

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at: 10.00am on 12 September 2024 at The Memorial Hall, South Downs Centre.

Present: Heather Baker (Chair), Tim Burr, Antonia Cox, Alun Alesbury, John Cross, Debbie Curnow-Ford Janet Duncton, John Hyland, Stephen McAuliffe, Andrew Shaxson and Daniel Stewart-Roberts.

Officers: Mike Hughes (Director of Planning-Interim), Rebecca Moutrey (Senior Solicitor), Robert Ainslie (Development Manager), Claire Tester (Planning Policy Manager), Vicki Colwell (Principal Planning Officer), Richard Ferguson (Development Management Lead), Nicola Martin (Senior Planning Officer), Kelly Porter (Major Projects Lead), Sarah Round (Principal Development Management Officer), Mark Waller-Gutierrez (Specialist Lead), Richard Fryer (Senior Governance Officer) and Jane Roberts (Governance Officer).

Others: Tim Townsend (Principal Transport Planner, County Highways Team – Highways, Transport and Planning, West Sussex County Council) and 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

1. There were apologies for absence from Gary Marsh and Robert Mocatta.

ITEM 2: DECLARATION OF INTERESTS

2. The following declarations was made:

- Debbie Curnow-Ford declared a public service interest in Agenda Items 9, 10, 11, 12 and 13 as a Hampshire County Councillor.
- Alun Alesbury declared a public service interest in Agenda Item 13 as a Stoughton Parish Councillor.
- John Cross declared a public service interest in Agenda Item 13 as a Chichester District Councillor.
- Janet Duncton declared a public service interest in Agenda Item 13 as a West Sussex County Councillor.
- John Hyland declared a public service interest in Agenda Item 13 as a Soberton Parish Councillor.
- Stephen McAuliffe declared a public service interest in Agenda Item 13 as an Arun County Councillor.
- Daniel Stewart-Roberts declared a public service interest in Agenda Item 13 as a Lewes District Councillor.
- Andrew Shaxson declared a public service interest in Agenda Item 13 as a Harting Parish Councillor.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 11 JULY 2024

3. The minutes of the previous meeting held on 11 July 2024 were agreed as a correct record and signed by the Chair.

ITEM 4: UPDATES ON PREVIOUS COMMITTEE DECISIONS

4. Members were advised that a decision had been issued for SDNP/23/03638/FUL – Land to the West of the Causeway, Petersfield, Hampshire which had been approved at the June 2024 meeting.

ITEM 5: URGENT ITEMS

5. There were none.

ITEM 6: SDNP/23/02187/FUL & SDNP/23/02188/LIS - ST CUTHMANS SCHOOL, STEDHAM

6. The Officer presented the application and reminded Members of the report (Report PC24/25-01) and the update sheet.
7. The following speakers addressed the committee against the application:
 - David Reynolds, representing Friends of Whispers.
 - Dr Adrian Hearle, representing Friends of Whispers.
 - Alasdair Nagle, representing Friends of Whispers.
8. The following speakers addressed the committee in support of the application:
 - Fiona Fyfe, Landscape Architect representing the applicant.
 - Peter Cleveland, Planning Agent, Head of Planning at Henry Adams, representing the applicant.
9. The Chairman invited Tim Townsend to address the Committee on the access issues to the site as a representative from the local highways authority, West Sussex County Council.
10. The Committee considered the report by the Director of Planning (Report PC24/25-01), the updates and the public speaker comments and commented as follows:
 - Was there the correct mix of housing on the site? Concern was expressed as to whether there was a sufficient demand for the large houses proposed rather than smaller dwellings.
 - Welcomed the landscape proposals, how would they be secured?
 - Clarification was required on the conservation deficit calculation.
 - Was an accurate cost of repair known, as there had been further vandalism on site? How many unknowns were there? Had all the necessary information been provided to demonstrate that everything had been done in the correct manner?
 - There was concern over the immediate traffic movements, and the private drive having passing places on it, with works unlikely to occur in the immediate future. Would the bond be sufficient to cover future cost?
 - Would like further information on water usage and water neutrality. There was no reference to rainwater harvesting or the use of solar panels on the roofs. Was this a missed opportunity?
 - It was felt that smaller units would increase traffic in the area.
 - The proposal would conserve the listing building and tidy up the whole site.
 - Previous use was as a boarding school. Did the transport calculations take into account the previous use as a boarding rather than day school? There appeared to be no adequate access solutions for the site.
 - Access to the ancient woodland was a concern. Ancient woodland trees required larger root buffer zones.
 - Clarification was required on the access for construction, would it be via the private lane?

