

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE**

Held at: 10.00am on 14 March 2024 at The Memorial Hall, South Downs Centre.

Present: Heather Baker (Chair), Antonia Cox, Alun Alesbury, John Cross, Janet Duncton, John Hyland, Gary Marsh, Stephen McAuliffe, Robert Mocatta and Andrew Shaxson.

Officers: Mike Hughes (Director of Planning, (Interim)), Rebecca Moutrey (Senior Solicitor), Robert Ainslie (Development Manager), Claire Tester (Planning Policy Manager), Richard Ferguson (Development Management Lead (West)), Sarah Round (Principal Planning Officer), Amy Tyler-Jones (Planning Policy Lead), Lynsey Robinson (Ecology Planning Lead), Katharine Stuart (Planning Policy Lead), Richard Fryer (Senior Governance Officer) and Jane Roberts (Governance Officer).

### **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**

174. There were apologies for absence from Debbie Curnow-Ford and Daniel Stewart-Roberts.

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

175. The following declarations were made:

- Andrew Shaxson declared a public service interest in Agenda Item 7 as a Member of Harting Parish Council.
- Robert Mocatta declared a personal interest in Agenda Item 7 as he was acquainted with one of the public speakers, Lionel Fanshaw.
- Stephen McAuliffe declared a personal interest in Agenda Item 7 as was acquainted with the developer Langmead Estates.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 15 FEBRUARY 2024**

176. The minutes of the previous meeting held on 15 February 2024 were agreed as a correct record and signed by the Chair.

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

177. SDNP/20/04118/FUL The Queens Hotel, High Street, Selborne. The committee's decision to refuse had been appealed. The appeal decision was to allow the appeal, but that decision had been judicially reviewed by one of the objectors and the appeal decision had been quashed. The inspectorate were now reconsidering the appeal. The original appeal had been dealt with under written representation, and the reconsidered appeal would likely be dealt with in the same way.

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

178. There were none.

### **ITEM 6: SDNP/23/01466/FUL – TWYFORD SCHOOL**

179. The Officer presented the application and reminded Members of the report (Report PC23/24-24) and the update sheet. The Officer highlighted a error on the report under paragraph 7.2: "(all of which are category C or below)" which should have read "(are category B to C, C in the case of the pine and B in the case of the rowan)".

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

- Paragraph five, point two noted an objection to queuing on Bourne Lane, but the applicant had done all they could to address this, so no objection to the application.
- This was a sensible proposal to rationalise the parking.
- Where was the discharge point for the water in the sub surface attenuation under the tennis courts and it's storage tank?
- Would the ground water assessment include a ground water impact assessment?
- Disappointed at the use of tarmac, but runoffs created by hardstanding could be controlled through conditions.
- Would like to see the tree planting to consist only of indigenous trees.

181. Members were advised:

- There was a condition that, prior to commencement, all details of drainage be submitted. Hampshire County Council drainage officers were happy with that condition.
- The applicant would be asked if the ground water assessment would include a ground water impact assessment.
- The proposed conditions would control details of landscaping.

182. **RESOLVED:** Planning permission be granted subject to the conditions at paragraph 8.2 of the report and the Update Sheet.

**ITEM 7: SDNP/23/02243/FUL - LAND EAST OF SOUTH BANK, SOUTH HARTING**

183. The Officer presented the application and reminded Members of the report (Report PC23/24-25) and the update sheet.

184. The following speaker addressed the committee against the application:

- Cllr Sheila Bramley, speaking on behalf of Harting Parish Council.

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

- Elizabeth Lawrence, speaking as the Planning Agent.
- Lionel Fanshaw, speaking as the Landscape Designer.
- Dan Lytton, speaking as the Drainage Engineer.

186. The Committee considered the report by the Director of Planning (Report PC23/24-25), the updates and the public speaker comments and commented as follows:

- How far did the gardens extend to the rear of the site?
- Would the ridges of the houses be seen over the top of the hill to the north and if so, by how much?
- The South Downs National Park Authority (SDNPA) recognised the need to have new housing on green field sites, and this site was an allocated site in the Local Plan. It was a sloping site, but that did not mean it was inappropriate to develop. The proposals had been designed in a way to provide views and gaps through the site and was an acceptable layout. The overall design fitted well with the village and would provide an attractive street scene.
- Suitable drainage systems (SuDS) were a good use of the land on the eastern side of the site and was a beneficial aspect of the development.
- Viewing the planning history, and noting the previous refusals it was encouraging to see how officers had worked with the applicant and refined previous applications to deliver this proposal.

