

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at: 10.00am on 12 October 2023 at the Council Chamber, County Hall, Lewes

Present: Heather Baker (Chair), John Cross, Janet Duncton, Gary Marsh, Stephen McAuliffe, Robert Mocatta, Andrew Shaxson and Daniel Stewart-Roberts.

Officers: Tim Slaney (Director of Planning), Rebecca Moutrey (Senior Solicitor), Robert Ainslie (Development Manager), David Boyson (Conservation Officer), Mike Hughes (Major Planning Projects and Performance Manager), Ruth Childs (Landscape Officer), Kelly Porter (Major Projects Lead), Claire Tester (Planning Policy Manager), (Mark Waller-Gutierrez (Specialist Lead), Gill Welsman (Planning Project Management Officer), Richard Sandiford (Head of Governance) and Jane Roberts (Governance Officer).

Also attend by: Claire Warwick (Assistant Manager, Transport Development Control, East Sussex County Council)

OPENING REMARKS

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

70. There were apologies for absence from Debbie Curnow-Ford, John Hyland, William Meyer and Robert Mocatta.

ITEM 2: DECLARATION OF INTERESTS

71. The following declarations was made:

- Daniel Stewart-Roberts declared a public service interest in Agenda Item 6 as a Lewes District Councillor and would not participate in that item as Lewes District Council had a financial interest as part landowner; also a public service Interest in Agenda Item 7 as Lewes District Councillor, but which would not prevent his participation in the item.
- Gary Marsh declared a public service interest in Agenda Item 7 as he was acquainted with two of the public speakers.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 14 SEPTEMBER 2023

72. The minutes of the previous meeting held on 14 September 2023 were agreed as a correct record and signed by the Chair.

ITEM 4: UPDATES ON PREVIOUS COMMITTEE DECISIONS

73. The permissions for SDNP/21/04041/FUL, SDNP/21/04040/FUL and SDNP/22/01858/FUL on a mix of greenfield and brownfield sites, with policy compliant affordable homes, in Easebourne had been issued following the completion of a Section 106 Agreement

74. SDNP/22/02466/FUL, The Grange Development Site, Bpton Road, Midhurst (October 2022 Committee) had gone to appeal, but the appeal had since been withdrawn.

ITEM 5: URGENT ITEMS

75. There were none.

ITEM 6: SDNP/23/00526/OUT – NORTH STREET, LEWES

76. The Officer presented the application, reminded Members of the report (Report PC23/24-10) and the update sheet, and provided the following verbal update:

- Since the issuing of the update sheet an additional 24 letters of support and 3 letters of objection had been received. Furthermore, amended information on sustainable construction was also received from the applicant yesterday, including a 60 page response to the officer's report. Given the late submission of this response, officers had read it but had not been able to consider it in full. Notwithstanding, the applicant's agent was speaking at the meeting so would have the opportunity to put their points across to the committee. There was no reason why the application should not continue to be considered today and the recommendation remained unchanged.
77. The following speakers addressed the committee against the application:
- Marion Smith, speaking as a local resident.
 - Suzanne Asher, representing Residents of Corporation Villas and Spring Gardens.
 - John Gower, speaking as a local resident.
 - Peter Earl, representing Friends of Lewes.
78. The following speakers addressed the committee in support of the application:
- Gareth Giles, speaking as the Planning Agent for the applicant.
 - Dougal Fleming, speaking as a local resident.
 - Zoe Nicholson, representing Lewes District Council.
 - Deborah Anne Twitchen, speaking as a local resident.
79. Additional Speaker from Lewes Town Council:
- Cllr Adrian Ross, speaking on behalf of Lewes Town Council.
80. The Committee considered the report by the Director of Planning (Report PC23/24-05), the updates and the public speaker comments and commented as follows:
- Additional information was requested to provide a clearer understanding of the closing of the highways on the site. Vehicle, cycle, and pedestrian public rights of way were all important aspects.
 - Could the new riverside walkway be a public right of way?
 - What were the recreational facilities and would they be open to the public?
 - It was noted there would only be 6.5 metres between the rear boundary of Corporation Villas and parcel 5C. What was the normal acceptable distance?
 - What was the distance between parcel 6F and Corporation Villas?
 - Was the proposed four month deferral enough time to overcome the outstanding issues?
 - Would the reduction in mass or height impact affordable housing and the viability of the scheme?
 - How many units were in parcel 1A?
 - Would there be 10% passive house across the site?
 - Could it be clarified whether there would be substantial harm or less than substantial harm in relation to the conservation area?
 - Was there the potential for complaints by future residents about East Sussex Fire and Rescue in relation to the noise from the fire station?
 - It was unclear how the multiple aspirations for aspects of this site, such as the riverside walkway and the rooftop, could co-exist. Could further detail be provided on how they would work together?

