

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at: 10.00am on 15 February 2024 at the Council Chamber, County Hall, Lewes

Present: Heather Baker (Chair), Alun Alesbury, Antonia Cox, Janet Duncton, John Hyland, Gary Marsh, Stephen McAuliffe, Andrew Shaxson and Daniel Stewart-Roberts.

Officers: Mike Hughes (Director of Planning (Interim)), Tim Slaney (Chief Executive Officer (Interim)), Laura Floodgate (Senior Solicitor), Robert Ainslie (Development Manager), Kelly Porter (Major Projects Lead), Ruth Childs (Landscape Officer), Mark Waller-Gutierrez (Specialist Lead), Stella New (Development Management Lead, Phillipa Smyth (Principal Planning Officer), Richard Fryer (Senior Governance Officer) Richard Sandiford (Head of Governance) and Jane Roberts (Governance Officer).

Others: 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

137. There were apologies for absence from John Cross, Debbie Curnow-Ford and Robert Mocatta.

ITEM 2: DECLARATION OF INTERESTS

138. The following declaration 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.

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

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

ITEM 4: UPDATES ON PREVIOUS COMMITTEE DECISIONS

140. Bulmer House, Petersfield, reference SDNP/22/05643/FUL was subject to a legal agreement and a decision was issued on 7 February 2024.

ITEM 5: URGENT ITEMS

141. There were none.

142. Daniel Stewart-Roberts withdrew from the meeting at 10.28am.

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

143. The Officer presented the application, reminded Members of the report (Report PC23/24-20) and the update sheet, and provided the following verbal update:

- An objection had been received from the ecologist, relating to two specific issues on Biodiversity Net Gain (BNG) and following good practice. It was noted that the objections could be controlled through the conditions and the details through the reserve matters.
- National Highways had confirmed ongoing positive discussions with the applicant and they consider the issues raised were resolvable in the coming months.

- One further objection and two letters in support of the scheme had been received since the publication of the update sheet.
- I44. The following speakers addressed the committee against the application:
- Roger Maskew, representing Friends of Lewes.
 - Marion Smith, speaking as a local resident.
- I45. The following speakers addressed the committee in support of the application:
- Nikkan Woodhouse speaking as a local resident.
 - Anthony Dicks, speaking as a local resident.
 - Jonathan Smales, on behalf of Human Nature.
- I46. Additional Speaker from Lewes Town Council:
- Cllr Imogen Makepeace, representing Lewes Town Council.
- I47. The Committee considered the report by the Director of Planning (Report PC23/24-20), the updates and the public speaker comments and commented as follows:
- Would there be sufficient sunlight and daylight into the public spaces to provide a high quality public realm?
 - Would there be a guarantee over the quality of materials used and how the design code controls that?
 - There was concern over avoiding single aspect north facing apartments to ensure all housing receives sunlight.
 - SD57 of the South Downs Local Plan noted the need to provide a bus interchange function, and appropriate car parking. Unresolved transport issues needed to be thoroughly addressed with sufficient parking.
 - Important any new development set on the edge of the town should complement the existing architecture. The quality of the materials and finishes would need to fit into the overall conservation area of Lewes. This scheme adopted well into the town's current density.
 - Supported the stopping up orders and creation of new public rights of way.
 - The South Downs views across the amended design were a welcome extra.
 - Could assurance be given that reserved matters addressing tourist coach parking were resolvable?
 - E-cargo bikes could be an important part of the alternative transport provision, would there be e-cargo bikes available for hire?
 - The density of buildings was acceptable on a brown field site.
 - Concern was expressed over the lack of provision for moving the fire station, which could be problematic due to operational noise.
 - Concern over the variable height of Parcel 5C, especially if it was the last parcel to be built, putting pressure on the residents of Corporation Villas.
 - As the Secretary of State could refuse the application if the highways issues were not resolved could the highways issues be resolved within the indicated timeframe?
 - Many areas around Lewes already had significant imposing architecture, and this development would fit well within the current landscape.
 - The headline figure of 37% BNG appeared positive, but the river BNG score was 6.7%, short of the 10% minimum, and the remaining 3.3% could be provided off site but hadn't been. Whilst noting the application was not subject to mandatory BNG, had the

application been submitted after 12 February 2024 it would have failed on these grounds.

