

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE**

Held at: 10.00am on 10 June 2021 at Lewes Town Hall.

Present: Alun Alesbury (Chair), Heather Baker, Janet Duncton, Barbara Holyome, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson, and Richard Waring

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

Also attended by: Vicki Colwell (Principal Planning Officer) Richard Ferguson (Development Management Lead), Rafael Grosso Macpherson (Senior Development Management Officer), Kevin Wright (Planning Policy Officer), Hannah Collier (Senior Planning Policy Officer), Jess Riches (Planning Officer), and Robin Parr (Head of Governance).

### **OPENING REMARKS**

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

- The Planning Committee was not a public meeting; it was a meeting held in public. The purpose of the meeting was for the Committee members to listen to the officers' presentations and the public speakers before debating the issues and coming to a decision on the items on today's agenda.

390. The Chair reminded those present that:

- SDNPA Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

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

391. Apologies were received from Diana Van Der Klugt, Thérèse Evans, and Gary Marsh.

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

392. Richard Waring declared a public service interest in Agenda Item 7 as a Lewes Town Councillor and a personal non-prejudicial interest as he was acquainted with one of the speakers, Councillor Andrew Ross.

393. Barbara Holyome declared a personal non-prejudicial interest in Agenda Item 7 as she was acquainted with Peter Earl who was a former officer of the SDNPA.

394. Andrew Shaxson declared a public service interest in Agenda Item 9 as a member of Harting Parish Council and a personal non-prejudicial interest as he was acquainted with public speakers Sheila Brambly, the Ashby-Rudd family, and Mary Ball. Also a personal non-prejudicial interest in Agenda Item 7 as he was acquainted with Peter Earl who was a former officer of the SDNPA

395. Robert Mocatta declared a public service interest in Agenda Item 8 as a Hampshire County Councillor and East Hampshire District Councillor and a personal non-prejudicial interest as he was acquainted with one of the speakers, Councillor James Deane.

396. Alun Alesbury declared a personal non-prejudicial interest in Agenda Item 7 as he was acquainted with Peter Earl who was a former officer of the SDNPA.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 15 APRIL 2021**

397. The minutes of the previous meeting held on 15 April 2021 were agreed as a correct record and signed by the Chair.

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

398. There were none.

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

399. Officers provided an update on SDNP/20/01855/FUL – Land South of Heather Close, West Ashling, and confirmed that the S106 had been signed and the planning permission issued.

**ITEM 6: URGENT ITEMS**

400. There were none.

**ITEM 7: SDNP/19/06103/OUT – OLD MALLING FARM, LEWES**

401. The Case Officer presented the application, reminded Members of the report content, referred to the update sheet, and provided a verbal update on a late representation received this morning by email from the South Downs Society, who raised dissatisfaction with the timing of additional comments being uploaded to the website, particularly those from East Sussex Highways confirming their objection was withdrawn and the viability appraisal which was no longer relevant as the development was now policy compliant in respect of affordable housing, which would be secured through the S106.

402. The following public speakers addressed the Committee:

- Peter Callifas spoke against the application on behalf of himself
- Peter Earl spoke against the application on behalf of Cycle Lewes
- Councillor Adrian Ross spoke against the application on behalf of the local residents
- Graham Beck spoke in support of the application on behalf of the Landowner
- David Jobbins spoke in support of the application as the Applicant

403. The Committee considered the report by the Director of Planning (Report PC20/21-47) and the public speaker comments, and requested clarification as follows:

- How would the £1.7m be allocated and who would be responsible for the allocation and decisions on spending as referred to in Page 14 of the report? Also, how was the figure of £1.7m reached?
- Could the housing mix correspond more closely with the identified need in Lewes, rather than simply complying with the Neighbourhood Development Plan?
- How likely was the access to the railway cutting from the south east corner of the application site to happen and how much of a priority was this access?
- Who would receive the Community Infrastructure Levy (CIL)?
- How was the figure of 451 car parking spaces arrived at? It did not seem aligned with the aim of reducing car reliance with the average car space usage in Lewes of 0.9 per household. Could the figure of 451 be reduced?
- When will we receive further details on how the sustainability and zero carbon will be achieved and how would it be monitored?

