

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE 14 NOVEMBER 2019.**

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

Present: Alun Alesbury (Chair), Heather Baker, Barbara Holyome, Gary Marsh, William Meyer, Robert Mocatta, Vanessa Rowlands and Diana van der Klugt,

Ex Officio Members for Planning Policy items only (may participate on Policy Items but not vote, no participation on Development Management Items): Margaret Paren and Ian Phillips.

Officers: Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Lucy Howard (Planning Policy Manager), Mike Hughes (Major Planning Projects and Performance Manager) Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Rafael Grosso Macpherson (Senior Development Management Officer), Heather Lealan (Development Management Lead, Minerals and Waste), Kelly Porter (Major Projects Lead) and Chris Paterson (Communities Lead).

### **OPENING REMARKS**

177. The Chair welcomed Members to the meeting and informed those present that:

1. South Downs National Park Authority (SDNPA) Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and acted in the best interests of the Authority and of the Park, rather than as delegates representing the interests of their appointing authority or any other interest groups.

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

178. Apologies were received from Pat Beresford & Thérèse Evans.

### **ITEM 2: DECLARATION OF INTERESTS**

179. The Chair disclosed a general non-prejudicial interest on behalf of all Committee Members in relation to agenda item 7 as one of the speakers, Mr Andrew Shaxson, was a Member of the SDNPA and known to all Members.

180. The Chair declared a general public service interest on behalf of all Committee Members in relation to item 9 as the applicant was the South Downs National Park Authority (SDNPA).

181. Robert Mocatta disclosed a general non-prejudicial interest for item 7 as one of the speakers, Paul Martin, was known to him.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 10 OCTOBER 2019**

182. The minutes of the previous meeting held on 10 October 2019 were agreed as a correct record and signed by the Chair.

### **ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES**

183. A letter was sent from the Chair of Planning Committee to the Chair of the Policy & Resources Committee setting out the key points of the discussion on item 8 of the 10 October 2019 Committee (SDNP/18/05920/FUL - Centurion Way extension).

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

184. An update was requested on the Matterley Farm Application (SDNP/18/06249/FUL). It was confirmed that it would not be called in by the Secretary of State and that a decision would be issued by the SDNPA.

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

185. There were none.

### **ITEM 7: SDNP/18/05385/FUL THE HENRY WARREN CLUB AND LAND NORTH EAST OF PRESTWOOD, NYEWOOD, WEST SUSSEX.**

186. The Case Officer presented the application and gave a verbal update to propose a change to conditions 9 & 10. Both conditions related to external lighting and the potential impact on Dark Night Skies, and it was proposed to merge the two conditions into one condition, for reasons of clarity.

187. The following public speakers addressed the Committee:

- John Robinson spoke against the application representing himself.



- Mrs Charlotte Godfrey spoke against the application representing Mr Stuart Mercer.
  - Tom Everington spoke against the application representing himself.
  - Sym Taylor spoke in support of the application representing himself.
  - Tania Chaplin spoke in support of the application representing herself.
  - Paul Martin spoke in support of the application representing a supporters group.
  - Andrew Shaxson spoke in support of the application as an SDNPA Member.
188. The Committee considered the report by the Director of Planning (Report PC19/20-23) and the public speaker comments, and requested clarification as follows:
- The distance between the proposed houses on the current site, and the neighbouring property to the rear of the site.
  - The distance between the village hall on the new, proposed site and the neighbouring property at 'Prestwood'.
  - Whether the previously approved planning consent for the Henry Warren Club was still live, and whether it related to a single or double storey building.
  - Was the land at each site listed as brownfield or greenfield land?
  - Was there a settlement boundary for Nyewood?
  - Could the financing of the new village hall be guaranteed to ensure that the village hall would be built?
  - Whether the proposed site for the new village hall was within a recognised flood zone.
  - What community engagement had been undertaken?
189. In response to questions, Officers clarified:
- There was a distance of 17m from the proposed rear elevations of the new houses to the boundary of the property to the rear of the site, and a distance of 22m from the proposed elevations to the property itself, beyond the boundary. This was considered sufficient to avoid any impact on privacy of neighbouring properties from being overlooked.
  - The distance between the village hall on the new, proposed site was more than 22m from the neighbouring property at Prestwood, which was considered sufficient. There were also conditions to limit impact relating to village hall activities to neighbouring properties.
  - The previous planning consent for the Henry Warren Club, for a 2 storey building, expired in February 2019.
  - The existing hall site was on brownfield site and the land for the new proposed site was green field land.
  - Nyewood does not have a settlement boundary in the Local Plan.
  - A Section 106 (S106) legal agreement was proposed to ensure that funding would be in place for the building of the new hall.
  - Neither site was within a flood zone, and any development on either site would follow Sustainable Drainage Systems (SUDs) which would ensure there would be no water overspill to neighbouring properties or highways.
  - All statutory duties regarding community engagement had been fulfilled.
  - Additionally, Officers had visited and assessed each site, both individually and with Members of the Planning Committee. The SDNPA ensured that all applications that went to Planning Committee were visited by Members of the Committee.
190. The Committee discussed and debated the application, making the following comments:
- Planning permission was previously granted for a two storey building at a similar distance to neighbouring properties, therefore it was considered that the distance between the proposed buildings and neighbouring properties was satisfactory.
  - Members were satisfied that the conditions relating to the proposed village hall reduced any impact to neighbouring properties.
  - Concern was raised that the village had been without a community amenity since 2013, and all Members were supportive of the need for a village hall in Nyewood. It was noted

