

**SOUTH DOWNS NATIONAL PARK AUTHORITY**

**PLANNING COMMITTEE**

Held at: 10.00am on 9 December 2021 at The Memorial Hall, South Downs Centre.

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

Officers: Tim Slaney (Director of Planning), Robert Ainslie (Development Manager), Rebecca Moutrey (Senior Solicitor), Richard Sandiford (Senior Governance Officer), and Sharon Libby (Governance Officer).

Also attended by: Richard Ferguson (Development Management Lead), and Stella New (Senior Development Management Officer).

**OPENING REMARKS**

228. The Chair welcomed Members to the meeting and informed 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**

229. Apologies were received from Thérèse Evans, Richard Waring and Gary Marsh.

**ITEM 2: DECLARATION OF INTERESTS**

230. Diana van der Klugt declared a personal interest in Agenda Items 7 and 8 as a resident of Greatham, Church Warden of Greatham Church and a Horsham District Councillor and, as she had submitted an objection to this application, that she would withdraw from the meeting for the discussion and vote on this item.

231. Vanessa Rowlands declared a prejudicial interest in Agenda Items 10 and 11 as a Director of the South Downs Trading Company and that she would withdraw from the meeting for the discussion and vote on this item.

232. Tim Slaney declared a prejudicial interest in Agenda Items 10 and 11 as a Director of the South Downs Trading Company and that he would withdraw from the meeting for the discussion and vote on this item.

233. The Chair declared a personal interest in Agenda Items 7 and 8 on behalf of herself, Alun Alesbury, Janet Duncton, Barbara Holyome, Robert Mocatta and Andrew Shaxson as they were all acquainted with one of the speakers, David Coldwell, who was a former Member of the SDNPA.

**ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 11 NOVEMBER 2021**

234. The minutes of the previous meeting held on 11 November 2021 were agreed as a correct record and signed by the Chair subject to the following amendments:

- Page 1, Those present: “Diana van de Klugt” to be amended to “Diana van der Klugt”
- Page 1, paragraph 177, delete “Greatham Parish Councillor” and replace with “Churchwarden of Greatham Church”.

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

235. There were none.

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

236. An update on application SDNP/20/05236/FUL and the recently allowed appeal would be presented at the January 2022 Planning Committee as part of the Summary of Appeal Decisions agenda item.

**ITEM 6: URGENT ITEMS**

237. There were no urgent items.

**ITEM 7: SDNP/21/05321/CND – The Granary**

238. Diana van der Klugt relocated from the committee table to the public gallery.

239. The Case Officer presented the application, reminded Members of the report content and referred to the update sheet.

240. The following public speakers addressed the Committee:

- Robert Englehart spoke against the application representing himself.
- Janet Aidin spoke against the application on behalf of Wiggonholt Association.
- David Coldwell spoke against the application on behalf of Friends of the Southdowns Society.
- Diana van der Klugt spoke against the application representing herself as a local resident, Horsham District Councillor for Pulborough, Coldwaltham and Amberley Ward and Church Warden for Greatham Church.
- Ian Eldred spoke in support of the application representing himself as the applicant.
- Annie Ryden spoke in support of the application representing herself as a local resident.

241. Diana van der Klugt left the meeting at 10.45am.

242. The Committee considered the report by the Director of Planning (Report PC 21/22-28), the updates, and the public speaker comments, and requested clarification as follows:

- Could assurance be given that in making the recommendation regard had been given to any principles arising from the 2019 Finney v Welsh Ministers case and any other case law as to the scope of Section 73?
- Should guest accommodation be limited to ancillary use, as this had not been included in the conditions?
- West Sussex Fire & Rescue Service had expressed concern over the distance of the fire hydrants from the premises. Could this application be progressed further noting this concern?
- Was the increased glazing on the northern elevation and particularly the eastern elevation considered a minor or major change to the application?
- How was the cart barn landscape led, as the new design appeared suburban with new doors?
- Could the number of bedrooms in this application and the 2014 application be confirmed?
- The update sheet referenced Section 5, Page 22 of the report stating “*Inappropriate use of Planning System; unacceptable that public funds used to assist the Applicant*”, however this was not referenced in the report, could an explanation be provided?
- Was it a material consideration for both Agenda Items 7 and 8 that the building was on the Buildings at Risk register?

