

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE 10 September 2020**

Held: online via Zoom videoconferencing, at 10am.

Present: Alun Alesbury (Chair), Heather Baker, Janet Duncton, Thérèse Evans, Barbara Holyome, Diana van der Klugt, William Meyer, Robert Mocatta, Vanessa Rowlands and Andrew Shaxson

Officers: Tim Slaney (Director of Planning), Rob Ainslie (Development Manager), Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Heather Lealan (Development Management Lead (Minerals and Waste)) and Richard Ferguson (Development Management Lead (West)).

### **OPENING REMARKS**

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

- Due to the current Coronavirus pandemic full meetings were not able to be held at the Memorial Hall until further notice, hence the meeting of the South Downs National Park Authority was held using the Zoom Cloud Meetings software.
- 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 purpose

115. The Senior Governance Officer confirmed the Members of the Planning Committee who were present, that the meeting was quorate and reminded Members of the protocol that would be followed during the online meeting.

116. The Chair reminded those present that:

- 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 would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

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

117. Apologies were received from Gary Marsh.

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

118. Vanessa Rowlands declared a non-prejudicial interest for item 7 as one of the speakers, Vic lent, was known to her.

119. William Meyer declared a non-prejudicial interest for item 7 as both public speakers were known to him. He had been contacted by the applicants offering a personal visit to the site which was turned down.

120. Robert Mocatta declared a non-prejudicial, public service interest for item 9 as he was both the District Councillor and the County Councillor for the area where the application was sited, and two of the speakers were known to him.

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

121. The minutes of the previous meeting held on 13 August 2020 were agreed as a correct record and signed by the Chair, subject to the following amendment:

- The wording of the last bullet point of item 76 should read: 'It was proposed to amend the wording of the second recommendation to clarify if the legal agreement relating to the provision of affordable housing should not make sufficient progress within 6 months of the Planning Committee meeting, authority be delegated to the Director of Planning to refuse the application'.

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

122. There were none.

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

123. There were none.

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

124. There were none.

#### **ITEM 7: SDNP/20/01237/CND - Swanborough Lodges**

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

- The applicant had emailed the Case Officer agreeing to install the green roofs by the end of October 2020 if the Members went with the Officer's recommendation and refused the application.

126. The following public speakers addressed the Committee:

- The Governance Officer read out the statement against the application on behalf of Vic lent, of the South Downs Society, who was unable to attend due to an urgent matter.
- Ben Taylor spoke in support of the application representing Iford Estate.

127. The Committee considered the report by the Director of Planning (Report PC20/21-12), the update sheet and the public speaker comments, and requested clarification as follows:

- Members noted that the mix of holiday accommodation had changed since the previous application was debated at the 2017 committee and approval issued in 2018, and asked whether the mix had been a deciding factor for granting permission?
- Was there any evidence to show a positive or negative impact to biodiversity as result of not having green roofs on the lodges?

128. In response to questions, Officers clarified:

- The mix had changed, and all 3 bed units had been replaced with 1 bed units. The mix had not been critical to the decision for the previous application.
- There was insufficient information to demonstrate whether there had been any impact to biodiversity on the site.

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

- Members agreed that there had been a breach of conditions and were disappointed that the applicants had not complied with the conditions of the planning permission.
- The responsibility of the Planning Committee was to ensure that planning permissions granted in a National Park offered the highest protection of the landscape and biodiversity. Inclusion of green roofs had been critical in approving the previous application, following a lengthy debate at the 2017 Committee meeting, and concern was raised that a precedent would be set if this permission was granted without the green roofs.
- Whilst it could be argued that the lodges had limited visual impact on the wider landscape, it was agreed that the green roofs would improve the visual impact on the site itself, and had potential to benefit biodiversity net gain as well as reduce water run-off from the lodges.
- Members commented that, whilst the lodges were well-constructed in their design, they were unattractive without the green roofs.

130. It was proposed and seconded to vote on the Officer's recommendation, as amended in the Update sheet.

131. **RESOLVED:**

- 1) That planning permission be refused for the reason outlined in Paragraph 10.1 of this report.
- 2) That authority be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, to serve a Breach of Condition notice with regard to the failure of the applicant to install the green roofs as required by condition 2 of SDNP/16/06072/FUL.

