

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE 16 JANUARY 2020**

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, 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): Ian Phillips.

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

Also attended by: Stella New (Senior Development Management Officer), Richard Ferguson (Development Management Lead, (West)), Vicki Colwell (Major Planning Projects Officer), Chris Paterson (Communities Lead), Mark Waller-Gutierrez (Specialist Lead), Michael Scammell (Conservation Officer), Benjamin Terry (Design Officer), Ruth Childs (Landscape Officer).

### **OPENING REMARKS**

224. 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.
2. 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**

225. Apologies were received from Pat Beresford, Thérèse Evans, Robert Mocatta and Margaret Paren (Ex Officio).

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

226. Diana van der Klugt declared a personal interest for Item 9 as a Horsham District Councillor for the Pulborough, Coldwaltham and Amberley ward. She had attended meetings of Amberley Parish Council but had not attended any planning meetings. It was noted that one of speakers was a member of Amberley Parish Council.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 14 NOVEMBER 2019**

227. The minutes of the previous meeting held on 14 November 2019 were agreed as a correct record and signed by the Chair.

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

228. There were none.

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

229. The Development Manager updated Members on the following:

- SDNP/17/03623/FUL – Laundry Cottage, Dangstein, Rogate: The appeal was allowed and the Inspectors decision would be circulated to Members.
- SDNP/18/06249/FUL - Matterley Farm Alresford: The decision was issued on 17 December 2019 with a S106 legal agreement secured.

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

230. There were none.

**ITEM 7: SDNP/19/03903/FUL - LAND AT SUPERINTENDENTS DRIVE, KING EDWARD VII ESTATE, EASEBOURNE, WEST SUSSEX.**

231. The Case Officer presented the application and referred to the update sheet.
232. The following public speakers addressed the Committee:
- Anthony Triska spoke against the application representing residents of Sir Geoffrey Todd Walk.
  - James Brown spoke against the application representing the South Downs Society (as District Officer 14).
  - Ian Milne spoke against the application representing residents of Sir Geoffrey Todd Walk.
  - Asher Ross spoke in support of the application representing the applicants.
233. The Committee considered the report by the Director of Planning (Report PC19/20-29), the update sheet and the public speaker comments, and requested clarification as follows:
- Confirmation on the difference in size of the site in this application, compared to previous applications.
  - Were the permissions granted in 2011 and 2016 still extant and could still be applied to the site, or had they expired?
  - Clarification on whether this application was enabling development to secure funding for conservation of the chapel, as a heritage asset.
  - Was the parking provision sufficient and would this scheme result in on-street parking?
  - Did this application preserve the character of the landscaping of the wider King Edward VII estate, specifically the landscaping of Kings Drive?
234. In response to questions, Officers clarified:
- This current application proposed the same size site as for the 6no detached houses on the 2016 application, however the density of housing in this application was much greater than was approved in 2016.
  - Both the 2011 and 2016 permissions are extant and a Lawful Development Certificate had been received to indicate work had commenced on the 2016 consent. Technically either permission could be built out, but if the 2011 permission were to be built out it would need to be solely for 'assisted living'.
  - The future maintenance of the Chapel was secured in perpetuity through a S106 agreement as part of the approval of the 2011 application. The Officers view was that this application was not appropriate enabling development as it did not provide any greater certainty to the end use of the chapel over and above what had already been secured.
  - Highways had not raised any objection to the application and were satisfied that the applicant has demonstrated that parking was sufficient within the site.
  - The original approval emphasised the importance of conserving the landscaping on the application site. Kings Drive should not be affected by this application as it was outside the ownership of this applicant and was the responsibility of landowner of Kings Drive.
235. The Committee discussed and debated the application, making the following comments:
- The increased housing provision to 18 in this application, from 6 in the 2016 application, was considered overdevelopment and urbanisation of a rural location. The layout was considered cramped and a retrograde step from the previous application, which in itself was granted under exceptional circumstances relating to the restoration of the King Edward VII hospital and chapel.
  - Members did not agree that the greater number of housing for this application was needed to support conservation of chapel as this was already secured through the S106 legal agreements of the previous applications.
  - There was no provision for affordable housing.
  - It was agreed that the landscaping on the 2016 application was more suited to the rural location than the landscaping proposed in the current application.
236. It was proposed and seconded to vote on the officer's recommendation.

237. **RESOLVED:** That permission be refused, for the reasons set out at paragraph 10.1 of the report.