243. In response to questions, Officers clarified:

- Section 73 applied to minor material amendments. There is case law about what could be considered a minor material amendment and it was a planning judgement about whether the amendments to the conditions made a substantial alteration to the original application or not. SDNPA officers had considered this and addressed the matter in paragraph 8.2 of the report. Section 96a also applied to amendments, but this was a separate process and only for amendments that were very minor, non-material

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amendments which would have no impact. Furthermore, the application proposals do not change the description of development which was an issue raised in the Finney Case which was cited.

- The condition on limiting the use of the guest accommodation to ancillary use was not originally included in the 2014 application and the Section 73 application was a variation of the previously approved plans, however, a debate could be had for an additional condition to be included.
- The West Sussex Fire & Rescue Service expressed concern that the distance exceeded the minimum distance; however, this was a building regulations requirement.
- When looking at the increased amount of glazing, over that agreed in 2014, the changes to the scheme needed to be considered as a whole and what their effects were, and should not be focussed on one particular aspect. It was confirmed that the 2014 scheme included glazing in the east elevation and the proposed changes in the glazing were considered reasonable under Section 73.
- In keeping with the whole site being landscape led, the application should be considered as a whole; the manor, the church and the barn (which lends agricultural history) which collectively have an historic association.
- It was confirmed that the current scheme included four bedrooms and three guest bedrooms. The 2014 application included five bedrooms and two guest bedrooms, therefore both applications included seven bedrooms.
- The comment in the Update Sheet "*Inappropriate use of Planning System; unacceptable that public funds used to assist Applicant*" was an objection received from the public since the report had been issued. Applications which included public funding were often considered by planning authorities, however, this was irrelevant to Member's consideration of this application.
- It was confirmed that the status of the condition of the buildings, being on the at risk register, was a material consideration for both Agenda Items 7 and 8.

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

- Noting that the application complied with policy and other material considerations this application was a better scheme, which included an improved link building.
- The new layout was a vast improvement over the previous application, it maintained the sense of heritage and the integrity of the buildings. Additionally the raising of the boundary walls was a positive and supported good neighbourly relations.
- The northern and eastern elevations were traditionally external walls which did not have openings, however, the additional glazing was balanced by the other positives in this application over the 2014 application.
- Concern was expressed that the new design of the cart barn created a suburban feel, similar to a gated development.
- Whilst it was easy to find issue with certain elements of the application, there was not enough concern to result in the application being refused.
- It was acknowledged that the officer's report was not quite correct in paragraph 8.12 where it was stated that "*Notwithstanding, a condition is recommended to limit its use as ancillary guest accommodation*", however, no such condition was included in the proposed conditions. It should be proposed that a new condition be included that the guest accommodation remains ancillary.
- There were many minor changes which collectively contradicted the SDNP values. The link in the 2014 application was subservient to the two listed buildings, however, the current link was substantial and added little value as it dominated the buildings. The additional fenestration and the arrangement of windows was odd compared to the 2014

application and the cart shed reflected an executive garage. This equated to almost a new application.

- The main building had not changed substantially, with the cart shed change being a minor issue. Looking at the plans overall the changes were minor.

245. It was proposed and seconded to vote on the officer's recommendation subject to the changes in the update sheet and the inclusion of an additional condition that the guest accommodation remained ancillary, with the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.

246. **RESOLVED:** That planning permission be granted subject to the conditions set out at paragraph 10.1 of the report and the update sheet and the inclusion of an additional condition that the guest accommodation remained ancillary, with the final form of words to be delegated to the Director of Planning in consultation with the Chair of the Planning Committee.

247. Diana van der Klugt returned to the public gallery at 11.25am

#### ITEM 8: SDNP/21/02752/LIS - The Granary

248. The Case Officer presented the application, reminded Members of the report content and referred to the update sheet.