- Surface water management outlined water discharging directly to the river and there was potential for river contamination. Would the water be treated before being discharged into the river Ouse?

148. Members were advised:

- Parcel 1 had sufficient daylight and sunlight. Whilst there were still some concerns over the details for the other parcels, Officers were satisfied there were sufficient controls within the design code.
- The quality of materials used, and the design code guarantee would be controlled by reserved matters and the discharge of conditions.
- 90% of the dwellings were dual aspect which was considered acceptable.
- Recommendations did cover transport issues. The loss of car parking was balanced against the other benefits provided by the scheme. The risk of overspill car parking was still to be resolved.
- The application does not make a direct re-provision for coach parking but the draft section 106 agreement allows for a temporary provision on site whilst construction was ongoing, during that time a permanent solution would need to be found with other land owners.
- Co-mobility hub would be secured through the section 106 agreement, and that would include the hire of E cargo bikes.
- Additional rules were in the design code to protect the fire station. The case officer had seen correspondence that indicated the fire service no longer wished to object to the application.
- Officers were satisfied that the residents of Corporation Villas would be protected by the options presented.
- Local Highways were aware of the position of National Highways, and were awaiting some information from the developer. They were working on technical points and needed to ensure the modelling of the junctions was satisfactory as well as other mitigation work on walking, cycling and bus provision. Resolution should be achievable within the defined timescale.
- All major schemes would have some outstanding matters, it was not an unusual position for a large application. National Highways had outlined that the outstanding issues should be resolvable in the coming months.
- With regards the quality of design, if key issues emerged the reserved matters would be bought back before the committee.
- There were conditions to control pollution and water being discharged into the river Ouse.

149. **RESOLVED:**

- 1) That authority be delegated to the Director of Planning, in consultation with the Chair of Planning Committee, to grant planning permission subject to:
 - a) Consideration of the further consultation response of the Local Highway Authority, National Highways or in its absence the Secretary of State for Transport in accordance with the 2018 Direction on Trunk Roads. This is on the proviso that any response from National Highways or the Local Highway Authority does not require any substantive changes to the proposal. If substantive changes are required as a result, the application will be reported back to Planning Committee for a decision; and

- b) The conditions and informatives set out in Section 9 of the report and the update sheet which may be amended to accommodate responses from the Local Highway Authority, National Highways or the Secretary of State for Transport; and
- c) A Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the items set out below and to include any additional appropriate requirements of the Local Highway Authority, National Highways / Secretary of State:
- 30% affordable housing including the provision for Lewes Low Cost Homes, Affordable Rent and First Homes;
 - Securing scheme delivery in accordance with the Design Code;
 - Sustainable Construction measures and targets, including LETI targets, BREEAM 'Excellent' for commercial floorspace, renewable energy provision, water efficiency, waste management and the use of timber in the construction of the scheme;
 - A package of on-site and off-site Transport Mitigation Measures (including the 3 bus stops on north of Phoenix Causeway, a new Riverside Walkway, New Bridge, re-provision of the 3 coach parking spaces, a 'transport performance bond' and financial contributions for Traffic Regulation Orders) and Travel Plan;
 - Timing and delivery of other key infrastructure, such as the Flood Defences, Co-Mobility Hub and Health Hub;
 - The provision of Public Rights of Way and permissive routes across the site;
 - A financial contribution towards Sussex Police;
 - The provision and delivery of cultural, artistic and artisan workspaces;
 - Securing the delivery of biodiversity net gain;
 - The provision of a Community Liaison Group and Estate Management Company;
 - The provision of Estate Management Plans (to include the maintenance and management of the flood defences, streets and spaces, drainage, lighting, landscape and ecological management measures, operational management of commercial spaces etc), and
 - The provision of local employment and skills training.
- 2) That the Committee confirm 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
- 4) That authority be delegated to the Director of Planning, in consultation with the Chair of Planning Committee, to refuse the application for planning permission with appropriate reasons if:
- a) The Section 106 legal agreement is not completed, or sufficient progress has not been made, within 6 months of the Planning Committee meeting of 15 February 2023; and / or
 - b) The Secretary of State for Transport requires that the application be refused (in accordance with the 2018 Direction on Trunk Roads).