**ITEM 8: SDNP/19/03904/FUL - LAND AT KINGS GREEN EAST, KING EDWARD VII ESTATE, EASEBOURNE, WEST SUSSEX**

238. The Case Officer presented the application and referred to the update sheet.
239. The following public speakers addressed the Committee:
- Rosie Foreman from Dowsett Mayhew Partnership spoke against the application representing the Residents' Action Group, Kings Green East.
  - Alison Howe spoke against the application representing the Residents' Action Group, Kings Green East.
  - Professor Richard Hunt spoke against the application representing the Residents' Action Group, Kings Green East.
  - Asher Ross spoke in support of the application representing the applicants
240. The Committee considered the report by the Director of Planning (Report PC19/20-30), the update sheet and the public speaker comments, and requested clarification as follows:
- What percentage of listed buildings in the UK are grade 2\*?
  - Was it within the remit of this Committee to approve an application with inadequate water provision?
241. In response to questions, Officers clarified:
- Approximately 4% of listed buildings in the UK are grade 2\*.
  - Water provision was regulated outside of the planning process however conditions would need to be included to ensure adequate water was provided.
242. The Committee discussed and debated the application, making the following comments:
- The increased height and mass of the buildings was considered over-dominant and did not conserve and enhance the special qualities of the National Park.
  - The scheme put forward in this application did not reflect the landscaping work that had gone into the previously approved applications in 2011 and 2016.
  - There was no provision for affordable housing.
  - Members did not agree with the argument that enabling development would support conservation of chapel as this was already secured through conditions of the previous applications.
243. It was proposed and seconded to vote on the officer's recommendations.
244. **RESOLVED:** That permission be refused, for the reasons set out at paragraph 10.1 of the report.

**ITEM 9: SDNP/19/04886/FUL - LAND ADJACENT TO STRAWBERRY VILLAS, AMBERLEY, WEST SUSSEX**

245. The Case Officer presented the application and referred to the update sheet.
246. The following public speakers addressed the Committee:
- Malcolm Pheasey spoke against the application representing himself.
  - Sam Sykes spoke in support of the application representing ECE Planning.
  - Peter Cozens spoke in support of the application representing Amberley Parish Council.
247. The Committee considered the report by the Director of Planning (Report PC19/20-31), the update sheet and the public speaker comments, and requested clarification as follows:
- Clarification on the concerns from objectors about drainage and risk of flooding to the property to the south of the site, and confirmation that it was the responsibility of the developer to ensure existing drainage conditions were not made worse by this development.
  - Could semi-mature trees, rather than saplings, replace the tall, mature conifers which were to be removed from the site?

- Clarification on how the affordable housing discounted scheme worked in practice and what measure could be put in place to prevent houses being sold at full market rate if the discounted units did not sell? Members asked for assurance that the right people were being aided to buy the affordable housing units.
  - How up-to-date were the housing need figures provided by the Housing Enabling Officers, and had the Parish Council been consulted to ascertain local housing need?
  - Clarification on how sustainable the development would be.
248. In response to questions, Officers clarified:
- The objection regarding drainage and flood risk was forwarded to the drainage engineer for consideration and he advised that the proposed soak-aways were adequate to capture surface water and run off from roofs of properties. Condition 19 would also ensure satisfactory provision of surface water drainage. In addition, condition 20 had been agreed with the developers to ensure extra assurances for rainwater capture at source for each property. The site plan for this application contained less roof area to reduce run off, and the parking allocation on the southern border of the site was removed in order to reduce hardstanding.
  - The conditions could be amended to require planting of semi-mature trees to replace the conifers.
  - The S106 agreement, which was being negotiated, would secure the affordable housing eligibility criteria, and any sale would need to adhere to the S106. The S106 agreement would also address how people who met the eligibility criteria would not be able to downsize from a large dwelling and how young people could be helped to get a property in the area. The Officer's recommendation stipulated a 6 month timescale to ensure the S106 captured these issues.
  - The objection from the Housing Officer was in response to meeting their need to find suitable accommodation for people on their housing list. The housing mix proposed in the Officer's report balanced the concerns raised by the Parish Council about the specific need in their Parish, as put forward in their local Neighbourhood Plan, with statutory housing need requirements.
  - The sustainability of the proposal had been assessed by the Design Officer and condition 13 ensured that it would be constructed sustainably. This application was greener than the previous development proposal and was compliant with the new Local Plan, which had more stringent sustainability policies than national development guidelines.
249. The Committee discussed and debated the application, making the following comments:
- Some Members raised concern that the affordable housing figures for this application departed from the Local Plan policy, however it was counter argued that discounted market value was acceptable under the NPPF definition, and that as 7 of the 14 houses would be sold at discounted market value it would meet Local Plan policies.
  - It was recognised that in this specific case, Amberley Parish had a higher percentage of affordable homes than other Parishes in Horsham District. In accordance with the Parish Council's stated housing needs, it was considered that the discounted housing scheme put forward in this application could be the most appropriate choice for this site.
  - The application was commended on its landscape led design, which was noted to be an improvement on the previous application.
250. It was proposed and agreed to amend condition 12 in order that the landscaping plan should include provision of semi-mature trees along the northern boundary where non-native trees are proposed to be replaced. The final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.
251. It was proposed and seconded to vote on the officer's recommendations, subject to the amendment to condition 12.
252. **RESOLVED:**
- I. That planning permission be granted subject to:
    - i. the conditions set out in paragraph 10.1 of the report,

- ii. an amendment to the conditions to require that semi-mature trees be provided where non-native trees are proposed to be replaced, and
    - iii. a legal agreement to secure seven affordable dwellings as discounted market sales units, 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 legal agreement is not completed or sufficient progress has been made within 6 months of the Planning Committee meeting of 16 January 2020.
253. The meeting adjourned for a comfort break at 12.18pm and resumed at 12.24pm.

