

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at: 10.00am on 8 September 2022 at The Memorial Hall, South Downs Centre.

Present: Heather Baker (Chair), Debbie Curnow-Ford, Janet Duncton, Therese Evans, Gary Marsh, Robert Mocatta, Ian Phillips, Andrew Shaxson, Isabel Thurston, and Richard Waring.

Officers: Tim Slaney (Director of Planning), Rebecca Moutrey (Senior Solicitor), Mike Hughes (Major Planning Projects and Performance Manager), Lucy Howard (Planning Policy Manager), Robin Parr (Head of Governance), and Richard Sandiford (Senior Governance Officer).

Also attended by: Kelly Porter (Major Projects Lead) and Amy Tyler-Jones (Senior Planning Policy Officer).

OPENING REMARKS

19. The Chair welcomed Members to the meeting, including Debbie Curnow-Ford as a new member of the committee, and informed those present that South Downs National Park Authority (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

20. Apologies were received from Alun Alesbury.

ITEM 2: DECLARATION OF INTERESTS

21. The following declarations of interest were made:
- A public service interest from Richard Waring on Agenda Item 6 as a Lewes Town Councillor.
 - A prejudicial interest from Andrew Shaxson on Agenda Item 8 as Chair of Harting Parish Council for which he declared he would withdraw from the meeting.
 - A public service interest from Debbie Curnow-Ford, Janet Duncton, Therese Evans, Gary Marsh, Robert Mocatta, Andrew Shaxson, Isabel Thurston and Richard Waring as County, District and Town Councillors covering areas that were in receipt of funds from the Community Infrastructure Levy.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 14 JULY 2022

22. The minutes of the previous meeting held on 14 July 2022 were agreed as a correct record and signed by the Chair.

ITEM 4: UPDATES ON PREVIOUS COMMITTEE DECISIONS

23. There were none.

ITEM 5: URGENT ITEMS

24. There were none.

ITEM 6: SDNP/22/02197/FUL – FORMER BUS STATION, LEWES

25. The Officer presented the application, reminded Members of the report and the update sheet and gave the following verbal updates:
- Officers had been informed by Southern Water that they had no further comments.
 - One further letter of objection had been received which raised no additional matters to those covered in the report.

- The Air Quality officer maintained their objection on the basis that the proposal was likely to not comply with future air quality standards in Lewes. The air quality officer also expressed concerns that the design of the street frontage could exacerbate air quality issues. The view of the case officer was that, while it was understood that air quality standards and air quality monitoring areas in Lewes may change in the future, the development was not currently in an air quality management area. In addition, it was not considered unusual for a development such as this to address the street frontage in this way. Hence, it was not felt that a reason for refusal could be sustained on either of these points.
26. The following speakers addressed the committee against the application:
- Merlin Milner as a Lewes Town Councillor in a personal capacity
 - Adrian Ross as a Lewes District Councillor
 - Peter Earl on behalf of The Friends of Lewes
 - James Herbert on behalf of Angela Devas from Brighton Active Travel
27. The following speakers addressed the committee in support of the application:
- Paul Burgess as the planning consultant from Lewes and Co Planning
28. The Committee considered the report by the Director of Planning (Report PC22/23-01), the updates and the public speaker comments and commented as follows:
- Could it be clarified if the SDNPA had responsibility for providing bus facilities in Lewes?
 - It was felt that the former bus station building was not an attractive building, that it did not add anything to the conservation area, and that it should not be considered a non-designated heritage asset. Although it was a unique building, it had outlived its usefulness.
 - It was unacceptable that there was no affordable housing as part of this application. This was an important part of SDNPA policy and an application on a site such as this must bring forward affordable housing.
 - As a brownfield site, under the NPPF, this site should be developed. Continued work between the applicant and SDNPA officers would be welcomed.
 - Whilst one of the public speakers demanded the SDNPA force the applicant to sell the site, this was not something the SDNPA was able to do.
 - The policy required an operationally satisfactory bus facility elsewhere and if the SDNPA was to encourage sustainable transport this should be pushed hard. It was important to futureproof our towns for future changing ways of travel, particularly in view of the climate emergency.
 - Would a financial contribution to the provision of a bus facility be considered sufficient?
 - There were a number of issues with the proposed design in terms of both the height and bulky nature of the built form and the landscaping. It could be considered, at best, a work in progress. This key town centre location in a conservation area deserved something exemplary.
 - It was suggested that, due to its importance in policy terms, that the lack of affordable housing should be listed as the first reason for refusal. However, Members decided to keep to the order proposed in the officer's report. In addition, could some clarification be given for the loss of light being given as a reason for refusal? What was the distance between the proposed development and 27 East Street?
 - The level of objections was surprising and the applicants were encouraged to work better with all stakeholders.
 - It was noted that Lewes would be going through much change in the future, particularly in the area of this application, and that the SDNPA regarded this as a significant and sensitive area that Members and officers paid a lot of attention to.

