

## SDNPA Planning Committee - 15 February 2024



### Planning Committee Update Sheet

Agenda Item	Page No	Para	Update	Source/Reason
6	24	4.16	<p>National Highways have provided an updated response in light of the discussions which have been on-going with the applicant.</p> <p>In summary, National Highways state it is still not possible to determine whether the application would have an unacceptable impact on safety, reliability and operational efficiency of the Strategic Road Network. Therefore, they currently recommend that planning permission is not granted (other than a refusal if the Authority so wishes) for another period of six months (until 9 August 2024) to allow the applicant time to resolve the outstanding matters.</p> <p>National Highways are requesting the following:</p> <ul style="list-style-type: none"> <li>• Trip Rates and Trip Generation – further information on how the transport characteristics of the ‘exemplar sites’ and their surrounding areas (promoted as sites which demonstrate the delivery of high modal shift targets), and their mode split, compare to Lewes and the proposed development?</li> <li>• Car Park Accumulation – further consideration needs to be given to the risk of ‘overspill’ parking as the proposed car parking provision does not guarantee that the full modal shift will be achieved.</li> <li>• Junction Assessment – further traffic surveys and modelling work on the impacts to the Ashcombe and Southerham Roundabouts.</li> <li>• Mitigation Measures – until further information is provided (set out above) they are not able to comment on whether the current proposed package of mitigation measures is sufficient or acceptable.</li> </ul> <p><i>Officer Comment:</i> No change to recommendation.</p>	Update
6	24	5.3	<p>Since writing the report a further 9 objections (3 on a range of issues and 6 specifically on the loss of the TPO’d trees) and 7 supports have been received. The comments</p>	Update

			made do not raise any new issues and the issues raised are already summarised and addressed within the report.	
6	50-51	9.4	<p><i>Amendment to Condition No. 1</i></p> <p>The applicant has requested a longer time period for submitting the last reserved matters application (changing the time period in Condition No.1 from 5yrs to 7yrs).</p> <p>1. The parts of the development hereby permitted in full on Parcel 1 (as shown within the blue line on drawing PHO-003 Rev 4 - Proposed Block Plan: Parcel 1) and associated flood defences, and access arrangements for the whole development (as shown on drawings 7315-GA-001 Rev P22 – Highways Parameter Plan and 1249-EXP-5001 Rev P03 – Proposed Temporary Construction Access Road Plan) shall be begun before the expiration of three years from the date of this permission.</p> <p>No part (herein referred to as ‘Phase’) of the development hereby permitted in outline shall commence until the details of appearance and landscaping related to that Phase of the development have been submitted to and approved in writing by the Local Planning Authority (herein referred to as the Reserved Matters Application).</p> <p>The first Reserved Matters Application for the outline part of the development shall be made to the Local Planning Authority within three years of the date of this permission. The last Reserved Matters Application shall be made no later than <b>five seven</b> years from the date of this permission.</p> <p>The commencement of each Phase of the development subject of a Reserved Matters Application shall begin before the expiration of three years from the date of the approval of that Reserved Matters Application.</p> <p><u>Reason:</u> To comply with the provisions of Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended).</p> <p><i>Officer Comment:</i> The request is not considered to be unreasonable given the scale of the proposed development, the complexity of delivering such a scheme and the anticipated 10yr construction programme.</p>	Amendment