**ITEM 10: SDNP/19/01876/FUL - SOLDIERS FIELD HOUSE, FINDON WEST SUSSEX.**

254. The Case Officer presented the application and referred to the update sheet. The Officer also gave a verbal update to correct the amendment to the reason for refusal as stated in the update sheet. Where it stated “policies HD4 and EN1 of the Findon NDP”, this should read “policies HD7 of the Findon NDP”.
255. The Officer also responded to additional comments on the update sheet relating to viability appraisals. These were only required when the policy requirements for affordable housing were not being met, however in this instance the applicant was able to meet the policy requirements. If, following permission being granted, the applicant wanted to reduce the amount of affordable housing, this would require a new application and new viability appraisal to be submitted.
256. The following public speakers addressed the Committee:
- Cathrine Gear spoke against the application representing Findon Parish Council.
  - Raine Gardner spoke against the application representing Findon Chase Management Co. Ltd.
  - Michael Drakeford spoke against the application representing himself.
  - Anna Gillings spoke in support of the application representing the applicant.
257. The Committee considered the report by the Director of Planning (Report PC19/20-32), the update sheet and the public speaker comments, and requested clarification as follows:
- Clarity on access to the site and whether part of the access lane was a Right of Way permissible as a public footpath only, or whether the access lane was privately owned.
  - As the site was allocated in the South Downs Local Plan (SD70), would the committee be able to refuse any development on this site?
  - Was the existing beech hedge to be removed or be retained?
  - Was there a case for keeping the cedar tree, which had a Tree Preservation Order on it, despite it not being a native tree?
  - Clarification on what could be built on this site and why this design had not met the landscape led criteria.
258. In response to questions, Officers clarified:
- The lane was already used for vehicular access to existing properties on the lane, therefore there was no reason to believe that this site would not have similar permissive rights.
  - The principle of development on this site was agreed during the making of the Local Plan, which allocated the site for housing, and there would need to be strong, new evidence for development of the site to be unacceptable in principle. The Authority could however refuse specific schemes should they not meet the National Park purposes or the policies set out in the Local Plan or NPPF.
  - It was proposed that the beech hedge be removed over time in line with policy SD70.
  - The Tree officer had commented that the loss of the cedar tree would not have a significant impact on the National Parks first principle.
  - The officer’s recommendation was an on balance recommendation for refusal based on design and the effect on the landscape. Policy SD70 in the Local Plan set out clear criteria for development on this site and it was the responsibility of the Officer and Committee to

ensure that any scheme that came forward for this site met these criteria. The landscape officer clarified that the plans did not reflect what you would expect to see in the open downland farm-scape that surrounded the area. The proposed buildings were considered to be large, set at irregular angles to each other and all of the same size and mass, whereas farm-scape buildings in this area would traditionally be set low in the landscape and their layout would be more regular in form than the proposed plans.

259. The Committee discussed and debated the application, making the following comments:
- It was agreed that this was a sensitive site on the edge of the settlement boundary, and it was of great importance to get the right scheme.
  - It was recognised that the applicants had worked hard to come up with an acceptable design, however it was felt that this scheme did not reflect the unique character of the location.
  - The committee agreed that the proposed scheme was not aesthetically pleasing and that the buildings were too large and haphazard in layout. Member expressed that the scheme did not relate well to the rest of the Findon footprint and underestimated the importance of buildings on the edge of a settlement which were visible from key viewpoints, such as Cissbury Ring. It was agreed that a more suitable scheme would include traditional South Downs stable typology using traditional materials that blended the buildings into the edge of the village, bridging the village to the downland.
260. It was proposed and seconded to vote on the officer's amended recommendation, as set out in the update sheet, and subject to an amendment to the update sheet that policies HD4 and EN1 should read policy HD7.
261. **RESOLVED:** That planning permission be refused for the reason (number 1) set out in the update sheet, subject to the verbal update which amended policies 'HD4 and EN1' to policy 'HD7' and reason (number 2) set out in paragraph 10.1 of the report.

#### **ITEM 11: APPLICATION NO: SDNP/19/05226/PIP - LAND AT ELM RISE, FINDON WEST SUSSEX.**

262. The Case Officer presented the report and gave a verbal update.
263. Further correspondence had been received from the planning agent. Whilst the agent accepted the recommendation they were keen to ensure that the principle of development was not a key issue and that a refusal be based on the proposed quantum of development. The agent's correspondence advised that the quantum of development would be addressed in any future proposals.
264. The following public speaker addressed the Committee:
- Cathrine Gear spoke against the application representing Findon Parish Council and supported the recommendation.
265. The Committee considered the report by the Director of Planning (Report PC19/20-33), and the public speaker comments, and requested clarification as follows:
- Clarification was sought on the number of houses proposed and the number outlined in the Local Plan.
  - Was the principle for development at this site already approved because the site was allocated site within the South Downs Local Plan?
266. In response to questions, Officers clarified:
- The legislation under which this application for Permission in Principle was submitted limits an application to minor development (i.e a scheme of 9 dwellings or less) and the allocation policy outlines 14-18 dwellings. Also, the proposals did not preclude a larger full application being submitted at a later stage for a higher number of dwellings.
  - The principle for development at this site was already established because it was allocated in the Local Plan. However, perceived uncertainty of the Applicant to the allocation of alternative sites in the Updated Neighbourhood Development Plan (UFNDP), in part, promoted the application to ensure the site would be available for development. Officers advised that the Examiners Report into the UFNDP concluded that the alternative sites were not appropriate.
267. It was proposed to vote on the Officer recommendation.