132. The meeting adjourned for a 5-minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

**ITEM 8: SDNP/20/02065/HOUS - The Gate House, Poynings**

133. The Case Officer presented the application and referred to the update sheet.

134. The following public speakers addressed the Committee:

- Mark Tonkin spoke against the application representing himself
- Cllr Colin Trumble spoke against the application as Ward Councillor for Hurstpierpoint and Downs
- Nigel Evans spoke against the application representing Poynings Parish Council
- Simon Bareham spoke in support of the application as the Agent representing the applicant
- Fariba Taheri-Westwood spoke in support of the application as the applicant

135. The Committee considered the report by the Director of Planning (Report PC20/21-13), the update sheet and the public speaker comments, and requested clarification as follows:

- Could the outbuilding be used for overnight accommodation?
- Did the verge between the wall and public footpath belong to the applicants and could it be used for planting to screen the wall?
- Was the height of the south west boundary wall, which ran alongside the public footpath, acceptable and was it in keeping with the landscape character of the rest of the village?
- Did the front dwarf wall, to the north of the house, require planning permission or would this be allowed as permitted development, where a wall could be built up to 1m in height, if it faced a highway? Would the height of 1m create an obstruction to pedestrians crossing the road?

136. In response to questions, Officers clarified:

- Condition 6 specifically required that the use of the outbuilding be incidental to the occupation and enjoyment of the Gate House. Therefore, it could be used for hobbies but could not be rented out.
- The land between the south west boundary wall and the public footpath was not within the applicant's ownership and conditions could not require planting on that land in order to screen the wall.
- A fence of around 2m height previously ran alongside the public footpath where the south west boundary wall was now situated. The new structural wall was higher due to a difference in levels created by structural terracing in the garden of the property, but this was not considered excessive by Officers. They also did not believe the wall, when finished, would be out of keeping with what you would expect to see along a boundary of a footpath. The property was set at the edge of the main village, and was mostly surrounded by countryside with buildings being sparser than in the main part of the village. The finish of the wall had not yet been agreed but the conditions would ensure that the Conservation Officer would be consulted to define the finish to this wall, ensuring suitable materials would be used, and the applicant had not raised any objection to this.

- Regarding the front dwarf wall, to the north of the house, permitted development allowed for a wall up to 1m to be built where it faced a road, however the previously approved application had envisioned a height of 0.75m . The Officer had since considered the increase of height acceptable in design terms and did not consider it to be overbearing. The Highways Authority had not raised any concerns regarding the wall.

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

- Whilst Members acknowledged the frustration of local Parish Councillors that this application sought part retrospective permission, it was agreed that Members must take an application on its planning merits, and that there were no material planning considerations on which to refuse this application.
- Members recognised that the increased height of the walls might have some minor visual impact, however, the development as now proposed was likely to be a visual improvement in the long term.

138. It was proposed and seconded to vote on the officer's recommendations and the additional conditions from the Local Highways Authority as set out in the Update Sheet.

139. **RESOLVED:** That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and the additional conditions from the Local Highways Authority, as set out in the Update Sheet, the final form of words to be delegated to the Director of Planning.

140. The meeting adjourned for a 5-minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.

#### **ITEM 9: SDNP/19/05026/FUL - Westbury House**

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

- Further comments had been received from West Meon Parish Council, who did not raise any objection to the proposals. Should planning permission be granted, they would like to see a traffic management plan covering movement of construction vehicles put in place. In response, the Officer proposed an update to the recommendation, to include additional criteria to condition 8 requiring further details to be submitted as part of the Management Plan regarding routing of construction and delivery vehicles to the site.

142. The following public speakers addressed the Committee:

- Jonathan Michael Moritz spoke against the application representing himself
- Sally Miller spoke against the application representing The Hampshire Gardens Trust
- Andrew Barr spoke against the application representing himself
- Scot Masker spoke in support of the application as the Agent representing the applicant

143. The Committee considered the report by the Director of Planning (Report PC20/21-14), the update sheet and the public speaker comments, and requested clarification as follows:

- How would the phasing of funds, used to carry out works to the heritage assets, be set out in the S106 legal agreement?
- Had Officers received a financial viability analysis for the project, and had the option of a commuted sum for affordable housing been considered or was that not an option at this stage?
- Who held responsibility for the bridge used to access the site, which was in disrepair?
- Considering the number of issues that needed to be addressed, could the 3-year requirement be reviewed and extended in light of covid-19 pandemic?
- Would electric vehicle charging points be included in the carpark?