150. It was agreed to move Agenda Item 9 up the order of business.

ITEM 9: APPEALS UPDATE

151. The Officer reminded Members of the report (PC23/24-23).

152. The Committee considered the report by the Director of Planning (Report PC23/24-23) and commented as follows:

- SDNP/22/02905/FUL Ditcham Lane, Petersfield. The intensity of use for the dog walking site was likely one of the reasons for refusal, including the visual impact of the cars parked.
- SDNP/20/02935/CND Three Cornered Piece, Nyewood. The application was allowed, but it was a temporary permission for the second time. Whilst the site was unsuitable there was a proven need for provision and no alternative site available.
- The South Downs National Park Authority (SDNPA) needed to work with the local housing authorities to identify and allocate suitable sites. How were the gypsy and traveller sites being looked into?
- As National Parks were not required to have 5 year housing land supplies, the previous local plan had not seen allocations given to gypsy sites in the National Park. This would need to be considered for the next local plan.
- Requested an update on Meadow Farm, East Worldham.
- Requested an update on the Small Acre appeal and confirmation that the SDNPA was working with the parish council as requested.

153. In relation to this Members were advised:

- The South Downs National Park Authority (SDNPA), in common with most of the neighbouring local authorities, did not have a 5-year housing land supply for gypsy and traveller sites in parts of the park. This would be considered during the local plan review.
- Officers would provide an update on Meadow Farm as they had been involved in monitoring.
- The Small Acre appeal would begin on 27 February and is currently being prepared. The parish council have provided their own planning consultant to defend their arguments. It would be heard in Midhurst and webcast.

154. **RESOLVED:**

The Committee noted the outcome of appeal decisions.

155. Committee adjourned for lunch at 11.33am.

156. Daniel Stewart-Roberts returned to the meeting at 12.25pm

ITEM 7: SDNP/23/04238/FUL BLACK ROBIN FARM, EASTBOURNE

157. The Officer presented the application, reminded Members of the report (PC23/24-21) and the update sheet.

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

- Lorraine Bowen, speaking in a personal capacity.
- David Green, speaking for Friends of the South Downs.
- Anne-Marie Bradley, speaking in a personal capacity.

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

- Tondra Thom, speaking as the agent.
- Cllr Robert Smart, speaking as the local Ward Member.

- Cllr Jim Murray, speaking as Cabinet Member for Climate Change.