- It was the listed Norman Shaw element of the building which deserved to be preserved. This was a site that could be used as a school, which was relevant to the traffic concerns. It was not an abnormal situation for the number of proposed buildings on the site to be accessed by a narrow single-track lane, particularly in southern England. This was not an undeveloped site.
- If the site was not secured from vandalism, how long would it be before it was unfit for use?
- As the Highways Authority had not raised an objection it would be difficult to reject the application on those grounds. Could a Grampian condition be considered for access?
- Could the bond be inflation-linked?
- This was an important, deteriorating heritage asset and the building needed to be protected in perpetuity. This needed to be balanced against the cost of conservation and the impact on the environment.

11. Members were advised:

- Smaller housing units had been explored but had a greater impact on the heritage asset. The cost and value of the units would help to preserve and enhance the heritage aspect.
- The landscape proposals would be secured through the heads of terms as part of the section 106 agreement. The intention was to link them to an early phase of development.
- Historic England had published guidance on enabling development and conservation deficits. The SDNPA had used an independent specialist, Colliers, who had advised the Authority that the applicant had satisfied the requirements, but this was a judgement call. The cost of conservation was increasing as time went on.
- If the site was returned into a school, traffic movements would likely be above those associated with the proposal.
- A boarding school would have generated many staff trips on and off campus, even if pupil movements were more limited.
- The calculations demonstrated that rainwater harvesting beyond water butts in gardens was not required to achieve water neutrality. The proposal complies with policy SD48, and would meet the requirements through the use of air source heat pumps with water consumption of 100 litres, per person, per day.
- Part of the access to the ancient woodland was the existing bridleway, but the original driveway did not need planning permission. Trees would be protected by requiring hand digging where necessary.
- As part of the conditions there would be a Construction Environmental Management Plan including vehicle routing all construction vehicles to minimise the impact of construction traffic.
- The Grampian condition would likely fail the tests for the use of planning conditions and should not be included as without the passing bays the scheme was still acceptable.
- Any financial contributions would be index linked.

12. **RESOLVED:**

- 1) That Planning Permission (SDNP/23/02187/FUL) be granted subject to the conditions set out in Paragraph 9.5 and a Section 106 legal agreement, the final form of which is delegated to the Director of Planning to secure:
 - Early delivery of the conversion of the Main Building, alterations to the Cottages and landscaping works / enhancements to the wider garden / grounds;

- A 'Transport Bond' to cover the costs of installing passing bays on the private drive (between Tote Lane and Linch Road) should agreement be reached with third party owners (to be secured pursuant to Section 65A of the Environment Act);
 - Securing the 'water neutrality measures' including restricting the use of the proposed swimming pool and associated pool house;
 - The provision of a Community Liaison Group and Estate Management Company;
 - Estate Management Plan (to include the maintenance and management of communal spaces, drainage, lighting and landscape and ecological management measures), and
 - The provision of a residents and tenants information pack (to include information about ecological mitigation measures on-site and responsibilities associated with those mitigation measures and highlighting transport / access issues).
- 2) That authority be delegated to the Director of Planning to refuse the planning application (SDNP/23/02187/FUL) 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 12 September 2024.
- 3) That Listed Building Consent (SDNP/23/02188/LIS) be granted subject to the conditions set out in Paragraph 9.6.