- Concern over the long-term maintenance of the SuDS and how that would be financed. Robust scrutiny was required to ensure it achieved its purpose and that the costs did not fall on the community.
- The applicant would be the owner of the affordable home, would it be rented in perpetuity?
- Would the property for rental, which would remain owned by the developer, have disabled access?
- Was a very small, allocated site and the site had been enlarged to incorporate the SuDS and was now 150% larger than the original site allocated in SD87.
- If the SuDS were located on the original site it would likely only be large enough for one to two dwellings. With the SuDS located off the original site it gave the right balance to the development.
- Harting Parish Council had an active climate action network and wanted swift boxes incorporated into the building, but there was no mention of that in the condition. Could this be added?
- How could the Authority control people adding porches and conservatories which would negatively impact the work done to deliver the current elevations?
- What was the height of the solar photovoltaics (PV) panels?
- Where would the heat source pumps be located?
- Flooding would be alleviated by the swales on the side of the road.
- There was concern over the SuDS system and water quality of water entering the adjacent watercourse; river pollution which could open up two new pollution pathways. The SuDS system itself could capture hydrocarbons and pollution, inwards and outwards with no secondary tertiary flow. It would bypass the flood system to the river, contradicting policies SD2 and SD17. Would there be long term funded management of the SuDS?
- The SuDS scheme would be located in an area deemed to have medium/high sensitivity as outlined in the Authority's Strategic Housing Land Availability Assessment.
- Whether the ecology pond would deliver ecological enhancements in regard to habitat and species.
- The eastern site boundary would be significantly extended to accommodate the SuDS.
- The application was submitted before February 12 2024 so not subject to Biodiversity Net Gain (BNG) legislation.
- Should the drainage line on the plan outlined in the brown area extend to the edge of the site?
- There was disabled access to only three of the five dwellings, was that compliant with policy?
- It was good to see small developments in smaller villages to keep them thriving.
- The development was a high density, which can't get away from the given size of the site and allocation.

187. Members were advised:

- The rear gardens did not extend past the northern boundary of the site allocation, which was 28-29m to the rear at the western end of the site as the shortest distance, and the size of the allocation site had been determined during the Local Plan process.
- Only the top portion of the roofs may be visible from the north, but there would be a backdrop of the housing behind Smithfields which was on higher ground.

- The drainage condition had been updated on the update sheet, relating to the maintenance and management of the SuDS. The discharge element could be looked at closely in terms of the long-term management.
- The renting of the affordable home would be secured by Section 106, to ensure its rental to people on the housing register, as there could be difficulty in securing a registered provider given it was just one unit. There was precedent elsewhere in the National Park for this approach.
- Officers would include swift box provision in condition 6.
- Condition 16 limited permitted development rights which would help maintain the elevations.
- The PV panels in the rear gardens would be 0.5m high and behind hedging.
- Condition 9 would cover the sustainable construction and location of the heat pumps.
- There was an updated condition on surface water and drainage. The updated drainage drawings showed new swales along the frontage which would channel water from Elsted Road into the SuDs scheme and discharged into the river to help alleviate flooding. The site was not making pollution run-off materially any worse and no consultee had raised an objection on these grounds. The planting within the SuDS scheme would help with filtration to a degree.
- Water quality, outlined in condition 10, had to be addressed within the existing policy framework. The drainage officer was satisfied with the drainage design overall, subject to condition on more detailed matters.
- The area coloured brown on the drainage plan along the northern site boundary was a new swale to capture water run-off from the field; it followed contours and extended along the rear gardens of the new properties. Drainage officers were satisfied it was in the right location and was the right scale.
- The technical advice was that the drainage was acceptable as stated on the update sheet.
- Level disabled access was afforded to plots 3-5 but plots 1-2 had front steps. There is legislation including Building Regulations for the applicant to work to, but it was believed there was some flexibility regarding sloping sites.
- The property for rental would remain owned by the developer. The type of property, be it disabled or stepped access, would be confirmed in the S106 which would be negotiated.