that the existing village hall was not fit for purpose and that the existing site was not suitable for a new hall on that site.

- Members noted the high standard of design for the proposed village hall, including the use of air source heat pump and solar panels. It was proposed that the solar panels for the new hall should be non-reflective, and that this could be covered under the conditions.
- It was noted that the S106 legal agreement needed to be robust to ensure that funding would be forthcoming to build the new village hall, and that enforcement action could be taken should the S106 agreement not be fulfilled. The SDNPA had previous experience with using S106 agreements for other applications, and enforcing S106 agreements.

191. It was proposed and seconded to vote on the officer's recommendation, subject to a change to the conditions to include the merging of conditions 9 & 10, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.

192. **RESOLVED:**

1. That planning permission be granted subject to:
  - The completion of a Section 106 legal agreement to secure the delivery of the village hall.
  - The conditions set out in paragraph 10.1 of the Officer's report (Report PC19/20-23), subject to a change to the conditions to include the merging of conditions 9 & 10, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.
2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or sufficient progress has not been made within 3 months of the 14 November 2019 Planning Committee meeting.

**ITEM 8: SDNP/19/ SDNP/13/06169/ROMP MINSTED SANDPIT, WEST SUSSEX.**

193. The Development Management Lead (Minerals and Waste) presented the application, referred to the update sheet and gave a verbal update proposing a further amendment to condition 2 to require submission of a further ecology report dated December 2018, as a part of the required mitigation.

194. The following public speakers addressed the Committee:

- Jess Price spoke against the application representing Sussex Wildlife Trust.
- David Miles spoke against the application representing himself.
- Adrian Waddams spoke against the application representing Stedham with Iping Parish Council.

195. The Committee considered the report by the Director of Planning (Report PC19/20-24), the update sheet and the public speaker comments, and requested clarification as follows:

- What were the alternative options for Members should the conditions recommended in the report not be approved?
- What evidence was there that the site had not been worked out and sufficient sand remained? Members asked for confirmation that approval of the conditions would not support illegal extraction of sand.
- Were the restoration plans of the site sufficient and achievable, including achieving the necessary gradients.
- Clarification on the number of, and reason for, breaches of conditions which had taken place on the site, and how any future breaches would be dealt with.
- Would a prohibition order be implemented if the revised restoration plan was not submitted within the timeframe set out in condition 2?
- Why condition 2 refers to a timeframe of 6 months rather than 5 years.

196. In response to questions, Officers clarified:

- Officers considered that sufficient technical information had been supplied to approve the conditions. However, Members were advised that, whilst they could not refuse the



application, they could determine that the information submitted for this application to be considered was insufficient.

- Based on information and surveys provided by the applicant, the amount of sand that the applicant stated as remaining on the site for phase 1, 2 and 3 of the south-western corner of the site was reasonable and not excessive. Officers were confident that removal of the proposed quantities of sand would not be deemed illegal workings. The conditions proposed reduced the timeframe in which the proposed levels of sand could be removed and restoration should begin.
- The information supplied by the applicant indicated that there was sufficient resource on site to fulfil the restoration conditions set out in the Officer's report. Concerns previously raised by the Sussex Wildlife Trust on hydrology and its impact on the SSSI had been addressed and the latest hydrology details were approved by Natural England and the Environment Agency. It was considered important that the restoration plans and ecological studies should reflect the SSSI to the north of the site in respect of heathland restoration and removal of rhododendron and invasive species. The final restoration plan would be controlled through condition 2 in accordance with ecological reports which had been approved by an ecology consultant, and by working with the applicant and in consultation with the Sussex Wildlife Trust and the ecology consultant. The conditions also limited the quantity of sand that could be removed at each phase, and required the parameters of condition 3 to be achieved. Plans had been submitted to show how this would be achieved.
- A number of previous breaches of conditions related to reports that had not been submitted. The proposed conditions enabled Officers to be in a stronger position to follow through with enforcement action. Monitoring visits to the site would increase to 4 times a year, which could be increased to a maximum of eight times a year under minerals and waste legislation if multiple breaches took place.
- Approval of the conditions at this stage would not negate the ability of the SDNPA to pursue enforcement should the conditions not be complied with within the proposed timeframe.
- The strict timeframe of 6 months for additional information in relation to final restoration ensured that any non-compliance was picked up early. The Applicant had accepted the timeframe and all other recommended conditions in writing.