13. The meeting adjourned for a short comfort break.

ITEM 7: SDNP/23/02973/FUL - FORMER BUS STATION, LEWES

14. The Officer presented the application and reminded Members of the report (Report PC24/25-02) and the update sheet.
15. The following speakers addressed the committee against the application:
- Councillor Dr Wendy Maples, East Sussex County Councillor for Lewes Division on behalf of Save our Bus Station Campaign.
 - Elisabeth Thomas, Lewes Neighbourhood Plan Steering Group, Lewes CAAG, Friends of the South Downs.
 - Peter Earl, Friends of Lewes and Lewes Conservation Area Advisory Group.
16. The following speakers addressed the committee in support of the application:
- Amanda Vint - Generator (Eastgate Street) Ltd, the applicant
 - George Steele (Caneparo Associates), Transport Consultant, representing the applicant.
 - Paul Burgess (Lewis & Co Planning), Planning Consultant/Agent, representing the applicant.
17. Additional Speaker from Lewes Town Council:
- Councillor Imogen Makepeace, Chair of Lewes Town Council Planning Committee, and The Mayor of Lewes, representing the residents of Lewes.
18. The Chairman invited Claire Warwick to address the Committee as a representative from the local highways authority East Sussex County Council.
19. The Committee considered the report by the Director of Planning (Report PC24/25-02), the updates and the public speaker comments and commented as follows:
- Would the affordable first home housing reduction of 30% remain in perpetuity?
 - Were there any plans for the highways authority to implement improvements to the interchange around road safety when users were transitioning between bus services?
 - Was having only three stories to the development part of the remit?

- It was a small site, in a very small part of a very strategic site. If all the schemes had been submitted together there could have been more co-ordination. If this application was permitted, Lewes would have two permissions committed, but not yet commenced. SD57 3J needed to be considered in policy terms.
- There was only one building with five storeys in the area, Albion House. Does the design 'respect and enhance the character of the street' as required by SD57 3d?
- How had the determination that the impact of the development was 'less than substantial' been arrived at? Appreciation was given to the effort the developer has gone through to minimise the impact, but in absolute terms this was a significant development.
- The work the officers had done on the application was recognised. The gable and height were a concern, as it was imposing. That area was low rise, and had a sense of space about it, the design would impact the feeling of space in the area. With the incongruous, scale, did the harm outweigh the benefits?
- Had an appropriate assessment of the site been completed, especially for people with disabilities? Were the bus stops Disability Discrimination Act (DDA) compliant? Could a 20mph speed limit of the area be conditioned?
- The proposed scheme was contemporary and avoided pastiche.
- Did not object to the proposal of the flats and the development was an improvement over the existing. The proposal did not provide a bus terminal facility. Could officers provide reassurance around road safety?
- Adequate bus stop provision for Lewes was important as part of SD57.
- This was a disused bus station. It was undesirable for it to continue to sit empty. It would have been desirable had the Phoenix development and this site had gone through the planning process together, but they did not. Satisfied that between the two applications and with the County Council, as Highway Authority and landowner, a satisfactory outcome could be practicably achieved around bus stop provision and therefore there was no basis to refuse the proposal on bus stop grounds.
- There needed to be a strong concern over the character and appearance of development in a Conservation area. Satisfied that the revised scheme had changed sufficiently and was sympathetic to the Lewes Conservation Area. It was important that the details of the materials and fenestration were as sympathetic as possible to the character of Lewes.
- The issue of road safety was a concern to everyone. Road safety would be improved, rather than denigrated, by this proposal over the existing temporary provision.
- Would the northern bus stops be delivered if the Phoenix scheme did not go ahead?
- Could Officers engage with the Highways Authority to raise consideration over further road safety measures?
- If the application was refused there would still be no bus station and there would be no funds to help with the provision of new bus stops. As there had been no objection by the Committee to the massing on the corner on the previous application, would it be more difficult to sustain a rejection on those grounds for this application?

20. Members were advised:

- The concerns raised regarding the bus stops, traffic and safety were understood but the relevant statutory consultee, East Sussex County Council, were satisfied with the solution proposed.
- The affordable housing first home reduction of 30% would remain in perpetuity.
- The existing pedestrian crossing would be retained and linked to the Phoenix scheme. There had been a road safety audit to look at the Phoenix scheme, which had not

highlighted any issues that had not already been addressed. There would be three bus stops to the north with the highway changes linked to the Phoenix scheme, a potential extension of the 20mph speed limit to the Causeway and two bus stops to the south.

