

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at: 10.00am on 10 October 2024 at The Memorial Hall, South Downs Centre.

Present: Heather Baker (Chair), Antonia Cox, Alun Alesbury, Debbie Curnow-Ford, John Hyland, Gary Marsh, Stephen McAuliffe, Robert Mocatta, Andrew Shaxson and Daniel Stewart-Roberts.

Officers: Mike Hughes (Director of Planning), Rebecca Moutrey (Senior Solicitor), Robert Ainslie (Development Manager), Claire Tester (Planning Policy Manager), Richard Ferguson (Development Management Lead (West)), Lewis Ford (Senior Planning Policy Officer), Kelly Porter (Major Projects 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

65. There was an apology for absence from John Cross.

ITEM 2: DECLARATION OF INTERESTS

66. There were none.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 12 SEPTEMBER 2024

67. The minutes of the previous meeting held on 12 September 2024 were agreed as a correct record and signed by the Chair.

ITEM 4: UPDATES ON PREVIOUS COMMITTEE DECISIONS

68. The Development Manager updated the committee on the following items:

- SDNP/23/02973/FUL, Lewes Bus Station, the Authority had received notification from the Secretary of State that they had received a request to call in the decision.
- SDNP/22/02180/FUL, Hare Lane, Twyford (Eco Pods), the wording of the refusal was confirmed.
- SDNP/23/04750/CND, Windmill Down Farm, Hambledon, the decision had been issued on 17 September 2024.

ITEM 5: URGENT ITEMS

69. There were none.

ITEM 6: SDNP/23/02340/FUL - LAND NORTH OF HAZELEY ROAD, TWYFORD

70. The Officer presented the application and reminded Members of the report (Report PC24/25-10) and the update sheet.

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

- Cllr Waine Lawton, Twyford Parish Councillor and Chair of Planning.
- Cllr Susan Cook, Ward Councillor for Winchester City Council, Coldon Common and Twyford.
- Mr Chris Rees, speaking on behalf of Aldred Homes.

72. The Committee considered the report by the Director of Planning (Report PC24/25-10), the updates and the public speaker comments and commented as follows:
- How high was the retaining wall between the front fall and the back? What would be on top of the wall?
 - Would there be a fence on the retaining wall?
 - The northern side of the area was described as public open space but was not referenced in the recommended Heads of Terms for the section 106 (s106) Agreement. Could the area of open space be included in the s106 agreement to provide it with legal protection? Perhaps a covenant, to prevent the open space being used for development in the future.
 - There was an existing flood issue and it was good to see the development would help alleviate the flood risk to the village. Could Officers confirm this would not just move the issues further downstream?
 - The Authority's design guide SPD cautioned against the use of tandem parking but there was tandem parking on site.
 - What was included in the eastern boundary landscaping? What would be its status and how would it be protected?
 - There was no indication of what would happen to the area designated for car parking, who would be responsible for that?
 - There was no reference to rainwater harvesting which could be useful on this site.
 - A public speaker raised primary construction traffic access not coming from Morestead Road. Could this be achieved?
 - Condition 13 stated access and routing of vehicles must be agreed as part of the Construction Management Plan.
 - Would welcome the landscape condition to be received as a pre-construction condition for before works commence.
 - Welcomed the use of Sustainable Drainage Systems (SuDS) to stop additional water flow overloading the River Itchen and its designations and happy with the three metre per second water flowrate for the gradient of the site.
 - A reed bed before the attenuation tanks would assist with the removal of polluting hydrocarbons and heavy metals, but too late to be added to this project.
 - With regards to the water quality impact on the development, the drainage report would help prevent additional loading downstream.
 - Would like the construction management plan to cover construction and operational phases for the duration of the build, as often developments did not have a parking area during this phase with construction parking on the road.
 - Who would maintain the attenuation tanks?
 - Given the net zero plans of Winchester City Council, was consideration given to making the affordable homes net zero?
 - Would the road be adopted by Hampshire County Council? If part of the road were private, who would manage it?
 - Was there tracking for refuse lorries accessing the site? If the road was not wide enough, drivers may use and damage the verge.
 - Landscaping on the boundary was described by the officer as robust, however the boundary itself seemed rather narrow, and would need to be maintained to allow large

vehicles to access. If the detailed scheme of landscaping for condition 8 was submitted pre-commencement concerns around landscaping could be alleviated.

- This was a positive scheme, and the developer had completed other pleasing developments around the Winchester area.
- Would local residents have priority for affordable rentals? Would it be the choice of Winchester City Council (WCC), or Parish?
- Access to the site via Morestead Road and Hazely Road. Within condition 13 could reference be made to the Morestead Road route?
- How many affordable homes were in perpetuity?
- Concerned over the ground floor of houses built on a lower level of the site looking into people's bedrooms. What was the width between the buildings?