29. Members were advised:

- It was not the responsibility of the SDNPA to provide bus facilities in Lewes. The policy had envisaged that the SDNPA would be able to help secure bus provision through negotiations. Through the local plan process, it was considered that, as the planning authority, the SDNPA was pushing as far as it could to help secure bus provisions. A financial contribution towards these facilities would be appropriate.
- While the order of the reasons for refusal was for Members to agree it should be noted that at an appeal all reasons would carry the same weight. Officers proposed the order in the report as the first reason was specifically related to this site, the second reason related to the wider local area, and the other reasons were more generic than site specific.
- The distance between the proposed development and 27 East Street was about 6.5m. The bulk and scale of the proposed development were of particular concern. Officers had spent considerable time considering the guidance around loss of light and daylight, and the loss in this location was very significant and well in excess of BRE guidance.

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

31. **RESOLVED:** That planning permission be refused for the reasons set out in Section 9 of report PC22/23-01 as amended in the Update Sheet.

ITEM 7: SDNP/21/03448/FUL – COUNCIL DEPOT, MIDHURST

32. The Officer presented the application, reminded Members of the report and the update sheet.

33. The following speakers addressed the committee against the application:

- Graham Tythe as a local resident

34. The following speakers addressed the committee in support of the application:

- Alistair Harris as the applicant on behalf of Metis Homes

35. The Committee considered the report by the Director of Planning (Report PC22/23-02), the updates and the public speaker comments and commented as follows:

- Would the performance of the green roofs be monitored? Including PV panels into the design of the builds may have been better for long-term sustainability.
- Although it seemed a rather strange way to identify the site's previous use, would the Dutch barn be renovated or restored?
- Condition 15 covered external lighting, but nothing was included about light spill from windows. How would this be covered?
- The applicant was congratulated on the proposed new approach to addressing water neutrality; however, the acceptability of this new approach was queried, particularly given the proposed very limited water consumption on the site. It was noted that it would be important to monitor the effectiveness of the new approach.
- The sustainability and ecological efforts were good, with the only negative point being the continued use of gas boilers, the use of which needed to be discouraged.
- Would the management plan cover the trees on the site to ensure they could not simply be removed?
- It was noted that a number of trees beyond the redline seemed to be shown for retention. Was it known who owned the wooded areas outside the redline and whether they would be referred to in the management plan? Could trees outside the site boundary be included in a woodland Tree Protection Order (TPO)? It was also requested that Oak T4, which was to be removed, be replaced by another Oak elsewhere on the site.

- There was some concern about the safety and security of the parking barn which seemed to be a rather unobserved area.
- How was the active badger set on the site proposed to be dealt with?
- Were the paths being delivered footpaths or NMU routes? Could this be included in the legal agreement?
- Whilst the inclusion of dwellings to Passivhaus standards was good, had there been a trade-off between their inclusion and the amount of affordable housing provided, as building houses to this standard was presumably more expensive?
- This was a good application. The inclusion of EV charging for every home was to be commended. The tree planting was good. The inclusion of hedgehog gaps and swift boxes would be welcomed.
- Midhurst Town Council had suggested a children's play park on the site. Had this been considered?
- Was the route of the old railway line being safeguarded?
- Could officers comment on the number of trees and the amount of shade in the more heavily wooded area of the site?
- It was good to see this brownfield site being brought back into good use.
- Were the developers aware of the amount of contamination on the site?
- It was hoped that the landscape plan would maximise opportunities to include areas for natural play.
- It was requested that condition 5 be amended to made explicit reference to BS 5837.