- A Stage One Road Safety Audit had been carried out as part of the approval of the Phoenix scheme. This application did not include detail of the bus stops, but funding for such, which would be constructed on ESCC owned land, and therefore its details are not an item for consideration. It would not be appropriate to condition for a 20mph speed limit as it did not form part of this application.
- Officers have had regard to the Public Sector Equality Duty in assessment of this application.
- The most recent conservation officer had expressed a preference for a three-storey design on site, but the design officer had not. In the previous scheme Members had accepted the principle of a taller element on the corner but were opposed to the massing of the roof. A three-storey limit had not been part of the design remit.
- 'Less than substantial' was a broad category in terms of heritage. Substantial harm was destructive, and this application did not reach that threshold. Comments on the previous application had specified harm. Some of those issues had been removed and some remained. Officers were of the opinion that this scheme before Members constituted harm at the lower end of 'less than substantial'.
- This harm needed to be given great weight and considered against the public benefits of the proposal.
- SD57 envisaged development of the site. The existing inadequate temporary bus stops were a material consideration. The Road Safety Audit had found the crossing to be acceptable and there was no objection from the relevant statutory consultee. It was not unusual to have to cross a road to catch a bus.
- The design includes the Phoenix Scheme, if it were to be taken forward.
- Lewes District Council had confirmed that none of their land was available for a new bus station. The proposed stops are on land owned by East Sussex County Council but were reliant on third parties to deliver those proposals, and the previous bus station had been under third party control. There remained some risk around delivery but everything practicable had been done to ensure delivery.

21. **RESOLVED:**

- 1) That Planning Permission be granted subject to conditions set out in paragraph 9.4, the Update Sheet and a Section 106 legal agreement, the final form of which is delegated to the Director of Planning to secure:
 - Two affordable homes (to be secured as First Homes);
 - A package of on-site and off-site Transport Mitigation Measures;
 - £291,000 towards the provision of alternative bus facilities on the southern side of Phoenix Causeway, to be payable on the commencement of development;
 - TRO for loading bay on Eastgate Street;
 - Car club membership for each dwelling for 3 years;
 - Footway works on East Street and Eastgate Street;
 - Travel Plan;
 - A Landscape and Environmental Management Plan (LEMP);
 - Maintenance and Management Plan for the drainage system;
 - A review mechanism or 'clawback clause' to enable the Authority to secure additional affordable housing if market conditions improve;

- Estate Management Plan (to include the maintenance and management of communal spaces, drainage, lighting and landscape and ecological management measures), and
 - The provision of a residents and tenants information pack (to include information highlighting ineligibility for parking permits).
- 2) That authority be delegated to the Director of Planning to refuse the planning 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 12 September 2024.

ITEM 8: SDNP/23/04659/REM - OLD MALLING FARM, LEWES

22. The Officer presented the application and reminded Members of the report (Report PC24/25-03) and the update sheet.
23. The following speakers addressed the committee against the application:
- Peter Calliafas, representing himself.
 - Steve Pearce, representing Cycle Lewes.
 - Cllr Adrian Ross, representing Ward Residents and Lewes Town Council.
24. The following speakers addressed the committee in support of the application:
- Tom Shaw from Habbitaire Homes, representing the landowner.
 - Martyna Berek from BBUK, landscape architect for the project, on behalf of the applicant.
 - Tondra Thom, the planning agent for the project, representing the applicant.
25. The Committee considered the report by the Director of Planning (Report PC24/25-03), the updates and the public speaker comments and commented as follows:
- Ramp accessibility was a key issue for the public speakers, and Active Travel should include wheelchair and buggy users. Officers had commented that this was not part of the application under consideration. Could this be discussed by all parties?
 - If the ramp takes up part of the site, would it need to be considered as part of the site layout?
 - If it was needed, there appeared to be sufficient land and space within the site to accommodate a compliant ramp.
 - The layout was consequential to the design that comes forward. Given that people were generally in support of the development, should more time be given to the design stage to accommodate a compliant ramp?
 - If the developer, Cycle Lewes and Lewes Town Council could get together to agree a design for the ramp, would not want a decision today to act as potential blockage.
 - The landscape led design layout was welcomed with good view corridors and changing density and would support the application.
 - The ramp and access were nothing to do with the application before the Committee and did not warrant grounds for deferral. Should Lewes District Council change the illustrative ramp design it would have an effect on the site but there was capacity in the system for all to come to an agreement. Hoped that the materials used in construction would match the artists impression.
 - Terraces with valley roofs could be high maintenance. Concern over the long-term maintenance of them and large areas of public space.
 - Condition I, stated works to start within two years, was that due to this being reserved matters application?