197. The Committee discussed and debated the application, making the following comments:

- Members noted that this site already had permission, and the decision for this Committee was to approve the changes to conditions attached to the planning permission or determine that insufficient evidence had been supplied.
- Members stressed the importance of reducing the cliff face and creating an approved gradient during the site restoration, and that this was covered in the conditions and that regular monitoring visits would take place.
- It was noted that sufficient information had been provided for members to approve the conditions and approving them better enabled enforcement action to take place.

198. It was proposed and seconded to vote on the officer's recommendations, subject to the additional condition set out in the update sheet, and subject to an amendment to condition 2, to require submission of a further ecology report dated December 2018, as a part of the required mitigation, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.

199. **RESOLVED:**

That the conditions at paragraph 10.1 of the Officer's report (Report PC19/20-24) be approved, subject to the additional condition set out in the update sheet, and subject to an amendment to condition 2, to require submission of a further ecology report dated December 2018, as a part of the required mitigation, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.

**ITEM 9: SDNP/19/04600/ADV, SDNP/19/04601/ADV, SDNP/19/04602/ADV, SDNP/19/04603/ADV DISPLAY 32 NON-ILLUMINATED BOUNDARY MARKERS AT VARIOUS LOCATIONS.**

200. The Major Projects Lead presented the application and referred to the update sheet.
201. The following public speakers addressed the Committee:
- Ruth James spoke in support of the application representing the Applicant.
  - Veronica Craddock spoke in support of the application representing the Applicant.
202. The Committee considered the report by the Director of Planning (Report PC19/20-25), the update sheet and the public speaker comments, and requested clarification as follows:
- Who was responsible for maintenance of the signs?
  - What had the Officer done in response to the objection from Wiston Parish Council and in response to Upham Parish Council's request for a deferral of a decision on the sign for their parish?
  - Are any of the signs some distance from the National Park boundary?
  - Would there be a third phase to provide further signage on entry points not covered by phases 1 and 2?
203. In response to questions, Officers clarified:
- The SDNPA was responsible for maintenance of the signs.
  - The applicant had spoken to Wiston Parish Council about suitable locations for a sign in their area and this site was selected following those discussions. However the Parish Council then lodged an objection to this site.
  - Upham Parish Council believed they were getting a village sign, rather than an entry sign to the National Park. The applicant had been in contact with Upham Parish Council to explain that village signs might be part of a future project, but was not related to this application. The applicant was also aware of concerns over the proposed location of the boundary sign, and approval of this application would not restrict continuing consultation about the exact location to ensure no clash with any proposed village signs.
  - All the signs were as close as possible to the National Park boundary taking into account the Location and Design Principles agreed by NPA.
  - There was no planned phase 3 for more signage, however this would be reviewed following completion of phase 2.
204. It was proposed and seconded to vote on the officer's recommendations.
205. **RESOLVED:**
1. That advertisement consent be granted for applications SDNP/19/04600/ADV, SDNP/19/04601/ADV, SDNP/19/04602/ADV and SDNP/19/04603/ADV subject to the conditions, set out in Paragraph 9.1 of the Officer's report (Report PC19/20-25).

206. Margaret Paren and Ian Phillips joined the meeting at 1.25pm

**ITEM 10: INFRASTRUCTURE BUSINESS PLAN 2019**

207. The Major Projects Lead presented the application.
208. The Committee considered the report by the Director of Planning (Report PC19/20-26) and requested clarification as follows:
- What was the total funding requested for all of the applications in the high priority category?
  - Were enough requests for Green Infrastructure projects being submitted?
  - What would happen to any funding allocated to projects but not spent?
209. In response to questions, Officers clarified:
- The total amount of funding needed for all the high priority applications would run into millions of pounds.
  - A good range of Green Infrastructure projects had come forward for assessment.