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- Would APNR surveillance cameras be used by the management company and would they be signed up to the amended code of practice?
- It was highlighted by Southern Water that the site was crossed by water mains, what was the impact of this?
- An extensive site visit had been undertaken and the site's history and the difficulties it presented to development were acknowledged.
- It was also acknowledged there were many good things proposed in this development, including the co-mobility concept, low traffic streets and car free community, concierge service, and the bridge. However, there remained issues that needed to be addressed, even though two of the issues had been overcome. There were many good ambitions, but further detail was required to ensure this was an exemplar of sustainability and a town centre development.
- There was concern that the development did not knit well with the town and the landscape. There were positive and not so positive views about the general design of the detailed part of the site under consideration, however, it was felt that some of the design, particularly in terms of the details of the rooflines and the use of different elevations, could be improved.
- There was also concern about the loss of longer distance views of the wider landscape and that the new views being created were not of a similar quality.
- Greater care needed to be taken in creating satisfactory relationships between the new buildings and the pre-existing buildings on the site.
- The SDNPA as the Planning Authority had a responsibility in this very important town in the National Park to ensure that this development would actually be delivered to a suitably high quality, regardless of who may build the scheme out. Therefore, given the varied objections from a wide range of stakeholders including statutory consultees, the recommended deferral seemed appropriate with the aim of reaching a satisfactory outcome.
- The design in relation to parcel 5c should be amended to either reduce or pull back the building. It was currently not considered acceptable.
- The issue of the fire station also needed to be addressed, possibly to include a measure of buyer beware.
- The outstanding objection from the Flood Authority due to insufficient information remained a concern.
- To ensure the issues we addressed within the four months would require a combined, concerted effort between all parties.

81. Members were advised:

- There were a number of matters relating to the stopping up of the highway that needed further attention, There was no objection in principle to stopping up the highway, but further details were required in key areas - general public, pedestrian and cycle access, access for fire and rescue, current resident access, and deliveries and access for businesses.
- Through a Section 106 agreement and the Estate Management Plan, pedestrian and cycle access could be secured on the site and the riverside walk, which could also be secured as a right of way.
- The recreational facilities would be key spaces around the Belvedere and Link. The sport and community facilities in the buildings would allow for recreational activities; technical details needed to be addressed to ensure these were protected for public use.

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- The distance from the rear boundary of Corporation Villas to parcel 5C was 6.5 meters;. Officers were concerned about this relationship given that Parcel 5C was proposed to be a 5-storey building in the parameter plans and the Design Code was currently not sufficient to mitigate the harm.
 - Parcel 6F had been amended to 3 stories high immediately in front of Corporation Villas and the distance was approximately 8m, which in a town environment was considered an acceptable relationship.
 - There needed to be an end point to reconsider the application; four months was considered by officers a reasonable timeframe to overcome the issues.
 - There would be an impact on the viability of the site should the height and mass be reduced. Officer's view was that there was room for manoeuvre, however, this needed to be explored further with the applicant, agent, and experts. It was also important to deliver needed affordable housing on this site.
 - The number of units in block 1A was 44.
 - 10% passive house across the site would be secured through the s106 agreement.
 - It would be less than substantial harm to the conservation area.
 - There were concerns on overspray and noise from fire station. The design code currently proposed *reasonable endeavours* to explore options to address the issue. This was not considered enough and further discussions would be held on this, but the solution was not likely to take the form of a buffer around the fire station.
 - The spaces proposed within the scheme would have to work hard to deliver multiple benefits. The principles were good, but there remained an outstanding objection from the ecologist on deliverability. More work was needed on the design code to address this.
 - The matter of surveillance cameras was still to be addressed.
 - Further discussions would be had with the applicant and Southern Water, however, it was not considered appropriate for Southern Water to dictate the form of development on an allocated site such as this without very good reason. Their concerns would be sought to be addressed, but it may not be to their full satisfaction.
 - The s106 agreement would play a very important role in this development, not only in securing public rights of way and affordable housing, but also the sustainability credentials of this scheme. It was important to ensure that commitments to sustainability were made, rather than the *reasonable endeavours* which were currently proposed by the applicant.
 - As an urban site, it was important to focus on the public edges of the development and ensure they spoke to the landscape; the developer could be given some leeway in regards to planting within the development, for example, in courtyard settings.
82. It was proposed and seconded to vote on a revised recommendation. No.1, amended to read "That a decision on this application be deferred to seek to resolve the following issues with the application reported back to Planning Committee within 4 months for a further or final decision" and to delete recommendation no.4.
83. **RESOLVED:**
- I. That a decision on this application be deferred to seek to resolve the following issues with the application reported back to Planning Committee within 4 months for a further or final decision:
 - a) Transport – currently insufficient and inadequate information and justification