- Condition 4, could the upkeep of landscape planting be increased from five years to ten years?
- The road and path to the development were all one. Would the surfaces be suitable for the visually impaired?
- Sewerage had been raised by one of the public speakers, but that was not for consideration at this meeting.

26. Members were advised:

- With the Section 106 agreement secured already through the associated outline permission, Lewes District Council would be responsible for developing the ramp design and delivering this element of access. It was the developer's responsibility to enable the ramp to meet the site, which they had done. Lewes District Council had confirmed through the reserved matters application that the applicant has delivered what had been asked of them.
- If part of the ramp was expected to be within the application site, it would need to be considered as part of the layout, but as it was not part of the site, there was no expectation that it would need to be considered. The access from the boundary to the cutting had been secured and was agreed at the Outline stage. The delivery of the ramp and design fell to Lewes District Council to deliver.
- This was a complicated site with land level differences and existing trees. When Outline permission was granted, Members acknowledged that there would be some trade-offs to accommodate the site topography.
- Postponing a decision could lead to Members revisiting a previously considered (and made) decision. The proposed development provides 50% affordable housing and was a good quality development scheme with a number of planning benefits.
- The developer would be at the table for discussion of the final ramp design, but it would be Lewes District Council that was responsible for coming up with the final design. The current ramp image was only a concept drawing, not a detailed design. The detailed design would need technical permission from the SDNPA (as confirmed in the S106 Agreement).
- Condition 1, starting work within two years, was as a result of the application being for reserved matters.
- Condition 4, the upkeep of landscape planting could be increased from 5 years to a 10 year period. The Management Plan has already been secured as part of the Section 106 agreement for the Outline application, and some of the areas could be simplified to make them easier to look after.
- There was hierarchy in the roads and paths, including a separate walkway for pedestrian and cyclists only and would be made of different materials.
- Foul Sewerage was considered at the Outline stage.

27. It was agreed that Condition 4 be amended from 5 to 10 years.

28. **RESOLVED:**

- 1) That the reserved matters be approved subject to the conditions set out in paragraph 9.2 of this report and the amendment of condition 4 from 5 to 10 years.

29. The Committee adjourned for lunch at 14.02pm.

30. Antonia Cox, John Cross and John Hyland left the meeting.

31. The Committee returned at 14:30pm.

ITEM 9: SDNP/22/02181/FUL- LAND ADJACENT TO HARE LANE, TWYFORD

32. The Officer presented the application and reminded Members of the report (Report PC24/25-04) and the update sheet.
33. The following speakers addressed the committee against the application:
 - Cllr Susan Cook, Twyford Parish Council.
 - Cllr Chris Corcoran, Twyford Parish Council.
34. The Committee considered the report by the Director of Planning (Report PC24/25-04), the updates and the public speaker comments and commented as follows:
 - What was the status of the camping and caravanning application referenced by the public speaker?
 - What was the status of Twyford's Local Plan?
 - Could Officers confirm that neither the pre-application inquiry nor the decision on application SDNP/22/02180/FUL could bind the committee's decision on this application?
 - Understood the concerns of the local council and gap policy, however this was an application around an existing building with existing roof height.
35. Members were advised:
 - The camping and caravanning application referenced by the public speaker was not from the same applicant and was being considered by Winchester City Council. It was not a part of the application before the committee.
 - Twyford's Local Plan was adopted in 2022 and the gap policy was relevant and taken into consideration. It was considered in paragraph 7.17 of the report.
 - It was confirmed that this decision could be taken without being impacted by any pre-application inquiry or the decision on application SDNP/22/02180/FUL, and vice versa.
 - The application would need consent again if the buildings were found to be unsound.
36. **RESOLVED:**
 - 1) That authority be delegated to the Director of Planning, in consultation with the Chairman of Planning Committee, to grant planning permission subject to:
 - i) The satisfactory resolution of the issue of nitrate and phosphate neutrality
 - ii) A S106 legal Agreement, the final form of which is delegated to the Director of Planning to secure Nitrate and phosphate neutrality mitigation measures (as necessary)
 - iii) The conditions set out at Paragraph 9.1 of the report and any amendments or other conditions required to address nitrate and phosphate neutrality, as necessary.
 - 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 12 September 2024 Planning Committee meeting.

