

**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.
12067. 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 Malling 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: \_\_\_\_\_



## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE 12 MARCH 2020**

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

Present: Alun Alesbury (Chair), Heather Baker, Barbara Holyome, 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): 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), Kelly Porter (Major Projects Lead), David Easton (Development Management Lead), Richard Ferguson (Development Management Lead), Rafa Grosso-Macpherson (Senior Development Management Officer), Hannah Collier (Senior Planning Policy Officer), Becky Moutrey (Solicitor), Robin Parr (Head of Governance), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Ruth Childs (Landscape Officer), Mark Waller-Gutierrez (Specialist Lead) and Michael Scammell (Conservation Officer).

### **OPENING REMARKS**

357. 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**

358. Apologies were received from Pat Beresford, Thérèse Evans, Gary Marsh, Robert Mocatta.

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

359. The Chair disclosed a non-prejudicial interest on item 7, as he had previously acted on behalf of Comer homes in a professional capacity.

360. Heather Baker disclosed a non-prejudicial interest on item 7 as she was acquainted with one of the speakers from a previous role as a District Councillor for Fernhurst.

361. William Meyer disclosed a non-prejudicial interest on item 8 as a Member of the Lewes Liberal Democrats. Whilst Party members had raised an objection to this application, William Meyer had not taken part in any discussions with them on this application.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 13 FEBRUARY 2020**

362. The minutes of the previous meeting held on 13 February 2020 were agreed as a correct record and signed by the Chair.

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

363. There were none.

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

364. There were none.

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

365. There were none.

**ITEM 7: SDNP/19/00913/FUL - FORMER SYNGENTA SITE, HENLEY OLD ROAD, FERNHURST, WEST SUSSEX. GU27 3JE.**

366. The Case Officer presented the application, referred to the update sheet and gave two further verbal updates, as follows:
- There was an amendment to the comments from the Local Highways Authority on item 4.5. The 6th bullet point should read: “It is agreed that the overall vehicular trip rate of 214 daily movements at peak times would be expected”.
  - A further letter of objection had been received from a local resident. The main points included that they believed the scheme directly conflicted with the aims and principles of the National Park, and that there would be a disruptive impact on all areas of local life.
367. The following public speakers addressed the Committee:
- John Buchanan spoke against the application representing Fernhurst Parish Council.
  - Neil Rowley spoke in support of the application representing Comer Homes.
  - Alan Beaumont spoke in support of the application representing Comer Homes.
  - Gavin Wheatley spoke in support of the application representing Comer Homes.
368. Jamie Brown from the West Sussex Highway Authority joined the meeting.
369. The Committee considered the report by the Director of Planning (Report PC19/20-46), the update sheet and the public speaker comments, and requested clarification as follows:
- What methods were used to obtain the overall vehicular trip rate, and were vehicular movements outside peak times measured?
  - Why could only 20% affordable housing be achieved on this site?
  - Would the affordable units being offered as ‘social rented’ tenure be retained in perpetuity?
  - Clarification on the housing mix, and confirmation that the 2 and 3 bedroom houses with a study did not equate to a further bedroom, increasing the actual number of 4 bedroom houses.
  - Clarity on the carbon emission reductions to be achieved from the scheme.
  - Why gas was chosen as the main source of heating for the dwellings, and what alternative sources of heating had been explored? Additionally, what form of future-proofing had been put in place to enable alternative heat sources to be used in the future?
  - What enhancements would this scheme bring to the Cooksbridge Meadow Nature Reserve?
  - Had the enhancements to compensate for loss of bat habitat been included in the details of the scheme?
  - Would the footpath connecting to the village be wide enough for wheelchair users?
370. In response to questions, Officers clarified:
- Jamie Brown from the Local Highways Authority responded that it was expected that there would be 100 vehicle movements between 8-9am and 114 between 5-6pm. It was considered standard practice for traffic studies to focus on peak times when you would expect the highest volume of traffic.
  - Whilst both the South Downs Local Plan and the Fernhurst Neighbourhood Development Plan set out a requirement for 50% affordable housing, this site was subject to a viability assessment and other national planning policy requirements. As it was a brown field site, ‘Vacant Building Credit’ could be applied. This would reduce the requirement for affordable housing where a development was proposed on previously developed land that included vacant buildings. The Highfield building on this site can be used to offset against affordable housing, leading to 20% being offered rather than 50%. Officers confirmed that the offer of 20% is policy compliant.
  - Officers agreed to explore whether the ‘social rented’ tenure could be retained in perpetuity.
  - The floor plans clearly showed that the 2 and 3 bedroom houses had a separate study space which was not an extra bedroom.