404. In response to questions, Officers clarified:

- The suite of projects for which funding could be allocated would be further detailed in the S106 Agreement, the broad principles of which had been reached through consultation with the Local Highway Authority and Lewes District Council. Funds would be held by SDNPA as secured by S106 and it would be up to the SDNPA how this funding would be spent, based on the projects/objectives outlined in the S106 Agreement.
- The amount of £1.7m for was reached via a series of in-house conversations considering the cost and scope of the works for the infrastructure required.

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- Paragraph 4.15 of the report referred to the housing need and included comments made by the Lewes Housing Officer. The Lewes District Housing Officer confirmed they were happy with the allocation provided and tenure split.
  - The south east access was a priority but its status as a local wildlife site needed to be taken into consideration when deciding the most acceptable access in this location. This was being discussed with Lewes District Council and the SDNPA Cycling Project Officer and would be included in the S106 Agreement along with improvements in the railway cutting.
  - Payment of CIL would come to the SDNPA with 25% going to Lewes Town Council; others (including the Local Education Authority and NHS) would have the opportunity to bid for projects for development in that area. Allocation of the SDNPA CIL was with this committee, subject to projects being put forward.
  - The design brief made provision of up to two parking spaces per dwelling, this was a shortfall of approximately 50 spaces on what was set out in accordance with the Parking SPD calculator. A variety of other mitigation measures were proposed as part of this. Full details of car parking would follow as part of the reserved matters.
  - The detail for sustainability and zero carbon would come forward in the Reserved Matters Application with only the principles being secured through the S106 at this point.
405. The Committee discussed and debated the application, making the following comments:
- Although this was an outline application local residents had raised a number of other matters that needed to be taken into consideration at the appropriate time.
  - When considering the full application car parking and road infrastructure would need careful consideration.
  - Members expressed concern over the central belt of trees which separated the site, which currently had no protection. A Tree Preservation Order (TPO) was suggested to ensure stronger control over what happened to the tree band in the future.
  - Members expressed concern about making a decision on access without further information on the south east access via the railway cutting. Members stressed the importance of providing an all-purpose, non-motorised access to the SE corner of the site, while seeking to respect local wildlife as far as practicable in that context.
  - A condition similar to Condition 14, should be included for the south east access. This would set the sequence of events in place and ensure construction was completed before the houses were occupied.
  - There was local support for ambitious, car free developments and if this development was made as car free as possible it could be a catalyst for similar in both future and surrounding developments.
406. Members were further advised:
- The south east access funding and delivery would be secured through the S106. Due to the local wildlife site status of the railway cutting, further consideration needed to be given to the most appropriate access and to balance the highways specification with the preservation, and where possible, enhancement of nature. If an appropriate access could not be agreed upon the matter would be brought back before Members.
  - The making of TPOs on the central belt of trees would be progressed by officers, should permission be granted.
  - In response to Members comments an additional condition would be included with regard to the securing of the south east access, prior to occupation.

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407. It was proposed and seconded to vote on the officer's recommendation, subject to the changes in the update sheet and an additional condition to secure the access from the site to the railway cutting from the south east.
408. **RESOLVED:**
1. That outline planning permission be approved subject to the conditions set out in Section 9 of report PC20/21-47, and the update sheet, and the inclusion of an additional condition relating to the south east access, the final form of wording which is delegated to the Director of Planning in consultation with the Chair of the Planning Committee, and subject to the completion of a S106 legal agreement the detail of which were set out in the recommendation of Report PC20/21-47, the final form of which is delegated to the Director of Planning; noting that account has been taken of 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.
  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 10 June 2021.