**188. 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 resolution of the issue of water neutrality.
  - ii) A S106 legal agreement, the final form of which is delegated to the Director of Planning, to secure:
    - One affordable dwelling.
    - Water neutrality mitigation measures (as necessary).
  - iii) The conditions set out in paragraph 9.2 of the report, the update sheet and amended condition 6 to address swift boxes.
2. That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if matters relating to water neutrality have not been resolved, or the legal agreement is not completed, or insufficient progress made, within six months of the 14 March 2024 Planning Committee meeting.

**189. Committee adjourned for a comfort break at 11.32am.**

190. Janet Duncton left the meeting at 11.32am.

**ITEM 8: LOCAL PLAN REVIEW COMMUNITY ENGAGEMENT**

191. The Officer reminded Members of the report (PC23/24-26) and the update sheet.

192. The Committee considered the report by the Director of Planning (Report PC23/24-26) and the update sheet and commented as follows:

- Was it the responsibility of the SDNPA to produce the design code, with the parish producing a character statement?
- Page 66 of Appendix I on economic challenges references 'access to nature'. How was this relevant to economic challenges?
- Project Governance in Appendix I on page 75 notes the project team to include 'Member leads' as the Chair of Authority and Chair of Committees. Why weren't all Members invited to participate as was the case when the plan was created?
- Cooperation and Alignment strategy on page 87, appendix IC, when would the county and district councillors be advised on site allocations? Where in the process would the notification to potential site allocations be disseminated to those councillors, rather than officers.
- Appendix 3, page 155, Minimum Statutory Publicity Requirements. Could the publicity requirements for both 'development affecting the setting of a listed building' and 'development affecting the character or appearance of a conservation area' be advertisement in a local newspaper and both a site notice and neighbour notification?
- The parish priorities statements were all from very small parishes with relatively small populations. The majority of residents in the National Park did not live in those parishes. The larger more densely populated towns would need to be engaged in the process. Consideration should be given to the number of residents engaged, rather than the number of parishes engaged or geographic spread.
- Appendix IB, South Downs Local Plan Risk Register outlined several high level risks.
- The Neighbourhood Planning Act (2017) restricted the use of pre-commencement conditions on planning permissions, yet the SDNPA often used pre-commencement conditions.
- Should the three County Councils be included in paragraph 1.20 on page 125, as they deal with planning?
- Parish Priorities Statements took a lot of work and parishes may expect reaction and response from the SDNPA.
- Page 95, general consultees, the language used was slightly outdated and could be updated and improved.
- Page 127, Planning Policy Framework, paragraph 2.2, references appendix 2 to appendix 3, not appendix 2 to this report. Need to ensure this is clear in the final document.

193. Members were advised:

- It was the responsibility of the SDNPA to produce the design code, parish design statements would be material considerations.
- The reference to 'access to nature' would be removed from this section as the comments related to the period of Covid, and could be moved to more appropriate sections.
- All Members would be updated at each step, and all Members would have the opportunity to input to the Local Plan Review, principally through a series of all Member workshops. .