249. The following public speakers addressed the Committee:

- Robert Englehart spoke against the application representing himself
- Janet Aidin spoke against the application on behalf of Wiggonholt Association
- David Coldwell spoke against the application on behalf of Friends of the Southdowns Society
- Diana van der Klugt spoke against the application representing herself as a local resident, Horsham District Councillor for Pulborough, Coldwaltham and Amberley Ward and Church Warden for Greatham Church
- Ian Eldred spoke in support of the application representing himself as the applicant
- Annie Ryden spoke in support of the application representing herself as a local resident

250. Diana van der Klugt left the meeting at 11.40am

251. The Committee considered the report by the Director of Planning (Report PC 21/22-29), the updates and the public speaker comments.

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

- It was incorrect to think, as referred to by the public speaker, that this proposal was the same as the application refused in 2018 on appeal. In a Listed Building Context, the scheme was on balance preferable to the one presented in 2014. The current application was a neat solution, and preferable to the scheme previously submitted.
- The redesign was significantly improved from the refused 2018 application and was a good example of barn conversions for the future. Additionally the self-contained cinema room would help with sound issues and the roof on the link building was significantly improved from the 2014 application.
- This application was a gentrification of a tight conservation area and was not in keeping with the environment nor did it complement the area.

253. It was proposed and seconded to vote on the officer's recommendation subject to the changes in the update sheet.

254. **RESOLVED:** That Listed Building Consent be granted subject to the conditions set out in paragraph 10.1 of the report and the update sheet.

255. Diana van der Klugt returned to the meeting at 11.50 am.

**ITEM 9: SDNP/21/00924/CND - Land at Rotherlea**

256. The Case Officer presented the application, reminded Members of the report content and the update sheet.
257. The Committee considered the report by the Director of Planning (Report PC 21/22-30), the updates and the public speaker comments, and requested clarification as follows:
- What would happen if open grant funding was not received?
  - Was the previous application granted in 2019 the same as the application discussed in October 2021, which was not granted and therefore was not effective?
258. In response to questions, Officers clarified:
- If grant funding was not received, the scheme would comprise of 20 open market and 14 affordable homes.
  - The 2019 permission is still extant but expires in 2022. The application is before members today was to consider an amended resolution from the October 2021 meeting in regard to affordable housing provision. This was in response to how grant funding from Homes England would be secured by the Applicant in order to deliver a 100% affordable scheme.
259. The Committee discussed and debated the application, making the following comments:
- Given that the applicant was associated with Homes England (HE), who were experienced in such applications, it was difficult to understand why there were now issues with the resolution before Members in regard to securing affordable housing in the S106 Agreement.
  - It was hoped that the HE submission was successful. The report provided evidence that the applicant would proceed with the scheme, which would be a good outcome for the community in delivering an affordable tenure
260. It was proposed and seconded to vote on the officer's recommendation.
261. **RESOLVED:** That planning permission be **granted** subject to:
- 1) The completion of a legal agreement to secure the following, to be delegated to the Director of Planning.
    - 14 affordable dwellings comprising 10 social rented and 4 shared ownership.
    - A management plan securing the long term retention and management of the approved landscape details for the site.
  - 2) The conditions as set out in paragraph 10.2 of this report.
  - 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 satisfactory progress is not being made within 3 months of the 9 December 2021 Planning Committee meeting.
262. Tim Slaney and Vanessa Rowlands left the meeting at 12.05 pm

**ITEM 10: SDNP/21/05072/ADV - Seven Sisters Country Park**

263. The Officer reminded Members of the report content and referred to the update sheet.
264. The following public speakers addressed Committee:
- Kate Miles read out a statement on behalf of Peter Cousin representing the applicant.
265. The Committee considered the report by the Director of Planning (Report PC 21/22-31), the update sheet and the public speaker comments, and requested clarification as follows:
- Did the "I" on sign TS01 mean Information and where was the arrow pointing to, as it looked like it was pointing across the main road?

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- How were people persuaded not to cross the road at the dangerous junction where the sign was? Could the applicant work with East Sussex Highways to encourage visitors to walk along the south side of the road before they crossed the road?
- Could individual signs be approved or did as advert consent have to be granted to the collective group?
- Why was way marker FW19 such a short post, just 900mm above ground level?
- There was small area of grassland with an entrance adjacent to the wall with the Information sign on it; this could encourage people to cross the road at this point. Could a recommendation be put forward to make this entrance gated?