268. **RESOLVED:** That Permission in Principle be refused for the reasons set out in paragraph 10.1 of the report.

269. The Committee adjourned for lunch at 1.30pm and resumed at 2pm.

**ITEM 12: SDNP/19/04275/CND - BROAD VIEW FARM, BINSTED, ALTON, HAMPSHIRE.**

270. The Case Officer presented the report and referred to the update sheet which included an amendment to the reason for refusal which related to the proposed barn obstructing the definitive footpath.

271. The Case Officer also gave a verbal update to update members regarding a late comment which had been received from an objector. The comment outlined points which had already been covered in the summary of objections in the officer's report and reinforced the objectors view as to the legal width of the footpath and the potential deviation from the definitive path.

272. The Chair disclosed a general, non-prejudicial interest, on behalf of some of the Members present, as one of the speakers, Mr Kemp-Gee, was a founder Member of the Authority and was known to some of the Members present.

273. The following public speakers addressed the Committee:

- Mark Kemp-Gee spoke against the application representing himself.
- Ian Salisbury spoke against the application representing the community.
- Claire Fargeot spoke against the application representing herself.
- Jim Cullen spoke in support of the application as the applicant.
- Karen Cullen spoke in support of the application as the applicant.
- Stephen Andrews spoke in support of the application as the agent representing the applicant.

274. Committee considered the report by the Director of Planning (Report PC19/20-34), the update sheet and the public speaker comments, and requested clarification as follows:

- Confirmation was sought on whether the planning permission granted in 2017 allowed a café building entirely across the line of the footpath?
- Clarification that the Inspectors role at the Public Inquiry was solely to address the merits of whether the footpath could be diverted to the proposed route, an element of which involved route to the north which had been in use.
- Would this proposal for development place part of the barn on the footpath and would that be unlawful?
- Would a new building be acceptable if it were moved away from the definitive path, and would it be permissible for this committee to propose a deferment in order for such an amendment to be submitted for committee to consider?
- Was there space to move the building in order for it to be clearly moved away from the definitive footpath?
- In relation to objections that the new barn would impact on views, what was the distance along the footpath that would be edged by the new building, and for what distance would the footpath be enclosed between the existing barn and the new building?

275. In response to questions, Officers clarified:

- The Officer confirmed that the planning permission granted in 2017 allowed a café building across the footpath.
- It was correct that what was before the Inspector dealing with the diversion of the public footpath was a proposal to divert the definitive route of the footpath and the merits of considering this, which excluded an assessment of the impact of the development upon the definitive route.
- It was considered by officers, considering all the evidence before them, that the width of the definitive footpath was 1.8m. The proposed barn would encroach on the footpath by approximately 1 meter which would be unlawful insofar as it would obstruct its definitive route.

- It was possible for Members to conclude that the determination of the application be deferred for a different proposal, off the definitive line, to be considered. If Members were minded to agree a deferment to allow for amendments to be made, it would be important for officers to understand what member's concerns were to inform discussion with the applicant about such amendments.
  - There was approximately 3-5m between the south eastern flank wall of the proposed barn and the boundary with the industrial estate, which was considered sufficient space to move the building off the definitive route of footpath, using a 1.8m width for the footpath.
  - As proposed, the footpath would be enclosed between the proposed barn and the existing adjacent building for a distance of 4m.
276. The Committee discussed and debated the application, making the following comments:
- The harm to views was not considered strong enough to warrant refusal of the application as it was consistent with other footpaths which run through agricultural sites/farmsteads across the country, where wider views might be restricted for a short distance.
  - The Committee also considered that the footpath passing between two buildings for 4 metres and then alongside the side of the barn alone for a further 10 metres was not sufficient to warrant refusal of the barn in regard to impacts on the amenity of the footpath.
  - Provision of a café enabled increased opportunity for people to enjoy the special qualities of the National Park, which accorded with the second statutory purpose of the National Park.
  - There was no objection to the construction of the barn, with a building already having been granted planning permission. The concern of Members was that the proposed positioning of the barn could not be implemented as it was encroaching on the footpath.
277. A motion was proposed for deferment of the application for a period of not more than four months to allow the applicants the opportunity to work with officers to re-site the barn and formally re-submit plans to move it away from the footpath and for the SDNPA to undertake a re-advertisement of the application if necessary.
278. It was proposed to vote on the motion.
279. **RESOLVED:** That the application be deferred for a period of not more than four months to allow the applicants the opportunity to work with officers to re-site the barn and formally re-submit plans to move it away from the footpath and for the SDNPA to undertake a re-advertisement of the application if necessary.
280. Ian Phillips joined the meeting at 3.10pm.