36. Members were advised:

- The management of the proposed Green roofs would be included within the obligation in the section 106 agreement to produce a landscape management plan.
- The cultural heritage issue and the importance of retaining the Dutch barn had been set out in the development brief. Condition 27 ensured the maintenance of the building.
- There was an obligation for a lighting strategy across the site which would address matters including light spillage.
- The approach to water neutrality was considered appropriate. As Natural England had not engaged with the SDNPA on this matter officers were unable to provide any further comment beyond the detail contained in the officer report. The applicant would provide further details via Condition 13.
- There was an existing TPO which protected many of the trees on site, further TPOs were not considered to be necessary. The wider common was managed by the Cowdray Estate and so was outside of the applicants control, however, it should be noted that a substantial number of trees were being retained on the northern boundary and it would be further enhanced.
- The badger set was an outlier set, hence it was considered reasonable to close the set. The applicant's ecologist would monitor this.
- The paths would be both foot and cycle routes and this would be included in the legal agreement.
- A play park as part of the development was not considered necessary given the close proximity of the Carron Lane recreation ground, to which the northern path provided a link. In addition, the site itself would allow for natural play.

- The viability of the scheme, and hence the amount of affordable housing able to be provided, was not predicated on the provision of Passivehaus homes. This was a brownfield site with contaminated land; this had the biggest impact on viability.
 - Swift boxes and hedgehog gaps would be part of the landscape plan.
 - The Local Plan set out to safeguard access for the old railway line route through the neighbouring industrial estate. This scheme had been designed so that future negotiations could open the route further.
 - The concern around shade on the site was along the Bepton Road frontage, however, it was considered to be acceptable, particularly given a small section of trees was to be removed to allow daylight in.
 - The developers were aware of the contamination on site.
37. It was proposed and seconded to vote on the officer's recommendation subject to the amendment of condition 5 to include reference to BS 5837.
38. **RESOLVED:**
1. That planning permission be granted subject to the conditions set out in Section 9 of report PC22/23-02, the amendment of condition 5 to make reference to BS 5837, and the completion of a Legal Agreement, the final form of which is delegated to the Director of Planning, to secure:
 - i. 25 affordable homes of the following tenure and mix:
 - 12 affordable rent (6 x 1-bed flats and 6 x 2-bed flats)
 - 13 shared ownership (11 x 2-bed houses and 2 x 3-bed houses)
 - ii. A £100,000 contribution to deliver access / path improvements on Midhurst Common
 - iii. A £12,660 contribution to deliver ecological compensation measures on Midhurst Common
 - iv. The provision of a public footpath / cycle route through the site (safeguarding a route for the potential future non-motorised travel route along the former Petersfield to Pulborough railway line)
 - v. The provision of an Estate Management Company with associated estate management plans (including lighting, landscape, ecology and drainage)
 - vi. Highway works associated with improved access from Bepton Road and to the retained Household Waste Recycling Site
 - vii. Travel Plan and transport mitigation measures
 - viii. The provision of a residents and tenants information pack (to include information about responsibilities around Midhurst Common and ecological mitigation measures on-site)
 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 three months of the 8 September 2022 Planning Committee meeting.

ITEM 8: INFRASTRUCTURE BUSINESS PLAN 2022

39. Gary Marsh declared a prejudicial interest in this item as a member of the SDNPA's Seven Sisters Country Park (SSCP) project board. Isabel Thurston also declared a prejudicial interest as a Director of the South Downs Trading Company. Both Gary Marsh and Isabel Thurston withdrew from the meeting at this point along with Andrew Shaxson.
40. The Officer reminded Members of the report.