### **ITEM 8 – SDNP/20/05058/FUL – PARIS HOUSE, PETERSFIELD**

409. The Case Officer presented the application, reminded Members of the report content, referred to the update sheet and provided the following verbal update on late representations from:
- Petersfield Town Council and the Petersfield Society which reiterated previous concerns which were addressed in the report
  - Additional individual representations which were covered by the bullet points included in the update sheet and included concerns about the meeting being held in Lewes
  - A late objection from First Plan on behalf of Waitrose and Partners which reiterated previous concerns, which were summarised in the report, plus further comments on the uncertainty of Covid-19 impacts on the town centre and how they could not be accurately quantified at this time, the impact on the town centre including reduced visitor numbers, reduced linked trips and loss of spend in the town centre.
  - The committee was also advised that Aldi had circulated a brochure outlining the merits of the scheme amongst Members.
410. The following public speakers addressed the Committee:
- Councillor James Dean spoke against the application representing Petersfield Town Council.
  - Mr Dan Pannell from Aldi spoke in support of the application as the Applicant
411. The Committee considered the report by the Director of Planning (Report PC20/21-48), the update sheet and the public speaker comments, and requested clarification as follows:
- Where did delivery lorries drive around the building?
  - How frequent were deliveries and what were the delivery times?
  - Why were car parking spaces a different colour on the site plan?
  - As new use classes were introduced in 2020, did the site become Class E at that point or did it retain its previous use class?
  - What did the boundary consist of between the rear of the houses on Rushes Road and the proposed parking area, and would the boundary protect the gardens?
  - As the delivery ramp was close to the boundary of the gardens in Rushes Road was an acoustic boundary treatment being installed to protect residents?

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- Would the sequential test, outlined in paragraph 8.27, apply to all sites outside the town centre?
- How had policy RPI been considered and whether the proposals were contrary to the Development Plan?
- What effect new Class E had in relation to whether the development was contrary to the Development Plan?
- How was the marketing undertaken in relation to potential commercial uses including retail?
- Considering the allocation policy set out in the Petersfield NDP, was this application contrary to the development plan?

412. In response to questions, Officers clarified:

- The site layout plan showed the existing access is shared by customers and lorries. Delivery lorries would travel to the west side of the building and reverse into a service area, down a ramp which sloped downwards.
- The site retained its B2 and B8 uses but commercial use would now fall within Class E.
- The delivery times were detailed in paragraph 3.2 of the report, with times being later on Saturdays and reduced on Sundays and bank holidays. Paragraph 8.52 of the report provided details of the frequency of deliveries.
- Car parking spaces were proposed to be surfaced in a different material to the circulation space.
- Marketing was undertaken for the scope of commercial development and retail use was not separated out from this approach. The marketing was fairly broad in its approach. The application was submitted shortly after the Use Classes Order was amended.
- Aldi operated a Delivery Management Plan, which detailed how staff were to behave when a delivery took place, this can include provisions such as, for early and late deliveries, lorries not using their reversing audible beepers.
- The boundary on the western side had 2.4m fencing and there would be new native planting on the western boundary. Acoustic treatment along Rushes Road could be considered.
- Aldi looked at both town centre and edge of town centre sites within the sequential test considering the suitability and availability of alternative sites. The application site was the most appropriate as an edge of centre site readily accessible to the town centre.
- This proposal was not contrary to the Development Plan. Policies BP2 & SD35 sought to safeguard allocated sites, and marketing evidence had been submitted, scrutinised and was considered to be sufficient. Although the report indicated that the scheme didn't accord to RPI, which related to out of centre provision being limited to small scale retail development, it should be noted that the RPI policy in regard to retail only was now out of date in regard to the new use classes.

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

- There was concern that the applicant had not taken the Petersfield NDP into consideration.
- The creation of employment opportunities, was queried. Whether those jobs would be removed from other retailers in the town centre and if this was a missed opportunity to create further high quality jobs and employment, particularly considering the site's proximity to the A3. The site was a prime location for business uses.
- Condition 12 should be in perpetuity. If any planting was diseased or died it should be replaced at any time.