### **ITEM 13: DRAFT DESIGN BRIEF FOR LAND AT OLD MALLING FARM, LEWES, EAST SUSSEX**

281. The Major Planning Projects Officer presented the report.
282. There were no public speakers for the item.
283. The Committee considered the report by the Director of Planning (Report PC19/20-35) and requested clarification as follows:
- Clarification on the consultation process and how the SDNPA would work with Lewes District Council.
  - Would the disused railway be considered as part of the design brief?
  - What quality mechanisms were in place to ensure that quality controls would be carefully enforced if the site was built out by a number of different developers, and not one single developer?
284. In response to questions, Officers clarified:
- The consultation would be managed and run by the SDNPA. There would be some direct consultation where an invite to respond would be sent to key stakeholders, and it would also be widely promoted through the SDNPA website. Various Officers at Lewes District Council would be consulted as part of this process.
  - The use and connection to the disused railway is reflected in the Movement and Infrastructure section of the Brief.

- The principle enforcement mechanism to ensure consistency of delivery on the ground would be the conditions and S106 legal agreement, which would be agreed if and when an outlying application was submitted. The Officer agreed to talk to the applicant in order to include some general, outline text in the design brief to look at the management of the open spaces
285. The Committee discussed and debated the application, making the following comments:
- It was noted that the trees listed in the design brief were all in their Latin form and it would be useful to have common names also listed.
  - Members praised Officers on a good design brief and worthwhile document.
286. It was proposed to vote on the Officer recommendation.
287. **RESOLVED:** The Committee:
- 1) Approved the draft Design Brief for consultation, subject to any comments of the Planning Committee being addressed (the wording of which is delegated to the Director of Planning in consultation with the Chair of Planning Committee).
  - 2) Delegated authority to the Director of Planning, in consultation with the Chair of Planning Committee, to consider the results of the consultation, make any minor changes and then approve the Design Brief for development management purposes as a material consideration in the determination of planning applications at Old Mall Farm. If major changes are required as a result of consultation a further report will be presented to Planning Committee

#### **ITEM 14: STEDHAM WITH IPING NEIGHBOURHOOD DEVELOPMENT PLAN DECISION STATEMENT**

288. The Communities Lead presented the report and referred to the update sheet.
289. There were no public speakers for the item.
290. The Committee considered the report by the Director of Planning (Report PC19/20-36) and the update sheet.
291. There were no questions or comments from the Committee.
292. It was proposed to vote on the Officer recommendation.
293. **RESOLVED:** The Committee:
- 1) Noted the Examiner's Report and recommended modifications to make the Stedham with Iping Neighbourhood Development Plan met the basic conditions as set out at Appendix 2 of the officer's report.
  - 2) Agreed the 'Decision Statement' as set out at Appendix 3 of the officer's report, which set out the modifications that would be made to the Stedham with Iping Neighbourhood Development Plan in response to the Examiner's recommendations.

#### **ITEM 15: FINDON NEIGHBOURHOOD DEVELOPMENT PLAN UPDATE DECISION STATEMENT**

294. The Communities Lead presented the report.
295. There were no public speakers for the item.
296. The Committee considered the report by the Director of Planning (Report PC19/20-37) and requested clarification as follows:
- Could Findon residents choose to have a referendum on this?
297. In response to questions, Officers clarified:
- The decision on whether a referendum was needed was at the Examiners discretion and it was clear from the Examiner's report that a referendum was not needed for the proposed minor amendments.
298. It was proposed to vote on the Officer recommendation.
299. **RESOLVED:** The Committee:
- 1) Noted the Examiner's Report and recommended modifications to the Findon Neighbourhood Development Plan Update to meet the Basic Conditions.
  - 2) Agreed to publish the 'Decision Statement' as set out at Appendix 3 of the officer's report.

## ITEM 16: SUSTAINABLE CONSTRUCTION SUPPLEMENTARY PLANNING DOCUMENT (SPD) – DRAFT FOR CONSULTATION

300. The Specialist Lead presented the report.
301. There were no public speakers for the item.
302. The Committee considered the report by the Director of Planning (Report PC19/20-38) and made the following comments:
- Was the information on waste, provided in the tables under items 2.73 and 2.75 of the proposed SPD document, up to date?
  - How could a Site Waste Management Plan be enforced and could an application be refused should it not provide one?
  - Should the 'Development types', shown in table I of the draft SPD, all be set the same target figure of 19% for 'Energy Efficiency CO2 reductions'?
  - Could all the 'Development types', shown in table I, be 'required' not 'encouraged' to meet the standards?
  - Could a post-completion self-certification system be built into the SPD?
303. In response to questions, Officers clarified:
- Data on waste would be updated at regular intervals for the SPD to keep information up to date.
  - An application without a Site Waste Management Plan could not generally be refused at present, however this is something that could be considered when the SDP is adopted.
  - The figures provided in table I of the draft SPD were proposed to be proportionate, and derived from the Code for Sustainable Homes which, in some cases, provided the maximum figures allowed by the Government.
  - Officers noted Members concerns that 'Development types', shown in table I of the draft SPD, be 'required' not 'encouraged' to meet standards, and would consider revising the wording in table I.
  - A self-certification system had been considered but officers considered it more appropriate to set conditions for applications that were proportionate to the scale of development in order to ensure targets were being met. For major developments a further condition would need to be satisfied once a building was occupied to demonstrate that the required measures had been implemented.
304. It was proposed and agreed to amend table I in the Draft SPD in order that all development types shown in table I of the draft SPD, were set the same target figure of 19% for 'Energy Efficiency CO2 reductions and to review how measures for minor non-residential development, in particular, could be strengthened'.
305. It was proposed to vote on the Officer recommendation, subject to the above amendment.
306. **RESOLVED:** The Committee:
- 1) Approved the draft Sustainable Construction Supplementary Planning Document (SPD) for public consultation (Appendix I), subject to an amendment to table I in the Draft SPD in order that all development types shown in table I of the draft SPD, were set the same target figure of 19% for 'Energy Efficiency CO2 reductions'.
  - 2) Delegate to the Director of Planning, in consultation with the Planning Committee Chair, authority to make minor changes to the draft SPD prior to public consultation
307. The Chair closed the meeting at 4.14pm.