73. Members were advised:

- The retaining wall would be two metres high in front of the potential car parking area and vary in some height behind the dwellings. There would be a boundary treatment, namely planting, planting along the retaining wall and would seek to avoid a closed boarded fence. The wall would also have a planted façade.
- There may be a fence at the rear of the gardens at the top of the wall.
- The field to the north of the site requires access and the proposed new access is a contractual matter between the applicant and landowner.
- The area of open space does not have its own specific designation – e.g. local green space. However, its retention could be secured in the S106. There was access leading from the pharmacy through to the site, that other residents could use to access this space. There were trees on the area which were trees with tree protection orders which would restrict further development.
- The capacity of the drainage scheme had been devised in alignment with the broader flood mitigation scheme for Hazeley Road. This involves culverts, ditches and pipework, and the proposals have aligned the drainage capacity with the broader scheme. Water discharged from the site would be controlled by the flow rate from the attenuation tanks.
- The units were set back a reasonable distance, the design guide advised against tandem parking where possible but allowed it where necessary and the site gave a good mix of parking options.
- The eastern boundary was envisaged to be a strong robust boundary of new tree and hedgerow planting and to be secured by condition 8.
- As part of the Heads of Terms for the S106 in the Recommendation, the Applicant would transfer the land left for car parking and/or open space to Twyford Parish Council. It would be used as a construction compound during construction of the site, then with consultation with the SDNPA, they would submit a separate application for the use and design of this space (e.g. car parking layout).
- Rainwater harvesting would be done by each property having their own water butt, but nothing further within the design of the dwellings. Would be looking to include a condition on surface water drainage to capture water on site where possible, e.g., landscaping, and SuDS pond in the open space.
- There was no alternative access to Hazely Road and the site did not link out to the high street to the west.
- Construction traffic could come from Morestead end of the village, rather than via the village itself. Would ensure the Construction Management Plan (required by condition) would agree the most appropriate routing and take into consideration local concerns.

- Landscape condition 8 could be amended to become a pre-commencement condition.
- A large area would be used as a compound, and parking onsite during construction.
- To prevent the open space being used in the future, additional heads of terms could be included in section 106.
- The maintenance of the attenuation tanks would be the responsibility of any future management company.
- Regarding energy efficiency, discussions were held with the Applicant about the best way to ensure energy efficient dwellings in line with policy. Instead of passive house design for a small number of units, a site wide 50% reduction in CO2 emissions was agreed, which would go beyond policy SD48. Regarding the affordable dwellings, the 50% was a minimum and it would be open to Winchester City Council to go further but that would be a matter for them and the developer.
- The first section of the access road entrance would be adopted by Highways. The management company would manage the roads from a certain point onwards. It was relatively common that roads within development sites were not adopted by the Highways. Would look for a design which minimised risks of vehicles going on verges.
- Tracking had been completed for the access of refuse lorries.
- Condition 8 could be pre commencement rather than pre slab level.
- There was robust planting on the eastern side, it was sought to widen the planting area, which had enough width for decent trees and hedgerows.
- Condition 8 would include details of kerbing.
- Affordable rental dwellings would have priority for people living within Twyford Parish first with local connections, then cascade out to neighbouring parishes as required and beyond that the wider National Park. This would be secured in the S106 and for the affordable units to remain in perpetuity.
- Condition 13 – construction management plan - could address the routing of construction vehicles.
- There were 10 affordable units, with six affordable rent from WCC. Four flats would have shared ownership, that would originally be purchased by WCC.
- The width between the dwellings fronting Hazeley Road and those further into the site was sufficient and exceeded the recommended distances in the Design Guide SPD.

74. The recommendation was amended to include:

- i. amendment to Condition 8 to require a landscape plan to be in place before the commencement of development;
- ii. additional section 106 obligation to secure the open space in perpetuity; and
- iii. informative on the construction site access.

The detailed wording to be delegated to the Director of Planning.

75. **RESOLVED:**

- I) That authority be delegated to the Director of Planning to grant planning permission subject to the satisfactory completion of:
 - i) A S106 Legal Agreement, the final form of which is delegated to the Director of Planning to secure:
 - 10 affordable dwellings;
 - Offsite credits for nitrate and phosphates mitigation;
 - Transfer of south west parcel of land to Twyford Parish Council;

- Financial contribution of £36,000 towards pedestrian and highways improvements in Twyford;
 - The site access works, including works to contribute to the Hazeley Road Flood Mitigation Scheme.
 - Open space
- ii) The conditions set out in paragraph 9.2 of the report and any amendments or other conditions required to address nitrate and/or phosphate off site credits, as necessary, and the amendments agreed to condition 8 during this meeting.
- 2) That authority be delegated to the Director of Planning to refuse Planning Permission, with appropriate reasons, if the legal agreement is not completed, or insufficient progress made, within six months of the 10 October 2024 Planning Committee meeting.