ITEM 10: SDNP/22/02180/FUL- LAND ADJACENT TO HARE LANE, TWYFORD

37. The Officer presented the application and reminded Members of the report (Report PC24/25-05) and the update sheet.
38. The following speakers addressed the committee against the application:
 - Cllr Susan Cook, Twyford Parish Council.
 - Cllr Chris Corcoran, Twyford Parish Council.

39. The Committee considered the report by the Director of Planning (Report PC24/25-05), the updates and the public speaker comments and commented as follows:
- The pod design seemed unacceptable within the South Downs National Park (SDNP), extending the appearance of a developed area up the slope and would appear to be in conflict with SD23.
 - How visible would the pods be from the road? They would be visible through the hedging from the adjacent Right of Way, especially in winter.
 - Should the application be refused, this decision should be passed on to the team at Winchester City Council.
 - The screening was suitable for the design, the development did not significantly impact the gap and tourism accommodation was needed within the Park.
 - There was a lack of detail in the application. Could the site support three units of that size and have suitable services? How would services be delivered to the pods?
40. Members were advised:
- The pods would be visible from fields above the site, which were owned by the applicant. New hedging would mitigate visibility from the road.
 - The Local Plan was part of the consideration of the application.
 - Officers judgement was that this application complied with policy. It was a fairly well screened site, of small scale, and there was a need for tourism accommodation in the Park.
 - Officers acknowledged the lack of detail and so there were conditions to require that detail to be provided at the condition stage. Services information would be provided at this stage.
 - Members would need to decide whether the application was at odds with the local gap policy and was the design acceptable?
 - If Members were minded to reject the application on design, then the reason needed to be clear. The form of the design, height, nitrates and phosphates could be reasons for refusal, and subject to a section 106. SD23 did come into consideration but LEH1, which referenced the local gap, was the principal policy consideration.
41. **RESOLVED:** That planning permission be refused for the following reasons with the final form of wording to be delegated to the Director of Planning in consultation with the Chairman of Planning Committee.
- Unacceptable and harmful impact on the open and undeveloped nature of the landscape between Twyford and Colden Common compromising the integrity of the gap;
 - The design, material and height of the ecopods fail to respect the local character of the area;
 - Lack of Section 106 Agreement to secure nitrate mitigation.
42. Stephen McAuliffe left the meeting at 15.28 hrs.
- ITEM 11: SDNP/23/04750/CND - WINDMILL DOWN FARM HAMBLEDON (ALSOILS)**
43. The Officer presented the application and reminded Members of the report (Report PC24/25-06) and the update sheet.
44. The following speakers addressed the committee against the application:
- Cllr Chris Silcock, Hambledon Parish Council.
 - David Griffiths, representing himself.
 - Caroline Girdlestone, representing local residents.

45. The following speaker addressed the committee in support of the application:
- John Palmer – The Agent, representing the applicant.
46. The Committee considered the report by the Director of Planning (Report PC24/25-06), the updates and the public speaker comments and commented as follows:
- Agreed with the officer’s report and recommendations.
 - Could Officers clarify the total amount that could be brought in under the existing conditions?
47. Members were advised:
- 10,000 tonnes per year could be brought in. Individual conditions could not be taken in isolation. The conditions worked together to respect the tranquillity and amenity of the area.
48. **RESOLVED:**
- 1) That planning permission be refused for the reason set out in paragraph 9.1 of this report.