266. In response to questions, Officers clarified:

- The “I” on sign TS01 was for information and the arrow on the sign directed pedestrians using the Seven Sisters car park, with the wooden way marker post providing further directional guidance.
- With regard to the road crossing, there would be a wooden post on the south side which would direct visitors along the footpath before crossing the road. East Sussex Highways were content that the positioning of the sign, as part of the wider suite of signs raised no issues in terms of public safety.
- It was confirmed that a split decision on the signs was an option open to Members.
- Way marker FW19 replaced the existing post of the same height and consideration had also been given to the setting of the listed telephone box
- The adjacent area of grassland was not intended for public access. The request for an appropriate boundary treatment to discourage public access would be fed back to the applicant.

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

- Sign TS01 would guide visitors from the south side car park and was not an indication of where to cross the road.
- Consideration should be given to those walking on the northern side of the road and perhaps the sign could be made clearer by pointing upwards. However, it was acknowledged that East Sussex Highways had raised no concerns.
- The purpose of the wooden way marker posts was to provide clear direction of guiding visitors from A to B. A 900mm post could get lost behind larger objects (cars/pedestrians), and should be a similar size to a taller wooden finger post.
- The wooden way post to be installed was the same height as the previous post, which caused no issues previously. The post needed to be such a height to ensure it was accessible to all.
- East Sussex Highways should be advised that the installation of a second chevron sign next to PA06 would add additional clutter and would be intrusive.
- Prior to the application being considered, had East Sussex Highways already decided that a chevron should be installed at this location for safety issues, hence the need to relocate one of the signs, or did the application initiate this?

268. Members were further advised:

- The concerns expressed over the location of the “Information” sign and the road crossing were noted. However, it would be difficult to justify the refusal of planning permission on these grounds as East Sussex Highways had raised no objection on public safety grounds.
- Concern over the installation of a second chevron could be fed back to East Sussex Highways, however this was not part of the proposal before Members.

- The timing of the discussions between East Sussex Highways and the applicant was not known, however, the location of the sign next to the proposed second chevron was the preferred location of the applicant.

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

270. **RESOLVED:** That advertisement consent be granted subject to the conditions set out in 10.1 of the report and the Update Sheet.

**ITEM 11: SDNP/21/05703/LIS - Seven Sisters Country Park**

271. The Officer presented the report and referred to the update sheet and also referred to paragraph 5.2 of the report which should refer to the Development Manager in place of the Director of Planning.

272. The following public speakers addressed Committee:

- Kate Miles read out a statement on behalf of Peter Cousin representing the applicant.

273. The Committee considered the report by the Director of Planning (Report PC 21/22-32) the update sheet and the public speaker comments, and requested clarification as follows:

- How would the sign be affixed to the building ensuring the building was conserved and enhanced?
- Did the functionality of the sign need to be addressed and monitored to ensure it was effective?
- Was it a statutory or legal requirement that the sign must conserve and enhance a listed building or was it acceptable that it was placed on a listed building in a way that had regard to it being desirable that it was conserved and enhanced?

274. In response to questions officers clarified

- The Historic Buildings Officer had advised that the signage conserved and enhanced the building by allowing visitors better access to the site. The sign would be screwed into the mortar without affecting the integrity of the historic flints
- The site and signage would be monitored by the applicant when it became fully functional.

275. For the determination of the listed building consent, the legislation required that special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Committee discussed and debated the application, making the following comments.

- It was considered acceptable and justified to have a small modest sign that guided visitors towards the visitor centre.

276. It was proposed and seconded to vote on the officer's recommendation as set out in the Update Sheet.

277. **RESOLVED:**

- 1) That authority be delegated to the Development Manager to grant Listed Building Consent subject to:
  - i) The conditions set out at paragraph 10.1 of the report;
  - ii) No further material considerations being raised prior to the close of the statutory publicity period on 10 December 2021.
2. In the case that further material considerations are raised prior to the close of the statutory publicity period on 10 December 2021, that the application be considered by Planning Committee

278. The Chair closed the meeting at 12.45 pm

**CHAIR**

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