- The overall scheme would reduce regulated CO<sub>2</sub> emissions to net zero relative to Building Regulations, 19% of which would be reductions via the built fabric of the dwellings and further 81% through the use of PV panels and the proposed wood burning stoves.
- The residential dwellings would be heated using both natural gas and 'Ecodesign Ready' wood stoves which were approved by Defra as low-emission wood burning stoves and which would meet proposed new EU standards. The applicants had explored alternative forms of heating to gas. They had agreed to explore air source heat pumps for the commercial units, however they proved to be undeliverable for the residential dwellings. The proposed infrastructure had been future-proofed to enable alternative sources of fuel, such as hydrogen fuels, which may replace natural gas in the future. The scheme was deemed policy compliant by Officers.
- The applicant was in discussions with the local Wildlife Trust to secure benefits to the Cooksbridge Meadow Nature Reserve through the S106 legal agreement. This would include enhanced planting on the boundary and improvements to the Right of Way, alongside information on the reserve for new residents.
- The enhancements to compensate for loss of bat habitat had been included in the details of the scheme and no further comments had been received from the Sussex Wildlife Trust.
- The footpath connecting the site to the village would be 1.5m wide.

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

- The scheme was commended on its environmental considerations specifically on the following points: that the development would achieve BREEAM New Construction Design 'Excellent'; that there would be a 32% net gain for biodiversity; that there would be a reduction of regulated CO<sub>2</sub> emissions to net zero relative to Building Regulations; that the scheme included passive house (Passivhaus) standards; and the promotion of sustainable travel initiatives such as car sharing club and on-site minibus service to local amenities.
- There were some concerns that the courtesy bus may need to run earlier in the day and later in the evening to capture commuter hours and school drop off, if it was to be a viable alternative to individual car use.
- Despite reservations that the number of affordable housing units was only 20%, Members were pleased that 74% (32) of the affordable units were being offered as 'social rented' tenure.
- The design was felt to be slightly overbearing and urban for a rural setting. However Members understood that the starting point for design was in context to the landscape woodland setting and pagoda building, and that modern design can work successfully provided care is taken to detail and end results related to character of the area.
- The inclusion of accessible and adaptable dwellings was commended.

372. It was proposed and seconded to vote on the officer's recommendation.

373. **RESOLVED:**

- I. That planning permission be approved subject to the conditions set out in Section 9 of the Officers report and subject to the completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning with obligations relating to:
  - The provision of 32 social rented affordable units and 11 shared ownership affordable units;
  - The provision of a footway from the site to Fernhurst Village and other highway improvement works immediately outside of the site;
  - The provision of a Travel Plan and sustainable transport measures (including on-site minibus service, car parking management scheme and a car sharing club);
  - The provision of a Community Liaison Group and Estate Management Company;
  - The provision of Estate Management Plans (to include the maintenance and management of the landscaped areas, ecological measures, drainage, and SuDs, open spaces, lighting, estate roads and footways);

- The provision of off-site ecological and other mitigation works to Cooksbridge Meadow Nature Reserve, and
  - The provision of employment and skills training.
2. That the Committee confirm in their decision they have taken into account:
    - the environmental information as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
    - all matters referred to in the Director of Planning's report including comments received from statutory consultees and other interested parties, and
    - all other material considerations, and
  3. 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 not been made within 6 months of the Planning Committee meeting of 12 March 2020

374. Jamie Brown left the meeting.

**ITEM 8: SDNP/18/05444/FUL - GARDEN STREET AUCTION ROOMS, GARDEN STREET, LEWES. BN7 1TJ.**

375. The Case Officer presented the application, referred to the update sheet and gave the following two verbal updates:

- The proposal description incorporated a housing mix which was out of date. The table on page 74 of the committee papers detailed the correct housing mix, which was: ten residential units comprising four no. two-bed split-level apartments, two no. three-bedroom houses and four no. four-bedroom houses.
- Two further letters of representation had been received, both raising objections relating to the conservation area and the absence of affordable housing provision.

