

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE**

Held at: 10.00am on 9 March 2023 at The Memorial Hall, South Downs Centre.

Present: Heather Baker (Chair), Therese Evans, Debbie Curnow-Ford, Janet Duncton, John Hyland, Ian Phillips, and Isabel Thurston.

Officers: Tim Slaney (Director of Planning), Rebecca Moutrey (Senior Solicitor), Robert Ainslie (Development Manager), Mike Hughes (Major Planning Projects & Performance Manager), Stella New (Development Management Lead), David Boyson (Conservation Officer), Katharine Stuart (Planning Policy Lead), Amy Tyler Jones (Senior Planning Policy Officer), Richard Fryer (Senior Governance Officer), and Jane Roberts (Governance Officer).

### **OPENING REMARKS**

110. The Chair welcomed Members to the meeting 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. That 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**

111. There were apologies for absence from Alun Alesbury, Gary Marsh, Robert Mocatta, Andrew Shaxson and Richard Waring.

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

112. The following declaration was made:

- The Chair declared a non-prejudicial, public service interest on behalf of all Members as David Coldwell, who was a speaker on Agenda item 6 was previously a Member of the SDNPA, and had been a member of the Planning Committee, and was known to some of the Committee.
- John Hyland and Janet Duncton declared a personal interest on Agenda item 7 and would remove themselves for the item.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 8 DECEMBER 2022**

113. The minutes of the previous meeting held on 9 February 2023 were agreed as a correct record and signed by the Chair.

### **ITEM 4: UPDATES ON PREVIOUS COMMITTEE DECISIONS**

114. Hillside Nursery and Longmore Enterprise Park, decisions had been issued for both applications following signing of the Legal Agreements (s106's).

### **ITEM 5: URGENT ITEMS**

115. There were none.

### **ITEM 6: SDNP/22/05685/FUL – CROWLINK CORNER, FRISTON**

116. The Officer presented the application and reminded Members of the report (Report PC22/23-26) and the update sheet.

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

- David Coldwell, representing Friends of the South Downs.
- John Scott, personal capacity as a local resident.
- Cllr Paul Seeley, representing the Parish Council.

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

- Mary-Jane Higgins, as the applicant.
  - Chris Wojtulewski, as the agent.
  - Richard Murray, personal capacity.
119. The Committee considered the report by the Director of Planning (Report PC22/23-26), the updates and the public speaker comments and commented as follows:
- Would there be right of access to Crowlink Corner via Crowlink Place should the properties fall into separate ownership?
  - Plans showed the path followed the contours of the landscape, close to the flint wall.
  - The fact that the right of access is at all times and for all purposes was significant.
  - The proposal was an improvement on the current informal track.
  - Any access would damage the landscape. Local residents did not want to see a track there. National Trust were supporting a pragmatic solution to minimise damage. Did not like the proposal but the current situation could not continue.
  - Was there sufficient turning and parking space at Crowlink Corner?
  - There was sympathy with the owner for access. Crowlink Corner was an isolated building without constructed access but with right of access. There were a number of similar dwellings in the National Park without permanent access. This could set a precedent and the impact may have far reaching effects that would not conserve or enhance the landscape.
  - Did the proposal conserve or enhance the landscape? On balance, allowing the development could be more harmful than maintaining the status quo.
  - There was appreciation of the objections from local residents and the Parish Council but could not see any material planning reason to refuse the application. This would be an improvement from a visual and landscape perspective. The National Trust was not objecting and the width of the track was being reduced. Could the current track still be used, leaving two tracks?
  - The Chair noted the situation needed attention. The current track had been made by modern vehicles and a return to the situation in 1927 was not realistic. There would need to be access to Crowlink Corner and it was better to manage the situation than leave the existing status quo.
120. Members were advised:
- Crowlink Pace and Crowlink Corner were currently owned by the same owner. Should the properties ownership be severed, a right of way would need to be negotiated.
  - There was ample space for turning and parking at Crowlink Corner. There was an existing area of hard standing that would be used for parking and turning.
  - Restoration of the existing track would be secured by Condition 9.
  - With regard to precedent, this was a very unusual situation given the existing legal right of access at all times and for all purposes. Members were to judge each case on its own merits.
121. **RESOLVED:**
- Planning permission was granted subject to the conditions set out in paragraph 10.1 of the report and the update sheet.
122. John Hyland and Janet Duncton Left the Meeting at 10.52am
123. Vanessa Rowlands Chair of the Authority joined the Meeting at 10.52am