## CHAIR

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

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE 13 FEBRUARY 2020**

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

Present: Alun Alesbury (Chair), Heather Baker, Thérèse Evans, Barbara Holyome, 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), Mike Hughes (Major Planning Projects and Performance Manager) Lucy Howard (Planning Policy Manager), Katie Kam (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by:

Richard Ferguson (Development Management Lead, (West)), Kevin Wright (Planning Policy Officer), Heather Lealan (Development Management Lead, (Minerals and Waste)) and Sarah Nelson (Planning Project Lead).

External Attendees: Fraser Castle (Bruton Knowles Property Consultants).

### **OPENING REMARKS**

308. 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.
2. 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**

309. Apologies were received from Pat Beresford, Gary Marsh, Robert Mocatta and William Meyer.

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

310. Diana van der Klugt declared a public service interest in item 7 as she was acquainted with one of the speakers, Cllr James Pickford.

311. Therese Evans and Barbara Holyome declared a public service interest in item 11 as they had previously met one of the speakers, Chris Corcoran. They had not had any involvement with the Twyford Neighbourhood Development Plan

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 14 NOVEMBER 2019**

312. There were three agreed amendments to the minutes of the previous meeting held on 8 November 2018 as follows:

- Minute 275, bullet point 2 - Amend “which excluded an assessment of the impact” to “which contained a limited assessment of the impact”.
- Minute 275, bullet point 3 - The addition of “at that point” after “the width of the definitive footpath was 1.8m at that point” for clarification that it was not referring to the width along the whole length of the footpath.
- Minute 275, bullet point 3 – correction of spelling from meter to ‘metre’.
- Minute 276, bullet point 3 – addition of “and had already been approved in principle” to the end of this bullet.

313. The minutes, with the amendments noted, were then signed as a correct record by the Chair.

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

314. There were none.

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

315. There were none.

## **ITEM 6: URGENT ITEMS**

316. There were none.

## **ITEM 7: APPLICATION NUMBER: SDNP/18/03162/FUL - EASTMEAD INDUSTRIAL ESTATE, LAVANT. WEST SUSSEX.**

317. The Case Officer presented the application, referred to the update sheet and gave a verbal update that Members had received further correspondence from the agents outlining their views on the viability of the scheme and requesting that the Committee defer the application in order for further discussions to take place.

318. The following public speakers addressed the Committee:

- Councillor James Pickford spoke against the application representing Lavant Parish Council.
- Maureen O'Grady spoke against the application representing herself.
- David Green spoke against the application representing himself.
- Patrick Barry spoke in support of the application representing the applicants.

319. Fraser Castle, from Bruton Knowles Property Consultants, attended the meeting to assist officers with any technical queries from members regarding viability considerations and the first reason for refusal.

320. The Committee considered the report by the Director of Planning (Report PC19/20-39), the update sheet and the public speaker comments, and requested clarification as follows:

- Confirmation that both SDNPA Officers and the Applicants had met with Lavant Parish Council to try and address their concerns.
- Clarification on whether this application could be policy compliant and provide 50% affordable housing, and why there was no provision for affordable housing after 18 months of discussions between the Officers and Agents.
- Confirmation that the Parish Council were happy with the reduction in the number of commercial units which would result from this scheme, when this appeared contrary to the Lavant Neighbourhood Development Plan.
- Clarification on the number of commercial businesses remaining on the site and whether there were suitable, alternative sites available locally for them to relocate to.
- Reassurance that issues with waste water had been dealt with, and clarification on what sustainable drainage systems had been discussed.
- Confirmation of the distance between proposed buildings on plots 13 & 14 and existing flats on the north eastern boundary.
- How many visitor parking spaces were provided, where were they located and what measures were in place to prevent parking on the central green area.
- Clarification of what the small proposed building next to the existing flats in the north-west corner was.

321. In response to questions, Officers clarified:

- SDNPA Officers had met with the developers and Lavant Parish Council and the current scheme is borne out of those discussions. It was understood that the developer had also engaged with the Parish Council prior to and following the making the Neighbourhood Development Plan (NDP) which had led to the more traditional design of the current application.
- The Case Officer had asked the Parish Council for their priorities and had addressed the two critical elements of parking and affordable housing in his presentation. The Director of Planning confirmed that there had been dialogue between Officers and the Parish Council. He also addressed a concern from a public speaker that there had been mismanagement on behalf of the Authority, responded that whilst there had been debate on the weight given to policies and material considerations, and discussions about the relationship

between the South Downs Local Plan (SDLP) and the Lavant NDP, there had not been any mismanagement in his view. He asked that anyone who felt that there had been should submit it formally in writing.