376. The following public speakers addressed the Committee:

- Elizabeth Thomas spoke against the application representing Friends of South Downs Society.
- Jennifer Chibnall spoke against the application representing herself.
- David Stechler spoke against the application representing himself.
- Liam Russell spoke in support of the application representing the applicant.

377. The Committee considered the report by the Director of Planning (Report PC19/20-47), the update sheet and the public speaker comments, and requested clarification as follows:

- Clarification on the changes to the housing mix and which of the dwellings on the floorplans were 3 bed and which were 4 bed properties, as it was not clear on the plans whether they included an extra bedroom or a study.
- Why there was no provision of affordable housing, which was in conflict with both the South Downs Local Plan and the Lewes Neighbourhood Development Plan (LNDP). The LNDP has specifically identified affordable housing for young people as a need for Lewes. Had an analysis of a different, more conservative design been undertaken to ensure that affordable housing could be viable with a different application?
- Did the site include a strip of land which was not owned by the developer?
- Would this development affect the views across to the downs from the junction of Garden Street with Southover Road in the northwest corner of the site?
- Further clarification from the SDNPA Conservation Officer on their reasons for submitting no objection to this proposal that is within the conservation area of Lewes.
- Did the application sufficiently preserve or enhance the character or appearance of the Lewes Conservation area, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, or the adopted 2013 Lewes Area Conservation Management Plan?
- As a corner site, adjacent to 2 roads, clarification that the developers had taken the advice of the Design Review Panel in conducting a study of other corner developments in Lewes, as there were many good examples of buildings on steep-sided, corner sites.

378. In response to questions, Officers clarified:

- The officer clarified the housing mix on the floorplans. There were fewer 3 bed properties than originally proposed as two of the dwellings included a bedroom which failed to meet the minimum size standards for bedrooms. They were reclassified as 2 bed properties with a study included.
- This application had been in progress before the adoption of the SDNPA Local Plan and therefore at the time the weight to be attributed to disputed policies was far less. Despite this, and given that the application now fell to be determined against current adopted Plans, an independently assessed viability appraisal had demonstrated that the proposed development with the provision of affordable housing would not be viable. The developer had undertaken analysis of various options and was of the view that, due to the constraints of the site, affordable housing would still not be viable with a more conservative design.
- It was the Officers understanding that any land inside the red line shown on the Site Location Plan (see appendix I of the Officer's report) was owned by the applicant. They had not been made aware that there was any land not in the developer's ownership but would consider any evidence that came forward.
- The views from the junction of Garden Street with Southover Road may be impacted but the Downs would still be visible through gaps across the site. Due to the nature of the site, which drops steeply at the North West corner, it was considered difficult to develop the site without impacting the views.
- The Conservation Officer explained that, whilst the site is within the Saxon core of the conservation area, it is constrained as a housing site due to its levels and surroundings. On the North West side it had a steep bank up to Garden Street and Southover Road, and the North East side was bordered by the railway line. It was felt that the proposed design, whilst modern, put forward an ingenious and coherent response to a difficult site. It was also in line with other recent, more modern architectural developments in the area.
- Officers felt that the policy issues for building in a conservation area were correctly laid out. Members were reminded that the law required that special attention be paid to the desirability to preserve or enhance the character or appearance of a Conservation area. It was a matter of judgement for the Committee to decide, having regard to the wording of the legislation.
- The developers had followed advice following the 2018 meeting with the Design Review Panel, as detailed on item 2.5 of the Officers report, and conducted an analysis which had been incorporated into the application before the Committee.

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

- Members were not against the principle of development on this site and acknowledged the constraints of the site. It was recognised that this was an interesting development and that a lot of work had gone into the application. They also praised the use of renewable energy in the application.
- However it was agreed that, while the Committee was not against the principle of contemporary design in appropriate circumstances within Conservation Areas, the application here was not suited to this site, and did not take sufficient note of the desirability of preserving or enhancing the character and appearance of the Lewes Conservation Area, as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, or the Lewes Conservation Area Management Plan. Any application for this site should reflect and respect the design characteristics and local materials of the Lewes Conservation Area.
- There was specific design concerns over the dominance and incongruity of the buildings and amount of glazing used for residential dwellings.
- Concerns were raised about the restriction of views to the Downs which was contrary to policy SD6 of the South Downs Local Plan on safeguarding views.
- The design for this application could not be supported because it precluded the provision of affordable housing which went against the South Downs Local Plan policies. The Lewes NDP specifically identifies affordable housing for young people as a need for Lewes and this site was considered a suitable site for affordable housing being located near the station and walking distance to the town centre.