41. The Committee considered the report by the Director of Planning (Report PC22/23-03) and commented as follows:
- Given the amount of Community Infrastructure Levy (CIL) funds left unspent, could the 3-year rule be reconsidered?
 - The SDNPA needed to work with parishes to help them spend their CIL funds. Perhaps parishes could consider if there were area wide projects that they could contribute some of their funds to.
 - It was acknowledged that it could take small parishes a significant time to raise the total funds to implement their schemes, hence the time it sometimes took to spend their CIL allocation.
 - As part of the report on previously funded projects, if a project had not started could some further information on why it had not started be included?
 - Was it considered fair that such a significant amount of CIL funds were allocated to a project in a parish that was already receiving a significant allocation of CIL funds? It was noted that one reason this could occur was where a parish proposed match funding for a project, which then increased the chances the project would be awarded.
42. Members were advised:
- The majority of allocations were spent within the 3-year period, particularly as parishes and other bodies were becoming more familiar with the process. There were also sometimes additional project funding requirements which could mean it took longer to spend the allocation. Officers considered the 3-year rule to be reasonable, however, Members could consider if they wanted to reduce it for future years.
 - Further information on projects that had not started would be included in the Infrastructure Business Plan (IBP) report before publication on the SDNPA website.
 - There was sometimes a significant amount of CIL money awarded to an area which had taken a lot of development.
43. **RESOLVED:** The Committee resolved:
1. To approve the Infrastructure Business Plan 2022 (Appendix 2 and 3 of report PC22/23-05);
 2. To approve:
 - the in-principle allocation of the Community Infrastructure Levy 2021 /22 receipts of £1,950,408.26 to the projects identified in paragraph 4.3 of this report, and to delegate authority to the Director of Planning to undertake any further assessment of the projects prior to the final allocation of funds as detailed within paragraphs 4.6 and 4.7 of this report, to determine the final allocations of funds up to £1,950,408.26 in respect of those projects and to authorise payments accordingly;
 - the ring-fencing of the 2021/22 Community Infrastructure Levy funds for three years and should the funding of these infrastructure projects (identified in paragraph 4.3) no longer be required after three years, the money would be made available for other projects within the Infrastructure Business Plan, and
 3. To delegate authority to the Director of Planning to make minor amendments to the wording and formatting within the Infrastructure Business Plan 2022 prior to publication. Any such amendments shall not alter the meaning of the document.
44. Andrew Shaxson, Gary Marsh and Isabel Thurston returned to the meeting.

ITEM 9: MAKING OF THE STEYNING NEIGHBOURHOOD DEVELOPMENT PLAN

45. The Officer reminded Members of the report.
46. The Committee considered the report by the Director of Planning (Report PC22/23-04) and commented as follows:
- Was there a point beyond which turnout would cause a problem in making the plan?
 - Could the community put forward the greenspaces they would have liked to allocate in their NDP for consideration as part of the Local Plan allocations instead?
 - Had housing sites not been allocated as there were already sufficient housing allocations in the district? It was understood that housing figures meant to be minimums, so was it considered good to go above the housing allocation numbers?
47. Members were advised:
- Turnout levels tended to be between 15-30%, with smaller villages and parishes sometimes having a slightly higher turnout. However, there was no minimum turnout level. The examiner did consider the engagement that has been done during the preparation of the plan.
 - It was made clear at examination that if housing was not being allocated, then greenspaces could not be allocated either. However, the allocations could be put forward for the Local Plan.
 - The Horsham Local Plan had a housing figure across all NDP areas which had been met. However, housing figures were a minimum and it was good to be able to go above that.
48. **RESOLVED:** The Committee resolved to:
1. Note the outcome of the Steyning Neighbourhood Development Plan Referendum;
 2. Agree to make the Steyning Neighbourhood Development Plan part of the Development Plan for that part of the Parish within the South Downs National Park.

49. **ITEM 10: SUMMARY OF APPEAL AND JUDICIAL REVIEW DECISIONS RECEIVED FROM 15 APRIL 2022 - 23 AUGUST 2022**

50. The Officer reminded Members of the report.
51. The Committee considered the report by the Director of Planning (Report PC22/23-05) and commented as follows:
- Could future reports include the number of applications compared to the number of appeals? It could be of benefit to publicise this as people often considered the planning system slow, however, this could show that, while they may consider it slow, the process was important to ensure the right decisions were made.
 - Was the long determination time from the Planning Inspectorate putting people off appealing?
 - Officers were commended on this excellent appeals record.
 - Could Members be given an update on if an appeal was submitted or if enforcement was taking place on the Meadow Farm, East Worldham site, which had been importing a very significant amount of outside material to change ground levels on the site?
52. Members were advised:
- The number of applications against the number of appeals would be included in future.
 - There did not seem to be any reduction in the number of appeals due to the current long determination time.
 - Officers did not have information on the Meadow Farm site to hand so would provide a direct update to the Member who raised the matter following the meeting.

Agenda Item 3

53. **RESOLVED:** The Committee resolved to note the outcome of the appeal and Judicial Review decisions.
54. The Chair closed the meeting at 12.51.

CHAIR

Signed: _____