144. In response to questions, Officers clarified:

- The phasing of works to the heritage assets would be negotiated when the S106 legal agreement was drawn up. The S106 would contain various trigger points indicating where works would be required to be undertaken, and the developer could plan their revenue to those points to ensure funding was available for the scheme as a whole.
- Officers had been given some information on viability in regard to the principle of a residential use being the optimal viable use, and some costs of what was needed to repair the heritage assets through discussions with the developers, but not through a fully detailed report. 12 units were considered the most sensitive number of dwellings in regard to the subdivision of the House, in order to achieve a certain number of units from which to secure preservation of the heritage assets. Officers had discussed options with the EHDC Housing Officer and concluded that it was a positive outcome to secure the provision of affordable units of an intermediate tenure on site.
- The bridge was the responsibility of the owner of the premises, but this was outside of the planning remit in the considerations of the application.
- The 3-year requirement was standard practice but if Members' were minded to alter this they could. However, it would be preferable to implement a scheme sooner given the state of the property and declining assets. The applicant could ask for extension of time at a later date should that be necessary.
- Electric vehicle charging points were covered by condition 13.

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

- Members commended the Officer and the applicants for their work on this application.
- Members agreed with the principle of housing on the site and welcomed the restoration of the main building and external heritage assets on the site. This application was considered a reasonable use of the building, which had previously been used as a care home and a preparatory school and would have had a considerable amount of traffic coming and going from the site.
- Concerns were initially raised about the financial sustainability of the development, considering the amount of work needed to restore the heritage assets, and given that only 6 of the 12 proposed dwellings would be sold on the open market. However, Members acknowledged that the developers viewed the proposal as viable, including the affordable housing units, and that sustainability of the project would be covered by a robust S106 legal agreement and enforcement of the conditions by Officers. Members therefore welcomed the proposal which would both restore heritage assets and deliver the Local Plan policy of 50% affordable housing units.
- There was currently no sustainable access to the site, however, it was noted that the site was only 1 mile from the village and there was a proposed link from the site to the hub of the village.
- A Member queried how much the service charge for maintenance of grounds would be and whether that might affect those living in the affordable housing units.
- Members would like to have seen a community use for some of the grounds, such as allotments or an inclusive community growing project.
- Members debated whether to defer the determination of the application to allow time to secure the S106 legal agreement however it concluded that the property was at a tipping point and it was imperative not to delay the work needed to restore it and the heritage assets.
- As the required S106 legal agreement was considered to be complex, if officers considered it to be necessary, an appropriate third party should be engaged to advise on the preparation of the S106 legal agreement to ensure it was thorough and robust. It was

proposed and agreed to consider the use of services of a third party to assess the S106 legal agreement, as necessary, and ensure it was robust.

146. It was proposed and seconded to vote on the officer's recommendation, as amended in the Update Sheet, with the additional amendment to condition 8 requiring further details to be submitted as part of the Management Plan regarding routing of construction and delivery vehicles to the site, the final form of words to be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, as proposed by the case officer.

147. **RESOLVED:**

- 1) That planning permission be granted subject to:
  - A. the completion of a S106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the following:
    - a) 6 dwellings of an affordable housing (intermediate) tenure with an appropriate mix of properties;
    - b) A phased programme of works to restore the heritage assets on site; and
    - c) Secure the permissive path through the site, the exact routing to be agreed with the applicant; and
  - B. The completion of a further bat survey and provision of a suitable policy compliant mitigation and enhancement strategy, to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and
  - C. The submission of a revised car parking layout, to the satisfaction of the SDNPA, the consideration of which is delegated to the Director of Planning; and
  - D. The conditions, substantially in the form set out in paragraph 10.2 of this report with the amendment of condition 8, the form of wording of which is delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, requiring further details to be submitted as part of the Management Plan regarding routing of construction and delivery vehicles to the site, along with any additional conditions, the form of which is delegated to the Director of Planning to address those mitigation matters that arise from the completion of a bat survey and strategy and revised car parking layout.
- 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if:
  - a) The S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 10<sup>th</sup> September 2020 Planning Committee meeting.
  - b) A further bat survey and provision of a suitable policy compliant mitigation and enhancement strategy is not completed or sufficiently progressed within 6 months of the 10 September 2020 Planning Committee meeting.

148. The Chair closed the meeting at 1.45pm.

**CHAIR**

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