380. It was proposed and agreed to refuse the application for the following reasons, the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee:
- The proposal, in this location, by virtue of its design, materials, mass and bulk, would be harmful to the character and appearance of the Lewes Conservation Area;
  - There was extensive use of glazing and inappropriate fenestration in comparison to dwellings typical to Lewes;
  - That the inappropriate design and costs associated led to an inability for the site to produce any affordable housing.
381. **RESOLVED:** That the application be refused for the following reasons, with the final form of words delegated to the Director of Planning in consultation with the Chair of Planning Committee: The proposed development by virtue of its mass, scale, bulk, design, materials and extensive glazing would appear incongruous and overly dominant within the street scene, and in other important views, and as such would harm rather than preserving or enhancing the special architectural or historic interest, character and appearance of the Lewes Conservation Area, and would be in conflict with policies SD5 and SD15 of the South Downs Local Plan. The incongruous and unacceptable design has significant construction costs associated with it which have eroded the viability of the development to provide policy compliant affordable homes. Given that the development will result in unacceptable harm, in conflict with policies SD5 and SD15, then the absence of any affordable housing provision from residential development on this site is considered to be in conflict with policy SD28 of the South Downs Local Plan.

**ITEM 9: SDNP/18/05206/FUL - ALDI HOUSE, 1 BROOKS ROAD, LEWES, EAST SUSSEX BN7 2BY.**

382. The Case Officer presented the application, referred to the update sheet which listed two further conditions, and gave the following verbal update:
- A further note had been sent by Aldi to Members outlining the benefits of the scheme.
  - There was a minor amendment to two disabled parking spaces following advice from the Highways team of East Sussex County Council.
383. The following public speakers addressed the Committee:
- Alastair Close of Planning Potential spoke in support of the application representing Aldi.
384. The Committee considered the report by the Director of Planning (Report PC19/20-48), the update sheet and the public speaker's comments, and requested clarification as follows:
- There were some concerns that the landscape officer had objections to the scheme and that they did not believe the scheme followed a landscape-led approach.
385. In response to questions, Officers clarified:
- The Officers had to balance many different views and weigh them up against policies. It was felt that this scheme was a great improvement from the first scheme, and that it delivered many benefits by achieving Building Research Establishment Environmental Assessment Method (BREEAM) Excellent.
386. The Committee discussed and debated the application, making the following comments:
- The Committee congratulated Aldi on their community engagement which had led to an acceptable scheme being presented.
  - It was noted that Aldi had worked hard to change original design and make it more landscape led.
  - The scheme was applauded for meeting BREEAM Excellent requirements.
387. It was proposed and seconded to vote on the officer's recommendations, subject to the minor corrections to the Recommendation, and subject to the two additional conditions as set out in the update sheet, and also subject to an amendment to condition 16 to include submission of further car parking information.
388. **RESOLVED:**
- 1) That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and the Update Sheet, and subject to the submission of further car parking

information the consideration of which is to be delegated to the director of planning, and subject to a legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:

- The relocation strategy, the lease extension of a year to the occupants of the industrial units and a developer contribution of £25,000 to town centre enhancements and employment initiatives.
- 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 not been made within 6 months of the Planning Committee meeting of 12 March 2020