- Officers would consider how best to keep ward councillors informed. SDNPA Members could feed back to their local authority colleagues once site allocations were in the public domain.
  - Page 155 listed the minimum statutory requirement and page 137 listed the SDNPAs proposed undertaking. Beyond legislative requirements officers recommended some flexibility and officer discretion in publicity to avoid unnecessary complaints.
  - It was noted that several of the larger more populated areas did not submit parish priorities statements but did have a made neighbourhood plan and/or parish design statement. All such community-led plans would be used to inform the Local Plan Review where relevant.
  - The risks identified were current and would be revised as circumstances changed. Mitigations were in place where appropriate but were sometimes limited in their capacity to reduce impact.
  - Paragraph 1.20 related to agreements with host authorities to determine planning applications that would normally be within the remit of the NPA and so did not need to include the three County Councils which retain powers to determine their own planning applications.
  - Pre-commencement conditions could be used, but written consent to their use was required.
  - Parishes would be written to following this meeting to confirm what the committee had resolved in respect of Parish Priorities Statements and relevant Parishes would be notified prior to publishing of the Land Availability Assessment.
194. It was agreed that the recommendation be amended to include ‘subject to a delegation to the Director of Planning to make those amendments as raised by the Committee’.
195. **RESOLVED:** The Committee, subject to a delegation to the Director of Planning to make those amendments as raised by the Committee:
1. Approved the Project Initiation Document for the South Downs Local Plan Review in Appendix 1 for consultation in Summer 2024;
  2. Approved the revised Local Development Scheme in Appendix 2 for consultation in Summer 2024;
  3. Approved the revised Statement of Community Involvement in Appendix 3 for consultation in Summer 2024;
  4. Agreed the scope of the community engagement planned for Summer 2024 and the Community Involvement Plan in Appendix 4 setting out how this would be carried out.
  5. Noted the submission of Parish Priorities Statements from the parishes listed in Appendix 5, and agreed that the Authority would have regard to their contents in preparing the Local Plan Review.

## **ITEM 9: ROTTINGDEAN NEIGHBOURHOOD DEVELOPMENT PLAN**

196. The Officer reminded Members of the report (PC23/24-27).
197. The Committee considered the report by the Director of Planning (Report PC23/24-27) and commented as follows:
198. **RESOLVED:**  
The Committee:
1. Noted the outcome of the Rottingdean Neighbourhood Development Plan (NDP) Referendum; and

2. Agreed to make the Rottingdean Neighbourhood Development Plan (NDP) part of the Development Plan for that part of the Parish within the South Downs National Park (SDNP).

**ITEM 10: BIODIVERSITY NET GAIN TECHNICAL ADVICE NOTE**

199. The Officer reminded Members of the report (PC23/24-28).
200. The Committee considered the report by the Director of Planning (Report PC23/24-28) and commented as follows:
  - Congratulated and thanked officers for an excellent piece of work. The Technical Advice Note was extremely precise.
  - Could the SDNPA select which Technical Advice Notes (TAN) would be a material consideration?
  - The map in appendix 2 included sites outside the National Park. BNG should be offset within the park as opposed to outside it.
  - Not all potential BNG sites were included on the map in Appendix 2, why was that?
  - With reference to the proposed BNG metric (para 2.30), would a condition assessment need to be submitted with the application?
201. Members were advised:
  - Material consideration was anything that had relevance to the determination of an application and therefore any TAN was capable of being a material consideration if it was relevant to the proposal.
  - The map showed locations deemed to have high strategic significance, with sites offsetting BNG in those areas receiving the highest strategic significance multiplier score available within the Statutory BNG Metric.
  - Design of the map would be looked at, to ensure it showed only significant sites within the park and to avoid giving the implication that the SDNPA would look to designate BNG sites outside the National Park boundary.
  - The Defra Statutory BNG Metric for calculating BNG includes a spatial risk multiplier, incentivising BNG solutions to be as near to the development site as possible and within the National Park.
  - There were many sites which had BNG potential but were either not designated sites or in biodiversity opportunity areas and so were not identified on this map which only identified high level strategic opportunities.
  - The condition assessment was a statutory part of the metric for the submission process. The TAN would be amended to make clear that condition assessments should be submitted.
  - The document would evolve over time but this was at the cutting edge of planning practice at present.
202. It was agreed to amend the recommendation to include 'subject to a delegation to the Director of Planning to make those amendments as raised by the Committee to the map' at the end of recommendation 2.
203. **RESOLVED:**  
The Committee:
  1. Approved the Biodiversity Net Gain Technical Advice Note set out in Appendix I for publication subject to any changes proposed by the Committee;
  2. Approved the map in Appendix 2 for publication for use in the interim definition of 'High' Strategic Significance for the purposes of Biodiversity Net Gain in the South Downs

National Park, subject to a delegation to the Director of Planning to make those amendments as raised by the Committee to the map; and

3. Delegated authority to the Director of Planning, in consultation with the Chair of Planning Committee, to make any appropriate amendments to the TAN in response to changes in national guidelines and best practice over the next 12 months.

204. The Chair closed the meeting at 12.51pm

**CHAIR**

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