- to demonstrate the scheme will not have a significant impact on highway capacity and highway safety issues (including the new access arrangements on the Phoenix Causeway);
 - to demonstrate the scheme will not have a significant impact of parking demand due to the scale and types of uses proposed within the scheme and the loss of public car parking spaces;
 - as to whether the scheme sufficiently mitigates for those impacts including adequate and sufficient walking and cycling provision to and from the site, and
 - the lack of re-provision for the 3 coach parking bays currently provided on site.
- b) Design - including amendments to the Parameter Plans and Design Code and details of Parcel 1 to address inconsistencies / provide further clarification and to address concerns (for example in respect of bulk and scale) related to views, 'edges', heritage assets, amenity impacts, risks of flooding from surface water / ground water and ecological / biodiversity;
- c) Flood Risk – to address concerns related to risk of flooding from surface water, ground water and other sources which are not fluvial and tidal;
- d) Air Quality – currently insufficient and / or inadequate information to enable an appropriate assessment in air quality terms. Any air quality assessment work is also dependent upon the outcomes of the transport / highway assessment work, and
- e) Section 106 Legal Agreement – currently insufficient and / or inadequate information to ensure the proposed mitigation measures and other benefits critical to the scheme are secured through a legally binding agreement.
2. That the Committee confirm that subject to finding a suitable resolution to the issues highlighted in (1) above, that they, in principle, support the 'Stopping Up' of the existing adopted highways under Sections 247 and 248 of the Town and Country Planning Act 1990;
3. That the Committee confirm in reaching their decision that they have taken into account:
- 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, and

ITEM 7: LEWES CAAMP

84. The Officer reminded Members of the report (PC23/24-11).
85. The following speakers addressed the committee against the application:
- Peter Earl, speaking on behalf of the Friends of Lewes.
 - Dr Suzy Nelson, speaking on behalf of Lewes Climate Hub (with comments more than speaking against).
86. The Committee considered the report by the Director of Planning (Report PC23/24-11) and commented as follows:
- This was an additional document to the design guide for the whole of the park.
 - Would the Lewes CAAMP go online?
 - The map with the outline of the conservation area showed red lines within the conservation area, what were those red lines?
 - Was there a domestic advice note that would be revised?

- In relation to the guidance through historic England and other partners, would there be links to take you to their website via the document?
- Could there be a secondary use of the document with information of Lewes and its history? Could its accessibility be available through general interest in Lewes, not just planning?
- Why had the Lewes bus station been excluded?
- Was there a plan to have a TAN for listed buildings?

87. Members were advised:

- The Lewes CAAMP would go online if approved.
- The red lines within the boundary line showed there was hole in the conservation area, and that area was not counted as part of the conservation area.
- The domestic advice note was in a different document.
- There would be live links in the document to take you through to Historic England and other partner websites via the SDNPA website.

The document would be published on the SDNPA website so people without any interest in planning could still view it. The document could also be shared with other districts and bodies.

- The Lewes Bus Station was a not a non-designated heritage asset, the CAAMP reflected this.
- There were no immediate plans for a TAN for listed buildings. The Local Plan Review would look at the general approach to climate change and local heritage. There was currently plenty of advice available on the matter.

88. **RESOLVED:**

1. Adopt, subject to any changes proposed by the Committee, the new Lewes Conservation Area Appraisal & Management Plan, attached as Annex Two to this report, to replace the existing version, for the purposes of Development Management and to inform the other activities of the National Park Authority and its partner organisations.
2. Delegate authority to the Director of Planning in consultation with the Chair of Planning Committee to make any minor changes to the Lewes Conservation Area Appraisal and Management Plan.

ITEM 8: EAST SUSSEX MINERALS & WASTE PLAN 2030

89. The Officer reminded Members of the report (PC23/24-12).

90. The Committee considered the report by the Director of Planning (Report PC23/24-12).

91. **RESOLVED:**

The Planning Committee recommended the National Park Authority to Agree that the Proposed Modifications to the Submission draft of the Joint South Downs National Park Authority, East Sussex County Council and Brighton & Hove City Council Waste and Minerals Local Plan Review Revised Policies document, and its supporting documents, are published for a representation period of eight weeks.

ITEM 9: SDNPA DRAFT RESPONSE TO DLUHC CONSULTATION ON IMPLEMENTATION OF PLAN-MAKING REFORMS

92. The Officer reminded Members of the report (PC23/24-13).

93. The Committee considered the report by the Director of Planning (Report PC23/24-13) and commented as follows:

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- In relation to the deadline of Autumn 2024, as our plan would be 5 years old in July could this be added into the comments to make a case for it being included in the proposed protections?
- Q15, do you support the standardisation of evidence topics - would there be scope for standard development lists to be challenged?

94. Members were advised:

- It was unclear why the Autumn 2024 date was set, it may be moved forward or allow exemptions.
- With Q15, there should be a methodology to look at constraints and how to balance them.
- The consultation was about the mechanics of plan-making, not the policies themselves.

95. **RESOLVED:**

The Committee:

1. Noted the Government consultation on the implementation of plan-making reforms; and
2. Considered and provided comments on the contents of the draft response, set out at Appendix 2, to be approved and submitted by the Chief Executive of the Authority.

96. The Chair closed the meeting at 13.22pm

CHAIR

Signed: _____