- Pot 1 money was ring-fenced for 5 years and Pot 2 money was ring-fenced for 3 years. If the money had not been spent after this time, projects would be asked why the money had not been spent and if it was not spent it could be reallocated to other projects.
210. The Committee discussed and debated the application, making the following comments:
- It was noted that, whilst a high percentage of the CIL funds had come from housing built in Hampshire, the distribution of CIL funding did not reflect the same percentage of projects in Hampshire. This was due to fewer projects being put forward in Hampshire. Members were reminded that CIL funding was to benefit communities Park wide, and not favour one part of the Park over another. Stringent criteria for the allocation of CIL funds had been agreed by Members and approved by an Examiner. It was incumbent on all County Councils to put forward projects in their area for CIL consideration, and all projects would be assessed and approved according to whether they met the criteria and not on the location of the project.
211. The Director of Planning thanked District Councils which had provided match funding to CIL allocations, as this enabled more projects to be delivered to a high standard in the National Park.
212. It was proposed and seconded to vote on the officer's recommendations.
213. **RESOLVED:**
1. To approve the Infrastructure Business Plan 2019
  2. To delegate authority to the Director of Planning to make minor amendments to the wording and formatting within the Infrastructure Business Plan prior to publication. Any such amendments shall not alter the meaning of the document;
  3. To approve the allocation of the Community Infrastructure Levy 2018 / 19 receipts of:
    - £258,969.60 to West Sussex County Council;
    - £110,986.97 to East Sussex County Council, and
    - £554,965.00 to the projects identified in paragraph 4.7 of the Officer's report (Report PC19/20-26), and
  4. To delegate authority to the Director of Planning to undertake any further assessment of the projects prior to the final allocation of funds as detailed within paragraphs 4.9 and 4.10 of the Officer's report (Report PC19/20-26).

#### **ITEM 11: HALF YEAR UPDATE ON THE PROGRESS OF NEIGHBOURHOOD PLANNING**

214. The Communities Lead presented the report.
215. The Committee considered the report by the Director of Planning (Report PC19/20-27) and made the following comments:
- Clarification was sought on how many Parishes were still to make a Neighbourhood Plan.
216. In response to questions, Officers clarified:
- There were 56 designated areas in total. Two areas were not progressing their plans at the present time. 30 NDPs had been made, and 24 Plans remained at varying stages of preparation. Two of those were reviews of currently made Plans.
217. **RESOLVED:** The Committee noted the progress to date on the preparation of Neighbourhood Development Plans across the National Park.

#### **ITEM 12: MAKING OF THE NEWHAVEN NEIGHBOURHOOD DEVELOPMENT PLAN**

218. The Communities Lead presented the report.
219. The Committee considered the report by the Director of Planning (Report PC19/20-28), and made the following comments:
- Clarification was sought on a difference in figures provided in the report, which stated that the Newhaven NDP provides for 358 new homes. However the report for item 11, the Half Year Update on Neighbourhood Plans, refers to an allocation of 425 homes allocated for Newhaven.
  - Clarification was sought on the area not included in the Newhaven Parish which ran through the middle of the parish either side of the river.

- Whether the NDP contained plans to encourage residents to get out into the National Park which was on their doorstep.

220. In response to questions, Officers clarified:

- The difference in housing allocation from the two reports may result from allocations arising from the Lewes Joint Core Strategy. The Case Officer agreed to report back to Members after the Committee to ensure this was correct.
- The land either side of the river was the responsibility of the Port Authority and not the Parish Council.
- The NDP contained many references to supporting text which encouraged residents to get out into the National Park. The joint funding for the Egrets Way, which linked Newhaven to Lewes, was also considered a good example of a project which enabled residents to get out into the Park.

221. The Committee discussed and debated the Plan, making the following comments:

- Members noted the potential for Newhaven, which occupied a key location as a gateway to the National Park from the port, and considered that it had a significant impact on the setting of the National Park, specifically a visual landscape impact from Tide Mills.

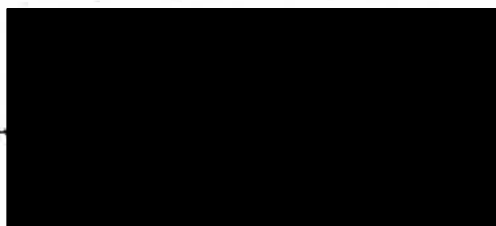
222. **RESOLVED:** The Committee:

1. Noted the outcome of the Newhaven Neighbourhood Development Plan Referendum;
2. Agreed to make the Newhaven Neighbourhood Development Plan part of the SDNPA's Development Plan for the part of the parish within the South Downs National Park.

223. The Chair closed the meeting at 2.15pm.

**CHAIR**

Signed: \_\_\_\_\_



16/1/2020