- Fraser Castle, from Bruton Knowles, confirmed that a policy compliant scheme could be delivered on this site. The Director of Planning emphasised that, following the adoption of the SDLP, the starting point for all applications should be adherence to SDLP Policies specifically using a landscape led approach and provision for affordable housing.
- There was a difference in views on the number of commercial units that the site should accommodate. Chichester District Council Economic Development Team advised, in their consultee responses, that there was still a need for employment on this site. The Lavant NDP allocated the site for an employment led mixed use development whereby the precise mix should be determined by viability considerations, but the application presented an appropriate amount of employment floorspace having considered the views of the Parish Council and the CDC Economic Development Team.
- It was estimated that approximately half of the commercial premises were vacant. Where businesses had specifically relocated to was unknown.
- Southern Water had raised no objection as they believed a solution to the waste water issues could be delivered by the developers and addressed by conditions, if the application were to be approved. The scheme had also addressed some of these issues by ensuring that water would be captured at source via the landscape scheme including the village green in combined with a system of soakaways.
- The distance between the proposed buildings on plots 13 & 14 and the existing flats on the north eastern boundary was 7m from the end of the houses, and 12m from the recessed area, to the rear boundary. The windows on the rear elevations of the buildings on these plots would serve bathrooms and use obscured glazing so there would not be an issue of overlooking of the existing flats. It was outlined that the relationship between these plots and the existing flats was considered to be acceptable.
- Officers were satisfied that parking was sufficient within the site, based on West Sussex County Highways standards and that a balance between the requirements of the LNDP and ensuring a high quality public realm was needed. Visitor parking bays were proposed around the village green and an appropriate landscaping scheme around the green was in place to restrict parking on the green itself. The Highways Authority had not raised an objection on lack of parking, in spite of 2 spaces short of their requirements.
- Officers clarified that the small proposed building next to the existing flats in the north-west corner was a car port.

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

- Members did not support deferment of the application, not least because of the fact that no provision for affordable housing had been agreed despite 18 months of discussion.
- Members supported the reasons for refusal as set out in the Officers report and the update sheet.
- Members were concerned about a substantial loss of employment land.
- The mix of housing, affordable housing and employment sites did not concur with the SDNPA Local Plan or the Lavant Neighbourhood Development Plan.
- Members recognised the positive recent additions of solar panels and electric vehicle charging points, however, more could be done on this site and that sustainable urban drainage (SuDS) was not addressed sufficiently.
- Parking was considered insufficient and concerns were raised that this application could add to existing parking issues in the village.
- Members noted that their concerns about car parking and employment space should be taken into account in any future negotiations between the Officers and Developers.

323. Member noted the amendments to the reasons for refusal, as set out on the update sheet, and agreed that the second reason should be omitted and an additional reason be included to secure a financial contribution towards improvements to the public transport network (bus services) within the locality of the site.

324. Members agreed that an informative note be included in the Decision Notice regarding increased provision of employment premises and parking spaces in any future proposals, whilst achieving a landscape-led scheme.
325. It was proposed and seconded to vote on the officer's recommendation for refusal for reasons 1 and 3 at paragraph 10.1 of the report and for reason 4 as detailed in the update sheet.
326. **RESOLVED:** That permission be refused, for the reasons 1 and 3 as set out at paragraph 10.1 of the report, and for reason 4 as detailed in the update sheet.
327. Fraser Castle, from Bruton Knowles, left the meeting.

## **ITEM 8: EAST SUSSEX, SOUTH DOWNS AND BRIGHTON & HOVE WASTE AND MINERALS LOCAL PLAN REVIEW**

328. Margaret Paren and Ian Phillips joined the meeting at 11:40.
329. The Planning Policy Manager presented the application.
330. The Committee considered the report by the Director of Planning (Report PC19/20-40) and requested clarification as follows:
- That Policy WMPI3 (provision of clay) could be removed from the 'Summary of Policy Review' table on page 44 of Appendix 1A of the report, as this was due to be replaced by 'RPD – Provision of Clay (RM2)' and was noted on the 'Summary of Proposed Amendments' table on page 89 of Appendix 1A.
  - Whether the SDNPA had submitted any comment on the Aldershaw Tiles Quarry site extension (listed on page 151 of Appendix 2) which, although outside of the National Park, would result in the destruction of ancient woodland. This would be contrary to objective 14 of the Sustainability Appraisal Framework (listed on page 194 or Appendix 2 of the report).
  - Clarification on the next steps for the decision making process for the Plan.
331. In response to questions, Officers clarified:
- It was noted that Policy WMPI3 (provision of clay) should be removed from the 'Summary of Policy Review' table in Appendix 1A.
  - The Planning Policy Manager agreed to discuss the ancient woodland on the Aldershaw Tiles Quarry site extension with East Sussex County Council (ESCC) and report back to Members.
  - The Planning Policy Manager clarified that all three Authorities (East Sussex, South Downs and Brighton & Hove) needed to approve the plan and that comments from this Committee would be reported back to the other Authorities before coming to the SDNPA NPA meeting.
332. Members agreed to the reports recommendation, subject to the following:
1. To amend the 'Summary of Policy Review' table in Appendix 1A and remove Policy WMPI3 (provision of clay);
  2. The SDNPA to query with ESCC what led to the decision to approve a site which would have impact upon ancient woodland, and ensure that the objectives of the Sustainability Appraisal are aligned with report content.
333. **RESOLVED:** The Committee:
1. Agreed to recommend the Full Authority approve the Draft East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review, as detailed in Appendix 1A of this report, for Regulation 18 Consultation in spring 2020 subject to any comments made by the Planning Committee being addressed and subject to any minor changes that arise prior to the start of the consultation being agreed by the Director of Planning and the Chair of the Planning Committee, in consultation with the Directors of Planning at East Sussex County Council and Brighton & Hove City Council.
  2. Noted the main issues arising from Sustainability Appraisal (SA) as detailed in Appendix 2 and the high level review of the Habitat Regulation Assessment (HRA) (Appendix 3).
  3. Noted the subsequent preparation of a Regulation 19 Review document for consultation later in 2020.