160. The Committee considered the report by the Director of Planning (Report PC23/24-21) and commented as follows:

- The proposed building had no relation to the agricultural typology, the design should be more sympathetic to the existing farmstead.
- Agricultural typology should be flexible, retaining some original features but also incorporating new styles, and the design had captured that.
- Good to see the stalls in the cow shed would be kept and approved of the design.
- The application met purpose one of the National Park by saving a barn from decline and reusing materials. It also met purpose two by promoting opportunities for the understanding and enjoyment of the special qualities.
- What was the visual impact from around the Downs towards the site?
- Could there be a bridleway connection linking to footpath 48e to encourage cycling to the area?
- Would the spoil and soil from building works be reused onsite?
- Could the spoil and soil movement be used to reduce the visual impact of parking?
- The report notes that up to 50% of visitors would arrive via public transport. Visitor car parking spaces numbered 42, with an estimated 100,000 visitors per year. The idea was commendable but concern over the sustainability of the site.
- Was there a condition for enforcement of parking on the verges?
- What financial contribution was envisaged for the restitution for Site of Special Scientific Interest (SSSI)'s elsewhere to compensate for tarmacking the bus stop?
- The site was eight minutes from Eastbourne by bus from Eastbourne station, could more be done to promote the bus service?
- With the current bus service was there signposting from the East Dean Road bus stop? Could the Cuckmere bus network be linked in?
- Could there be a requirement to pre book car parking?
- The overall application did not seem suitable for the location with the glazing and design, due to potential impact on the dark skies. Whilst there was limited external lighting, the internal lighting could spill out, which could affect the dark night skies.
- The loss of SSSI for a bus stop was not acceptable, as maintaining the chalk grassland was imperative. Could the north bound bus stop be re-sited?
- Had alternatives for the bus stop been investigated?
- What were the opening times of the site?

161. Members were advised:

- The site was not visually prominent from the Downs as it was located in a valley dip. It could be seen from walking footpath 48e.
- The applicants were asked if a bridleway could be provided, however given that the path was also to be used by some users with accessible needs there could be a conflict of use. The incline at the join is steep and would require a lot of engineering to meet bridleway specifications.
- Regarding spoil, the flint and brick would be used in the gallery building. Soil management would be controlled by condition.

- Whilst some levelling was required for the car park, any bunding and levelling would result in a level of landscape harm and should be minimised. The desire was to reduce the amount of parking over time, and vegetation would provide some screening.
- Condition 30 outlined no parking on any area not allocated for parking, which would be for the operator to comply with.
- The promotion of the shuttle bus service from Eastbourne and the pre booking of car parking spaces could be secured through the travel plan, under the section 106 agreement.
- The parking issue was a balance between the impact of any provision on landscape and having sufficient parking provision. The bus service from Eastbourne would run at least hourly during the sites opening hours. There was no local highway authority objection to the level of parking proposed.
- The current working farm had unregulated lighting including agricultural floodlights. The site was in the dark skies transition zone (E1b) as it was only 200m from Eastbourne, and not in the dark skies core zone. Conditions 26 and 27 covered the external lighting and dark night skies mitigation.
- The Southbound bus stop was pre-existing. There would be a 56sqm loss of SSSI, with a compensation of 122 sqm of chalk grassland. The section 106 agreement included a contribution to enhance the condition of the SSSI which was currently in a declining state. Natural England had indicated that the decision should be taken in accordance with National Planning Policy Framework 186b, and was a matter for the decision maker. Officers regarded the public benefit of the application outweighed the minor loss of habitat, taking compensation into account.
- Alternatives for the bus stop had been considered. The road safety audit and visibility helped determine placement, and they were sited opposite each other as a traffic calming control.
- The opening times of the site were outlined in condition 5 of the report.
- There was a public benefit to the bus stop. Officers could consider alternatives to the bus stop with a delegation from the committee.

162. **RESOLVED:** The Committee resolved that an additional recommendation be added “iv) the further consideration of the provision of bus stops on Beachy Head Road taking into account the comments of the committee on the matter of protecting the SSSI.”

163. **RESOLVED:**

- 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
 - i) The satisfactory resolution of technical matters relating to ecology;
 - ii) The conditions set out in paragraph 10.1 of the report and any amendments or other conditions required to address ecology matters;
 - iii) A S.106 legal agreement, the final form of which is delegated to the Director of Planning, to secure:
 - a) A financial contribution to be agreed to provide an expanded public bus service in broad accordance with Table 1 of the report;
 - b) Highway works associated with:
 - Relocation of and improvements to the north and south bound bus stops;
 - Pedestrian crossing point over Beachy Head Road;
 - Improvement of the access onto Beachy Head Road;