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- Whilst the struggle trying to find a suitable location was appreciated, there was some concern as to whether this location was right for the development and for Petersfield town itself.
- There was also some concern over the economic viability and adverse impacts on the town centre.
- Disappointment was expressed with regard to the changes to the use classes which amalgamated retail with other commercial uses. By doing so this meant retail was being considered as business use and as an employment generator. But more flexibility in changing uses had been the direction of travel within Government.
- The following amended or additional conditions should be considered for this application:
  1. An amendment to Condition 12 extending the 5 years to become in perpetuity in the event that any planting became diseased or died at any time.
  2. An additional condition to require acoustic fencing along the Rushes Road boundary adjacent to the service area, to protect residents.
  3. An additional condition that Aldi operate in compliance with a Delivery Management Plan for deliveries.

414. Members were further advised:

- Concerning viability, while consultants had advised there could be some trade dilution, with a possible 8% drop for some stores, this was not considered a significantly adverse impact.

415. It was proposed and second to vote on the officer's recommendation subject to the update sheet, amending Condition 12 so that 5 years became in perpetuity and two additional conditions requiring acoustic fencing along the Rushes Road boundary adjacent to the service area and requiring that Aldi operate in accordance with a Delivery Management Plan.

416. **RESOLVED:** That planning permission be granted subject to:

1. The completion of a legal agreement to secure the following, the final form of which is delegated to the Director of Planning:
  - Travel Plan for the operational management of the site and monitoring fees.
  - Off-site highways works on Frenchmans Road and at the junction of Frenchmans Road and Winchester Road.
2. The conditions as set out in paragraph 10.2 of report PC20/21-48 and the update sheet, the amendment of condition 12 to make it in perpetuity, and the inclusion of two additional conditions on acoustic fencing and the operation of a Delivery Management Plan, the final form of wording which is delegated to the Director of Planning in consultation with the Chair of the Planning Committee.
3. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or satisfactory progress is not being made within 6 months of the 10 June 2021 Planning Committee meeting.

#### **ITEM 9: SDNP/20/05627/FUL – LAND AND BUILDING SOUTH OF CLAREFIELD COPSE, NYEWOOD**

417. The Case Officer presented the application, reminded Members of the report content, referred to the update sheet and provided a verbal update on two corrections in the report, within the proposal description and Condition 10.

418. The following public speakers addressed the Committee:

- Sheila Bramley spoke against the application on behalf of Harting Parish Council
- Simon Ashby-Rudd spoke against the application on behalf of himself

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- Mary Ball spoke against the application. A statement was read out on behalf of Mary Ball by Simon Ashby-Rudd
  - Angus Sprackling spoke in support of the application as the Applicant
419. The Committee considered the report by the Director of Planning (Report PC20/21-49), the update sheet and the public speaker comments, and requested clarification as follows:
- Would other areas of ownership have the same permitted development rights?
  - Had electric cars/bikes and parking charges been taken into consideration?
  - Further to the five month permitted period of application, could permitted development rights be relied upon for the remaining seven months of the year?
  - What was the justification for the expanded hardstanding parking?
  - Whilst cars were expected to park on hardstanding, there was no indication of the route for transporting goods from the parking to the campsite.
  - Could the location of the amenity block be confirmed as the detailed map in the report showed the amenity block in front of the cottage? However, the update provided on 11 May showed the amenity block to side of the cottage.
  - The current access to the site was the north east corner of Clarefield Copse. Would this remain an access to the campsite?
  - Had any residents complained to Environmental Health? If so, why had Environmental Health not commented?
  - Were campervans and/or caravans allowed on the campsite?
  - Was extending the parking area, further south of the area of rubble included in the application?
420. In response to questions, Officers clarified:
- Condition 15 restricted the permitted development rights to all land within the ownership of the applicant within the application site and adjacent fields.
  - As this was a low-key development of an off-grid nature there was no plan to provide charging points as no electricity was provided to the camping area. It was also considered disproportionate to require EV charging points to a small scale seasonal development.
  - Restrictions as part of this application would apply all year round.
  - The parking for 50 vehicles was considered appropriate given the car park served not only the campsite, but was also shared with other users.
  - A walking route from the parking area to the field was already in existence. There was to be no vehicular access to the field.
  - The revised site plan showed the proposed amenity hut in the correct location. The drawing would be amended as it currently also included the pre-existing amenity hut. It should be noted that the amenity hut was of a temporary nature and would be removed at the end of each season. Additionally, details of specific locations of items were required to complete the detailed location plans.
  - Although the North East corner of Clarefield Copse was currently an access to the campsite, as part of this application access was expected to be from the track access at Dumpford Lane that would lead to the car park.
  - This application was discussed with Environmental Health at Chichester District Council who did not bring up any history of complaints or issues previously raised.
  - No campervans or caravans were allowed on the site. Additionally there was a condition advising that sleeping in vehicles was prohibited.