6	51	9.4	<p><i>Correction to Condition No. 2</i></p> <p>2. The development, or any Phase of the development, hereby permitted shall be carried out in accordance with the plans and documents listed below under the heading 'Plans and Documents Referred to in the consideration of this application' including the following plans (herein referred to as the Flood Defence Plans and Phasing Plans).</p> <ul style="list-style-type: none"> <li>• Drawing Reference: 1249-EXP-1001 Rev P04 – Flood Defence Phase 1 Key Plan <ul style="list-style-type: none"> <li>○ Drawing Reference: 1249-EXP-1002 Rev P04 – Flood Defence Phase 1 Plan Sheet 1</li> <li>○ Drawing Reference: 1249-EXP-1003 Rev P03 – Flood Defence Phase 1 Plan Sheet 2</li> <li>○ Drawing Reference: 1249-EXP-1004 Rev P01 – Flood Defence Phase 1 Plan Sheet 3 – Pelham Terrace</li> <li>○ Drawing Reference: 1249-EXP-1005 Rev P02 – Flood Defence Phase 1 Plan Sheet 4 – Talbot Terrace</li> </ul> </li> <li>• Drawing Reference: 1249-EXP-1006 Rev P03 – Flood Defence Phase 2 Key Plan <ul style="list-style-type: none"> <li>○ Drawing Reference: 1249-EXP-1020 Rev P01 – Flood Defence Plan Parcel 1</li> </ul> </li> <li>• Drawing Reference: 1249-EXP-1010 Rev P04 – Flood Defence Plan Permanent</li> <li>• Drawing Reference: 0080-PR-ZZ-ZZ-DR-L-1101 Rev 011 – Phasing Strategy Phase 1</li> <li>• Drawing Reference: 0080-PR-ZZ-ZZ-DR-L-1102 Rev 011 – Phasing Plan Phase 2</li> <li>• Drawing Reference: 0080-PR-ZZ-ZZ-DR-L-1103 Rev 011 – Phasing Plan Phase 3</li> </ul> <p>Any Reserved Matters Application for the development hereby permitted in outline shall be submitted in accordance with the approved Parameter Plans,</p>	Correction
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			<p>Design Code, <del>Accommodation Schedule</del> <b>Plot Area Schedule – Parameter</b> and Flood Defence Plans, and in broad accordance with the Phasing Plans.</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>	
6	59	9.4	<p><i>Correction to Condition No. 29</i></p> <p>29. No development, or Phase of the development, hereby permitted, shall commence on site until the details which demonstrate <del>10%</del> <b>5%</b> of all dwellings will be 'wheelchair user dwellings' and that <b>50%</b> of all other dwellings are 'accessible and adaptable dwellings' in accordance with the most up to date Building Regulations, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development, or Phase of the development, shall be carried out in full accordance with the agreed details.</p> <p><u>Reason:</u> To ensure a suitable standard of accommodation to meet local needs</p> <p><i>Officer comment:</i> The corrected percentages are in line with the Design Guide SPD.</p>	Correction
7	179	Recommendation	<p><b><u>Amended Recommendation</u></b></p> <p>I) That authority be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, to grant planning permission subject to</p> <p>i) The satisfactory resolution of technical matters relating to ecology</p> <p>ii) The conditions set out in paragraph 10.1 of the report and any amendments or other conditions required to address ecology matters</p> <p>iii) A S.106 legal agreement, the final form of which is delegated to the Director of Planning, to secure</p> <p>a) A financial contribution to be agreed to provide an expanded public bus service in broad accordance with Table I of the report</p> <p>b) Highway works associated with:</p> <ul style="list-style-type: none"> <li>• Relocation of and improvements to the north and south bound bus stops</li> </ul>	Following NE response

			<ul style="list-style-type: none"> <li>• Pedestrian crossing point over Beachy Head Road</li> <li>• Improvement of the access onto Beachy Head Road</li> </ul> <p>c) A new public footpath between Beachy Head Road and Bridleway 48e, and its maintenance in perpetuity</p> <p>d) The provision of updated Staff, Studio User and Visitor Travel Plans</p> <p>e) A £4,500 travel plan monitoring fee</p> <p>f) <b><u>A financial contribution to secure improvement of the condition of the SSSI</u></b></p> <p>g) The provision of a Landscape and Ecological Management Plan</p> <p>h) The provision of a Site Management Plan (to include drainage, SuDS and lighting)</p> <p>That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if technical matters relating to ecology have not been resolved, or the legal agreement is not completed, or sufficient progress made, within six months of the Planning Committee meeting of 15 February 2024</p>	
7	188	4.44	<p><b><u>Ecology Consultee Response (Further Holding Objection)</u></b></p> <ul style="list-style-type: none"> <li>• Further information required prior to determination to ensure appropriate mitigation, compensation and enhancement can be delivered including: <ul style="list-style-type: none"> <li>– A more precautionary approach to calculating biodiversity net gain, including the pre-development status of units for grassland restoration</li> <li>– Demonstration of how 10% BNG for area biodiversity units will be delivered</li> <li>– Details of the ‘top-up’ bat emergence/re-entry surveys</li> <li>– Clarification of renovation works to flint barn and whether a bat mitigation licence is required</li> <li>– Assessment of suitability of additional areas of land identified for chalk grassland and dewpond restoration for supporting reptiles and whether further surveys/mitigation is required</li> </ul> </li> </ul>	Consultee response received