**ITEM 7: NEPCOTE, FINDON**

124. The Officer reminded Members of the report.
125. The following speakers addressed the committee against the application:
- Geoffrey Wyatt, personal capacity.
  - Etta Wyatt, personal capacity.
  - Becky Hill, personal capacity.
126. The Committee considered the report by the Director of Planning (Report PC22/23-27) and commented as follows:
- The Chair of the Authority thanked the public speakers for their contributions. How would conservation designation impact the businesses within the area designated? Paragraph 4.12, was the designation just aspirational?
  - Would there be extra time or complications added to processing planning applications if it were in a conservation area?
  - The conservation area would recognise the contribution to the landscape, preventing harm rather than imposing duties and obligations. Any works to trees that were dead or dangerous would be exempt from normal requirements. There was no imposition of the landowner to carry out any suggested works. Paragraph 4.12 and purpose of the Conservation Area Appraisal and Management Plan (CAAMP). referenced one purpose of the CAAMP outlined, what was the other purposes?
  - There was a compelling case for the designation, and it could be very beneficial to people working in the area, protecting it well into the future.
  - The benefits of designation far outweighed any disadvantages.
127. Members were advised:
- Paragraph 4.12 referred to historic landscape restoration, giving opportunities for enhancement. There was potential to add trees, but this was aspirational with no power to impose upon and the landowner. The designation could be used to support applications for funding to meet these aspirations.
  - Hundreds of businesses and large estates were within conservation areas. Conservation areas frequently have the mix of elements we see in this proposal.
  - When an area is designated under Section 72, a statutory duty is imposed upon the Authority to pay special attention to the desirability of preserving or enhancing that area. This is done through the normal planning process and should not add significant time. With regard to trees within the area that are not subject to Tree Protection Orders, the local planning authority must be consulted before works commence and a response must be produced within six weeks.
  - The other purpose of the CAAMP was that the area had a special architectural interest which would bring some limitations on permitted development rights but would give the Planning Department extra information on the design of buildings. Pre-planning advice was advice, not a necessary, but had the potential to save both time and money.
128. **RESOLVED:**
1. The Committee approved the designation of the area identified on the map forming Appendix I (as amended through the Update Sheet) to this report as a Conservation Area under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  2. Endorsed and adopted the Conservation Area Appraisal and Management Plan (CAAMP), forming Appendix II to this report (as amended through the Update Sheet), for the purposes of development management and to inform the wider activities of the National Park Authority and its partners.

129. John Hyland returned to the meeting at 11.39

**ITEM 8: APPEALS UPDATE**

130. The Officer reminded Members of the report.

131. The Committee considered the report by the Director of Planning (Report PC22/23-28) and commented as follows:

132. The Queens Hotel had the decision reheard in open court for a second time, was this possible?

133. Members were advised:

- The challenge in relation to the Queens Hotel had been decided by a judge based on the papers alone. The claimant has the ability to request that the matter is heard in person in court. There had at present been no decision made.
- Page 131 and 132, SD30 and SD31 are the most challenging policies for our host authorities and communities, with the policies being very difficult to draft. There were no patterns in the appeals that were lost.
- Policies SD30 and SD31 would need to be looked at with the rewrite of the Local Plan.

134. **RESOLVED:**

Noted the outcome of appeal decisions.

135. The Chair closed the meeting at 11.44pm

**CHAIR**

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