## **ITEM 9: UPDATE ON THE PROGRESS OF THE REVIEW OF THE WEST SUSSEX WASTE PLAN**

334. The Planning Policy Manager presented the application and referred to the update sheet.
335. The Committee considered the report by the Director of Planning (Report PC19/20-41) and the update sheet and requested clarification as follows:
- Members asked for an update on the appeal for Brookhurst wood near Horsham.
336. In response to questions, Officers clarified:
- The hearing for Brookhurst Farm took place in December 2019 and Officers were awaiting the Examiners report.
337. Members agreed to the amendment to first recommendation as set out in the update sheet.
338. **RESOLVED:** The Committee:
1. Agreed that an update to the West Sussex Waste Plan is not required at this time, noting that the Plan may be updated in response to yearly monitoring or future reviews.
  2. The Committee noted that a summary of the review process and the decisions will be published on the website hosted by West Sussex County Council.

## **ITEM 10: AUTHORITY MONITORING REPORT**

339. The Planning Policy Officer presented the application and referred to the update sheet.
340. The Committee considered the report by the Director of Planning (Report PC19/20-42) and the update sheet and requested clarification as follows:
- Was the SDNPA working with other bodies to establish national standards for ecosystem service that can be used elsewhere?
341. In response to questions, Officers clarified:
- The work on Ecosystem services was created in partnership with many partners and the SDNPA were sharing it and working to improve it.
342. Members made the following comments:
- They would like the Executive Summary to include the number of new visitor accommodation had been created.
343. It was agreed to add the number of new visitor accommodation had been created to the Executive Summary as this would not affect the data.
344. **RESOLVED:** The Committee noted the report subject to a minor amendment to include the number of new visitor accommodation created in the National Park in the Executive Summary.

## **ITEM 11: SOUTH DOWNS NATIONAL PARK AUTHORITY'S (SDNPA) RESPONSE TO THE PRE-SUBMISSION (REGULATION 14) CONSULTATION ON THE TWYFORD NEIGHBOURHOOD DEVELOPMENT PLAN (TNP)**

345. The Communities Lead presented the report.
346. The following public speaker addressed the Committee:
- Chris Corcoran spoke to make comments, and represented Twyford Parish Council.
347. The Committee considered the report by the Director of Planning (Report PC19/20-43) and the public speaker comments, and made the following comment:
- Members sought clarification on why the Neighbourhood Development Plan (NDP) had taken so long to get to this stage.
348. In response to the question, Officers clarified:
- This NDP had involved extensive community engagement which took some time. Unfortunately during this time there was a change to the legal rules stipulating that NDPs needed to do a Habitats Regulations assessment, which triggered a need to also undertake a strategic environmental assessment. These both needed to be undertaken prior to the publication of the pre-submission of the Plan.
349. **RESOLVED:** The Committee:
1. Agreed the Table of Comments as set out in Appendix 2 of the report which would form the SDNPA representation to the Twyford Neighbourhood Development Plan (TNP) pre-submission consultation.

## **ITEM 12: ENFORCEMENT UPDATE**

350. The Development Management Lead (Minerals and Waste) presented the report.
351. The Committee considered the report by the Director of Planning (Report PC19/20-44) and made the following comments:
- Members clarified that the TPOs listed in the report were those made by SDNPA officers working in recovered areas and did not include TPOs made by Host Authorities working on behalf of the SDNPA.
352. **RESOLVED:** The Committee noted the update on enforcement action.

## **ITEM 13: SUMMARY OF APPEAL DECISIONS RECEIVED FROM 19 SEPTEMBER 2019 - 27 JANUARY 2020**

353. The Planning Project Lead presented the report.
354. The Committee considered the report by the Director of Planning (Report PC19/20-45) and made the following comments:
- It was noted that one of the appeals allowed by the Inspector was for an extension to a large property which was greater than 30% recommended in the South Downs Local Plan. The Inspectors comments had been noted and guidance had been issued to Officers in host authorities on how to assess applications for extensions to properties.
355. **RESOLVED:** The Committee noted the outcome of the appeal decisions.
356. The Chair closed the meeting at 12:40.

## **CHAIR**

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