7	188	4.11	<p><b><u>Natural England Consultee Response (Final)</u></b></p> <ul style="list-style-type: none"> <li>• There will be direct loss of 56.2m2 of chalk grassland habitat, which is an interest feature of the SSSI, which cannot be avoided or fully mitigated</li> <li>• Proposed compensation must be considered by those determining the application following the principle set out in NPPF para 186 b)</li> <li>• Proposed mitigation measures must be secured via conditions and/or legal agreements to minimise impacts to the SSSI</li> </ul>	Consultee response received
7	189	5.1	<p><b><u>Further Representations</u></b></p> <p>One further letter of objection has been received, raising concerns regarding:</p> <ul style="list-style-type: none"> <li>• Impacts on dark skies, and ability of SDNP to remain a dark skies reserve</li> <li>• National Park was set up to prevent development on protected south downs</li> <li>• Will fail to protect wildlife</li> <li>• Many other existing brownfield sites would be preferable for the use proposed</li> </ul> <p>One further neutral representation has been received from the Bespoke Cycle Group, raising the following:</p> <ul style="list-style-type: none"> <li>• No safe route for cyclists from Eastbourne</li> <li>• All weather cycle path from Paradise Drive to the site would be gentler gradient and less dangerous</li> <li>• New footpath should be a bridleway to allow cyclists and horse riders to benefit</li> <li>• No examples of 50% modal share for bus passengers having been achieved in the county</li> <li>• Passengers on 13X bus would still need to get to relevant bus stop</li> </ul>	Further representations received

8	237	Recommendation	<p>1) That authority be delegated to the Director of Planning, in consultation with the Chair of the Planning Committee, to grant planning permission subject to:</p> <ul style="list-style-type: none"> <li>i. The satisfactory consideration and resolution of technical matters relating to ecology <del>and site access</del> following consultation with the Authority's ecologist <del>and the County Highway Authority</del>;</li> <li>ii. The conditions and informatives set out in paragraph 10.1 of the report and any amendments or others required to address technical matters relating to ecology <del>and the site access</del></li> <li>iii. A S.106 legal agreement, the final form of which is delegated to the Director of Planning, to secure two affordable homes of the following mix and tenure: <ul style="list-style-type: none"> <li>• 1 No 1-bedroom dwelling (intermediate home ownership);</li> <li>• 1 No 2-bedroom dwelling (affordable rent); and</li> </ul> </li> </ul> <p>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 15 February 2024.</p>	Update
8	248	7.32	The County Highway Authority have provided an updated response in light of additional information submitted. This clarifies that the access would be modified to 7m, rather than the stated 10m.	Update
8	258	10.2	<p><i>Correction to Condition No. 17</i></p> <p>17. Prior to the occupation of the development, evidence (including photographs) shall be submitted to the Local Planning Authority<sup>2</sup> showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p><u>Reason:</u> To ensure satisfactory provision of surface water drainage and ensure surface water runoff from the development is managed safely.</p> <p><i>Officer comment:</i> Corrected to remove errant question mark.</p>	Correction

9	265	1.2 and 1.3	<p><i>Paragraphs 1.2 and 1.3 to be replaced with the following and the additional appeal summary is attached to this update sheet.</i></p> <p>1.2 From the 30 August 2023 to 26 January 2024:</p> <ul style="list-style-type: none"> <li>• 19 appeal decisions were received, of which 15 were dismissed and 4 were allowed.</li> <li>• 2 applications for an award of costs were made against the Authority, both were refused.</li> <li>• There were no judicial review decisions in the period.</li> </ul> <p>1.3 The Authority's appeal performance in the 2023 / 24 financial year to date is 62% dismissed. Officers continue to keep appeal performance under review.</p>	Update
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