**ITEM 10: SDNP/19/04275/CND - BROAD VIEW FARM BLACKNEST ROAD BINSTED ALTON GU34 4PX.**

389. The Case Officer presented the application, referred to the update sheet, which included an update to condition 7 and two corrections to the recommendation, and gave the following verbal update:
- The applicant had submitted further landscaping details not detailed on the Update Sheet, which sought to address comments made by the Hampshire County Council Rights of Way (RoW) team regarding fencing and hedging along to western edge of the proposed car parking space. This would require an amendment to condition 4 to require this condition to be discharged.
390. The following public speakers addressed the Committee:
- Claire Fargeot spoke against the application representing herself.
  - Claire Fargeot spoke against the application representing County Councillor Mark Kemp-Gee
  - Ian Salisbury spoke against the application representing himself.
  - Stephen Andrews spoke in support of the application representing the applicants.
391. The Committee considered the report by the Director of Planning (Report PC19/20-49) and the public speaker comments, and requested clarification as follows:
- Could the application previously approved be built out if this application was not approved?
  - Clarification that the expiration date detailed on condition one was correct, and was three years from the 31<sup>st</sup> March 2017.
  - Was it an offence to drive or cycle over a RoW without authority and whose authority was required?
392. In response to questions, Officers clarified:
- Permission was granted in 2017 for a number of buildings, including lodges which had now been built. The 2017 permission approved the construction of a building across a footpath. At that time approval was also given to a diversion order to divert the footpath. Objections to the diversion order meant that an Inspector appointed by the Secretary of State held a public inquiry. The Inspector did not permit the diversion of the footpath, therefore that building could not be built.
  - The date detailed in condition 1 was correct and the previous permission had been partially implemented by virtue that the lodges had already been built.
  - It was an offence to drive or cycle over a RoW without authority, however the owner of the land was entitled to permit him/herself or their guests to drive across a footpath as long as it did not obstruct the footpath. Parking on a footpath was not permitted as this would cause an obstruction.
393. The Committee discussed and debated the application, making the following comments:
- The Committee commended Officers and the applicant for seeking to address the issues that had arisen and that they had been sensibly addressed.
394. It was proposed and seconded to vote on the officer's recommendations as set out in the Update Sheet, subject to the amendment to condition 7 as set out in the update sheet, and an amendment to condition 4 as detailed above.

**395. RESOLVED:**

- 1) That planning permission be granted subject to the completion of a Deed of Variation, the final form of which is delegated to the Director of Planning, to secure the previous S106 requirements in relation to the original planning permission SDNP/16/03835/FUL, which are:
  - Not to sever the legal ownership of the barn and tourist accommodation or any parts thereof from the remainder of the land (Broadview Farm).
  - Not to create any legal interest in the barn and tourist accommodation or any parts thereof separate from the remainder of the land (Broadview Farm).
- 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 not been made within 6 months of the Planning Committee meeting of 12 March 2020.
- 3) The conditions as set out in paragraph 11.1 of the Officer's report, subject to the amendment to condition 7 as detailed on the Update Sheet and subject to an amendment to condition 4, the final form of words delegated to the Director of Planning in consultation with the Chair of Planning Committee.

**ITEM 11: SDNP/19/03160/OUT - LOWER YARD, SELBORNE ROAD, NEWTON VALENCE, ALTON, HAMPSHIRE.**

396. The case officer presented the report, referred to the update sheet and gave the following verbal update:
- An email had been received by Officer and Members from a District Councillor for the area raising matters relating to the principle of development for the site, landscape matters and the ability to deliver the Whole Estate Plan.
397. The following public speakers addressed the Committee:
- Bob Fewings spoke against the application representing himself.
  - Pip Lucas spoke against the application representing himself.
  - Charles Louisson spoke against the application representing the Ropley, Hawkley & Hangers Ward of East Hampshire District.
  - Ian Ellis in support of the application representing the Applicant.
398. The Committee considered the report by the Director of Planning (Report PC19/20-50), the update sheet and the public speaker comments, and requested clarification as follows:
- What was the basis of the tenancy of the farm workers cottages and two affordable houses, and would either be kept in perpetuity?
  - Would the houses be supplied by mains water or a private water supply, and was it sufficient for 10 dwellings?
  - What consideration was given to the Newton Valence Village Plan, which did not appear to support this application?
  - What impact would this proposed development have on traffic using narrow rural roads?
  - Had the Landscape Officers comments been taken on board, considering this was an outline application, or would they be considered at the reserved matters stage?
  - What was the policy position under the newly adopted South Downs Local Plan were it not for the site being included in a Whole Estate Plan (WEP)?
  - How could the advantages of the WEP be secured and be enforceable?
  - Had a valid costing been received detailing why there was a need for six market properties in order to provide two affordable and two rural estate workers dwellings?
399. In response to questions, Officers clarified:
- This was an outline planning permission and not a full application, but many reserved matters were for determination. The tenure of the two farm worker cottages and affordable housing units would need to be rented tenure to be compliant with the affordable housing policy. This was still to be agreed and Officers would seek to secure this in the S106 agreement.