- c) A new public footpath between Beachy Head Road and Bridleway 48e, and its maintenance in perpetuity;
 - d) The provision of updated Staff, Studio User and Visitor Travel Plans;
 - e) A £4,500 travel plan monitoring fee;
 - f) A financial contribution to secure improvement of the condition of the SSSI;
 - g) The provision of a Landscape and Ecological Management Plan;
 - h) The provision of a Site Management Plan (to include drainage, SuDS and lighting.)
- iv) The further consideration of the provision of bus stops on Beachy Head Road taking into account the comments of the committee on the matter of protecting the SSSI.
- 2) 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.
164. Alun Alesbury left the meeting 14.03pm.
165. The committee adjourned for a short break at 14:04pm.

ITEM 8: SDNP/23/03986/FUL KINGS RIDE FARM, ALFRISTON

166. The Officer presented the application, reminded Members of the report (PC23/24-22) and the update sheet.
167. The following speakers addressed the committee against the application:
- Jackie Knights, speaking in a personal capacity.
 - Jackie Knights, speaking on behalf of Geoff Knights, in a personal capacity.
168. The following speakers addressed the committee in support of the application:
- Chris Wojtulewski, speaking on behalf of Parker Dann.
 - Liam Ashmore, speaking on behalf of Site Office Architects.
169. The Committee considered the report by the Director of Planning (Report PC23/24-22) and commented as follows:
- Great to see a landscape lead scheme which fitted well with the landscape.
 - Had there been any objection from the design officer over the windows?
 - Would the homes be classed as passive homes?
 - Where was the refuse bin storage located? What type of bins would the residents use?
 - Did the bins need to be in the location indicated on the plans?
 - Was there a need for car barns?
 - The boundary edge of the site to the neighbouring property, the barn closes off this area for general activity to the neighbouring property, was this acceptable?
 - The individual units' air source heat pumps could be noisy, how was that addressed?
 - Could conditions be imposed to prevent the units being used as second homes or holiday lets?
 - Could anything be done with the management company to prevent the short term letting of properties.
 - A one-bedroom house had the same floor space as a 2-bedroom house, was there any impact on the policy of the mix?

- Did the tarmac track to the back of the site need to remain, it would allow improved landscaping if it was removed?

170. Members were advised:

- There had been no objection from the design officer.
- Passive house principles had been engaged in the design process but they would not be certified as passive homes.
- The refuse bin storage was close to the road. Large communal bins were planned.
- The location of the refuse bins on the plans was ideal for refuse lorry collection, and the communal bin storage helped maintain the character of the design without individual bins across the site. An additional condition could be added to require the submission of a refuse strategy to allay concerns.
- Car barns were a design solution for the parking, maintaining farmyard typology and creating a boundary edge. If exposed there was a risk of overlooking.
- The noise of the air source heat pumps would be addressed through condition.
- The applicant was not proposing the units be used as second homes or holiday lets. It was not considered reasonable to attempt to prevent that usage by condition.
- The management company would oversee areas of shared use rather than private amenity space.
- The one bedroom and two bedroom properties were interchangeable small units, it was acceptable with no impact on the policy.
- The tarmac track to the back of the site allowed access to the farmers' fields behind the site and would need to remain for that purpose.

171. **RESOLVED:** The Committee resolved that recommendation II be amended to add “and to include a condition to secure a refuse strategy” after ‘technical matters relating to ecology’.

172. **RESOLVED:**

- 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:
 - i. The satisfactory consideration and resolution of technical matters relating to ecology and site access following consultation with the Authority’s ecologist;
 - 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, and to include a condition to secure a refuse strategy;
 - 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:
 - 1 No 1-bedroom dwelling (intermediate home ownership);
 - 1 No 2-bedroom dwelling (affordable rent); and
- 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.

173. The Chair closed the meeting at 15.01pm

CHAIR

Signed: _____