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- It was understood that the parking area was being redefined within its own limits, including the banks, rather than extending to encroach into the countryside.
421. The Committee discussed and debated the application, making the following comments.
- Concern was expressed about enforcement of conditions and how they could be monitored, particularly as there seemed to be issues on site at the moment, as raised by the local community.
  - There was concern about the low number of lavatories and shower facilities on site.
  - Whether there should be additional conditions to ensure the manager of the site is resident at the stockman's dwelling, and to ensure the 2m boundary fence is erected and maintained.
  - The old site access should be closed up.
  - There was insufficient detail on the management of the fields and boundaries and how this would enhance the landscape character and wildlife.
  - In order to minimise impact on the environment electric transport should be encouraged and should be included in the application.
  - A temporary permission could be a satisfactory compromise which would enable any impacts to be assessed.
422. Members were advised:
- In order to monitor the potential impacts of the scheme a temporary permission could be granted, until October 2024 to enable monitoring to take place. Any temporary permission should include a requirement for a travel plan and operational plan for the site.
423. It was proposed and seconded to vote on the grant of planning permission for a temporary period until October 2024 subject to the conditions set out in the report and update sheet..
424. **RESOLVED:** That planning permission be granted on a temporary basis, until the last day in October 2024, subject to the conditions set out in paragraph 10.2 of report PC20/21-49, the Update Sheet and the requirement for a travel plan and monitoring operational plan, the final form of wording of the conditions and permission which is delegated to the Director of Planning in consultation with the Chair of the Planning Committee.
425. The Chair informed the meeting that the agenda would be reordered and that Agenda Item 11 would be taken next.

### **ITEM 11: MAKING OF THE BOXGROVE, BRAMBER, HENFIELD, UPPER BEEDING AND STEDHAM WITH IPING NEIGHBOURHOOD DEVELOPMENT PLANS**

422. The Senior Planning Policy Officer presented the report.
427. The Committee considered the report by the Director of Planning (Report PC20/21-51).
428. Members commended the parishes for their efforts in the making of these plans.
429. **RESOLVED:** The Committee resolved to:
1. Note the outcomes of the Boxgrove, Bramber, Henfield, Upper Beeding and Stedham with Iping Neighbourhood Development Plan Referendums;
  2. Agree to make the Boxgrove, Bramber, Henfield and Upper Beeding Neighbourhood Development Plans part of the Development Plan for that part of the Parishes within the South Downs National Park.
  3. Agree to make the Stedham with Iping Neighbourhood Development Plan part of the SDNPA's Development Plan for the parish of Stedham with Iping.
430. Janet Duncton left the meeting.



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431. The chair informed the committee that this meeting of the Planning Committee was no longer quorate and that standing orders stated that at the discretion of the Chair the meeting could continue but would not make any decisions, therefore Agenda Item 10 would stand adjourned to the next meeting of the Planning Committee.

**ITEM 12: Summary of Appeal Decisions**

432. The Planning Officer presented the report. The committee was also informed that Judicial Reviews (JRs) were now being recorded through this report, however, as applications following a JR were often live applications no discussion on them should be entered into at the meeting.
433. The Committee considered the report by the Director of Planning (Report PC20/21-52) and requested clarification as follows:
- Appeal 8422 Market Garden Caravan Site, was the reason(s) known why this application was turned down?
434. In response to questions, Officers clarified:
- There was concern around local concentration and visual impact.
435. **RESOLVED:** The Committee noted the outcome of appeal decisions.
436. The Chair closed the meeting at 15.50

**CHAIR**

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