ITEM 7: COMMUNITY PLANNING UPDATE

76. The Officer reminded Members of the report (PC24/25-11).
77. The Committee considered the report by the Director of Planning (Report PC24/25-11) and commented as follows:
- In the executive summary page 49, bullet point one, it was noted that there were 44 made Neighbourhood Development Plans (NDPs) within the Park. However, 26 were partially outside the Park and only 18 wholly within the Park.
 - How many parishes within the Park do not have a NDP and did they instead have a Parish/Village Design Statement (P/VDS), a Parish Priority Statement (PPS) or something else?
 - It was important for parish councils who were producing NDPs to receive support from the Authority. Could clarity be provided on the support offered by the Authority compared to other Local Planning Authorities.
 - Had the Authority been informing parishes that the previous resources were not available now, in terms of money and officer time, compared to when these NDPs were first being made?
 - What was the status of Supplementary Planning Documents (SPDs) going forward?
 - Had parishes been instructed to wait to update their NDPs until the SDNPA Local Plan had been through examination?
78. Members were advised:
- Of the 44 made NDPs, 18 were wholly within the Park, whilst the others were split parishes which included some land within the Park. Whichever Local Planning Authority has the largest population of a parish in their area leads on the NDP.
 - There are over 170 parishes within the Park, either wholly or partially, and 44 have made NDPs. There is no requirement for a parish to produce a NDP, P/VDS or PPS. There are currently 10 adopted P/VDS and 40 submitted PPS.
 - Over half of the Authority's development allocations are being delivered by NDPs, and all those neighbourhood plans that had been relied upon by the last Local Plan have now come forward and been made.
 - The Authority responds to all regulation 14 and regulation 16 consultations. Where the SDNPA is the lead authority, it provides advice and guidance as appropriate.
 - Parishes could still access funding via Locality and the Authority could still access funding to run examinations. The financial side is not that different to that for previous NDPs. When the Authority had relied upon NDPs to bring forward housing numbers, greater

SDNPA resources had been dedicated to the process, but the resources are now more in line with other LPAs.

- The government had previously advised that SPDs would not be part of the planning system. However, the new government is deciding what primary legislation in the LURA to bring forward in regulations and the Chief Planning Officer at MHCLG has indicated that SPDs would continue to be a feature of the planning system.
- The Authority has been gently discouraging NDPs from allocating sites so as not to cause confusion with a Local Plan also allocating sites. The Authority is not discouraging the preparation of NDPs where they have thematic policies only, as these would complement the work being done by the SDNPA in the same way as a P/VDS.

79. **RESOLVED:**

The Planning Committee is asked to note the progress to date on the preparation of Neighbourhood Development Plans (NDPs) and Parish/Village Design Statements (P/VDS) across the South Downs National Park.

ITEM 8: SUMMARY OF APPEAL DECISIONS FROM 30 MAY 2024 – 20 SEPTEMBER 2024

80. The Officer reminded Members of the report (PC24/25-12).

81. The Committee considered the report by the Director of Planning (Report PC24/25-12) and commented as follows:

- Was there an update on the Queens Hotel, Selbourne?
- What was the current situation with the refuse dumping on Meadow Farm?
- Could Officers confirm if the authority name listed next to each appeal was the responsible authority for the appeal?
- Was it possible to determine whether these were Officer or Committee decisions?
- Could any more detail be provided on the Community Infrastructure Levy case referenced in 1-2 of the report?
- Was there any update on the written representation appeal for the Queens Head where final comments had been due by 5 February 2024? Was there a reason for such a delay?
- Had SDNP/23/04592/HOUS (solar panels in Lewes) been stopped due to the article 4 direction?
- Had there been any follow up to the issue at East Lodge, Bordean where officers had incorrectly advised on the listed nature of a property? Was there an analysis to identify the root cause of the error to ensure this mistake was not repeated?
- Concerned over the principle that applications might be called in from a delegated authority then approved by Officers rather than the Committee, unless a minor variation.

82. Members were advised:

- There would be an inquiry held for the Queens Hotel, Selbourne starting on 22 October.
- An update regarding the enforcement issue on Meadow Farm would be obtained from the enforcement team and communicated to Members.
- In appendix I, the table states who was dealing with the appeal, listing the authority, be it a host or the SDNPA and whether the decision was made by the relevant Planning Committee.
- Regarding the Community Infrastructure Levy case referenced in 1-2 of the report, this was the first judicial review of a CIL decision by the SDNPA and was an unusual case. As

new information came to light during the Judicial Review process that was not included during the pre-action protocol the Authority reinstated the self-build relief but the appellant chose to proceed with their case, seeking substantial costs before accepting an agreed offer shortly before the hearing was due to occur.

- The focus of the planning inspectorate for the last couple of years had been in ensuring that planning appeals that requested an inquiry were given priority which had meant that written representations were seeing a slower response. This had put significant pressure on officers in ensuring that proofs of evidence for inquiries were available and submitted to the inspectorate.
- SDNP/23/04592/HOUS, was not due to the article 4. The property was in a conservation area on a prominent flat roof and had been dismissed on design grounds.
- East Lodge, Bordean was a learning point and the Authority does feedback to host authorities that to avoid buildings being given the wrong heritage status, it was important that the dates and details of other buildings that were curtilage listed on site were obtained.
- Running a planning service was a balance. If most called in applications came before the Committee, it would radically increase the workload.

83. **RESOLVED:**

The Committee noted the outcome of appeal decisions.

84. The Chair closed the meeting at 11.46am

CHAIR

Signed: _____

