING OF THE BURY NEIGHBOURHOOD DEVELOPMENT PLAN

1069. The Neighbourhood and Policy Planning Officer presented the report and verbally updated the Committee on incorrect recording of the referendum results within the report. The correct results should have reported the turn out as 38%, those in favour = 184 (90.6%) and those against = 19 (9.4%).
1070. The Committee considered the report by the Director of Planning (Report PC21/18) and congratulated Bury Parish Council on the plan.
1071. It was proposed to vote on the Officer's recommendation.
1072. **RESOLVED:** The Committee:
1. Noted the outcome of the Bury referendum;
 2. Agreed to make the Bury Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Bury.

ITEM 11: MAKING OF THE PATCHING NEIGHBOURHOOD DEVELOPMENT PLAN

1073. The Neighbourhood and Policy Planning Officer presented the report.
1074. The Committee considered the report by the Director of Planning (Report PC22/18) and requested clarification as follows:
- Given that there were no allocations within this plan whether a Village Design Statement (VDS) would have been the preferred route.
 - Whether the adoption of a Neighbourhood Development Plan (NDP) would affect Permitted Development Rights in line with the issuing of, for example, Article 4 directions.
1075. In response to questions, Officers clarified:
- All options were outlined with parishes at early stages of the process and it was up to the individual parish to decide the appropriate route to take. There was a balance between creating a Parish Plan (where absolutely no development would be proposed), VDS (if landscape/design focussed) and NDP if there was a possibility for future development.
 - The preparation of an NDP could affect Permitted Development Rights if appropriate. It would still be up to the local planning authority to issue the Article 4 Directive.
1076. The Committee commended Patching Parish on the plan.

1077. It was proposed to vote on the Officer's recommendation.

1078. **RESOLVED:** The Committee:

1. Noted the outcome of the Patching referendum;
2. Agreed to make the Patching Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Patching.

ITEM 12: MAKING OF THE PLUMPTON NEIGHBOURHOOD DEVELOPMENT PLAN

1079. The Neighbourhood and Policy Planning Officer presented the report and referred to the Update Sheet.

1080. The Committee considered the report by the Director of Planning (Report PC23/18) and requested clarification as follows:

- Clarification as to why there had been a significant number that had voted against the plan.

1081. In response to questions, Officers clarified:

- It was surmised that those residents who would be effected by the development sites would be the reason for the number of objections.

1082. The Committee commended Plumpton on the plan and commended them on recognising the sensitivity of the site.

1083. It was proposed to vote on the Officer's recommendation.

1084. **RESOLVED:** The Committee:

1. Noted the outcome of the Plumpton referendum;
2. Agreed to make the Plumpton Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Plumpton.

ITEM 13: QUARTERLY NEIGHBOURHOOD PLANNING UPDATES

1085. The Neighbourhood and Policy Planning Officer presented the report and referred to the Update Sheet.

1086. The Committee considered the report by the Director of Planning (Report PC24/18) and requested clarification as follows:

- Whether another referendum would be required for Findon's new NDP.
- If the Authority's website had a map detailing all of the designated NDP's.

1087. In response to questions, Officers clarified:

- Findon were preparing a new plan and so it would go to referendum.
- The website had a list of all designated NDP's, their location, and the stage they are at, a map could be added to the website.

1088. The Committee commended Lewes and other parishes on the progress made on their plans.

1089. It was proposed to vote on the Officer's recommendation.

1090. **RESOLVED:** The Committee noted the progress to date on the preparation of Neighbourhood Development Plans across the National Park.

ITEM 14: TO NOTE THE DATE AND VENUE OF THE NEXT MEETING

1091. Thursday 10 May 2018 at 10am at the South Downs Centre, Midhurst

CHAIR

The meeting closed at 13:25.