- The site was currently supplied by private bore hole but this application would ensure that mains supply from SE water would be connected if this application went ahead.
- The Village Plan had been given consideration in the assessment of the application and many of its objectives were embedded in the report's assessment, including retention of hedgerows, retention of road verges and concerns about light pollution. The Village Plan indicated that the local community were generally against new development throughout the village, however there were mixed views about how to redevelop and use agricultural sites. The preference for redevelopment of such sites was towards housing rather than business, and Officers had taken this into account. The site had a long history of pre-application enquiries which ranged from proposals for between 5 and 12 dwellings.
- Policy SD21, which addresses the impacts of development on historic rural roads and verges, had been taken into consideration. The existing site was not working at its full capacity as a farm, and it was felt that smaller vehicles from this development would have less of an impact than larger farm vehicles, which could have a significantly higher impact on the road verges and sunken lanes. The application sought to maintain the existing access, rather than propose a new access to the site, in order to further reduce impacts to the surrounding rural roads. The Highways Authority had not raised any objection to this outline permission.
- Some of the Landscape Officers comments had been taken into account in the Officers report, however many of the comments relating to design would need to be addressed at the reserved matters stage.
- There were policies in the Local Plan which related to either conversion of buildings, or new buildings on farmsteads. However, if there were not a WEP for this site, this outline application would be considered in a different light as it would be contrary to South Downs Local Plan policy as it was outside of the settlement boundary. However, it was right to consider this application as part of a WEP under Policy 25 in the South Downs Local Plan, provided it would deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services.
- The WEP identified the need for affordable housing and rural worker dwellings. A S106 legal agreement would need to be entered into as part of the planning process in order to mitigate any harm caused by the development. In 2015 the Government restricted what could be included in S106 agreement and the key requirements was that mitigation was necessary to make a development acceptable, directly related to the development and fairly and reasonably related in scale and kind.
- Approximate figures, but not full financial figures, had been provided to indicate the number of open market properties needed for this site in order to provide for the two affordable dwellings, two rural workers dwellings and other benefits of the WEP that fall outside of the application site.

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

- Members would have preferred to have considered a full application and not an outline application. They expressed concern that the application was lacking sufficient information to enable them to make a decision to approve or refuse this outline application.
- If this site did not have a WEP the policies relating to WEPS would not be applicable, but the site is part of a WEP and therefore the policies are relevant, as well as others in the Local Plan.
- It was acknowledged that the principles of WEPs had been endorsed by the SDNPA and that they can deliver good outcomes. It was further recognised that Newton Valence had a WEP which had been endorsed by the SDNPA. However Members were concerned that, whilst the endorsed WEP is a material consideration, there would need to be clear justification, and significant benefits shown, to accept a development as part of a WEP which was outside any settlement boundary. In this case the multiple benefits of the WEP had not been made clear or secured.
- There were concerns that six open market properties, and 10 dwellings overall, on a rural site was excessive.

- There was concern at the amount of weight that had been given to the Newton Valence Village Plan, which the local community had worked hard on.
401. It was proposed to defer the application so that further consideration could be given as to the multiple benefits as identified in the WEP that could be achieved and how these balanced against the settlement boundary issue and other identified concerns over the scheme.
402. **RESOLVED:** That determination of the application be deferred in order for the multiple benefits demanded by policy could be secured sufficient to demonstrate the full advantages of the scheme, in the context of the endorsed Whole Estate Plan (WEP) and the wider landscape.
403. Margaret Paren and Ian Phillips joined the meeting at 3.20pm

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

404. The Senior Planning Policy Officer presented the report.
405. The Committee considered the report by the Director of Planning (Report PC19/20-51), and made the following comments:
- Would any of the 10 sites be affected by, or affect, views to the National Park?
406. In response to questions, Officers clarified:
- One site had had concerns raised about the effect on views at submission stage, however this had been taken into account. There was also a Scheduled Ancient monument on this site.
407. The Committee discussed and debated the application, making the following comments:
- The Committee praised the work of all involved in the Seaford Neighbourhood Development Plan, and thanked the people of Seaford who had engaged well with the process. The fact that the Plan was unanimously endorsed was seen as a testament to the hard work of local people and Officers at Lewes and the SDNPA.
408. It was proposed to vote on the Officer recommendation.
409. **RESOLVED:** The Committee:
- Noted the outcome of the Seaford Neighbourhood Development Plan Referendum;
  - Agreed to make the Seaford Neighbourhood Development Plan part of the Development Plan for that part of Seaford Parish within the South Downs National Park.
410. The Chair closed the meeting at 3.25pm.

## **CHAIR**

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