ITEM 12: SDNP/24/00588/CND- LAND NORTH OF A3 JUNCTION, PETERSFIELD

49. The Officer presented the application and reminded Members of the report (Report PC24/25-07) and the update sheet.
50. The following speaker addressed the committee against the application:
- Ian Johnstone, Buriton Parish Council.
51. The following speaker addressed the committee in support of the application:
- James Kon, the Agent, representing the applicant.
52. The Committee considered the report by the Director of Planning (Report PC24/25-07), the updates and the public speaker comments and commented as follows:
- It was good that assurance had been provided that the substation use would be periodically monitored by enforcement officers. The Planning Inspector had noted the applications sustainability and off-grid ethos and exceptional circumstances should not become regular.
 - The changes were relatively minor and officers had adopted the right approach to them.
 - Could a condition be added that any use of the substation be reported to the enforcement team?
53. Members were advised:
- Requiring reporting of substation use was not something that could be required. The current conditions have been agreed with the Planning Inspector and the condition around exceptional use isn't part of this application. The wording of that condition remains intact and it would be up to the Enforcement Team to judge what was an exceptional circumstance or not if such use arose.
54. **RESOLVED:**
- 1) That planning permission be granted subject to the conditions set out in paragraph 10.2 of the report, and the update sheet, and the satisfactory completion of a Deed of Variation to the Legal Agreement, to secure:
- a. Offsite biodiversity net gain credits;
 - b. All other obligations from the original S106 Legal Agreement into the Deed of Variation.
- 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 11 September 2024 Planning Committee meeting.

55. Tim Burr joined the meeting at 16.15 hrs.

ITEM 13: INFRASTRUCTURE BUSINESS PLAN 2024

56. The Officer reminded Members of the report (PC24/25-08).

57. The Committee considered the report by the Director of Planning (Report PC24/25-08) and commented as follows:

- Did Community Infrastructure Levy (CIL) money need to be used within 5 years?
- When would successful applications for these CIL funds be notified?
- It was good to see some Nature Recovery applications alongside the usual Access for All applications.

58. Members were advised:

- CIL money needed to be used within 3 years.
- Successful applicants would be informed on the following day.
- A press release would go out in due course.

59. **RESOLVED:**

- 1) To approve the Infrastructure Business Plan 2024 (attached at Appendix 2 and 3);
- 2) To approve:
 - the in-principle allocation of the Community Infrastructure Levy 2023 / 24 receipts of £1,913,648.44 to the projects identified in paragraph 4.4 of this report, and to delegate authority to the Director of Planning to undertake any further assessment of the projects prior to the final allocation of funds as detailed within paragraphs 4.7 and 4.8 of this report, to determine the final allocations of funds up to £1,913,648.44 in respect of those projects and to authorise payments accordingly;
 - the ring-fencing of the 2023 / 24 Community Infrastructure Levy funds for three years and should the funding of these infrastructure projects (identified in paragraph 4.4) no longer be required after three years, the money would be made available for other projects within the Infrastructure Business Plan, and
- 3) To delegate authority to the Director of Planning to make minor amendments to the wording and formatting within the Infrastructure Business Plan 2024 prior to publication. Any such amendments shall not alter the meaning of the document

ITEM 14: PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM

60. The Officer reminded Members of the report (PC24/25-09) and provided responses that had been submitted by Members prior to the meeting. The Officer additionally said that the proposed changes did not include any reference to s245 of the Levelling Up and Regeneration Act which strengthened the duty of relevant authorities to seek to further the purposes of National Parks. Such a reference was necessary to clarify that this legislation should have an impact on planning decisions. A comment to this effect would be added to the response but its exact wording would need to be agreed with other Protected Landscapes colleagues so this would be finalised under the delegation given to the Director of Planning.

61. The Committee considered the report by the Director of Planning (Report PC24/25-09), the previously submitted responses and commented as follows:

- Suggested charges for listed building applications for expansion and increasing the footprint should remain, but changes to a building fabric alone should not require a charge. Village halls should have no charge.

- Is there discretion for local planning authorities to charge different fees and would it suit the Authority's purposes to charge more?
- Could the response to Question 2 be strengthened.
- Were Officers of the opinion that there should not be an affordability accelerator?
- Would the Authority still be able to use its Design Guide?
- Regarding Affordable Housing and Questions 48 and Q52, should the SDNPA have its affordable housing percentages? Did the Authority agree with 10% affordable housing?
- Was the Authority collaborating with other Protected Landscapes in addition to sending in an individual response?
- Could the phrasing to the response to Question 12 be finessed? The current wording could give the impression that Protected Landscapes were the primary cause of the unmet need, rather than just one aspect including house pricing, development pressures and a stretched housing market.

62. Members were advised:

- The suggested difference in fees for different types of changes to Listed buildings could be easily accommodated. Parish councils already received a discount to charges. Householder fees don't currently cover the costs involved.
- There is currently no discretion in what the Authority charge as they are nationally set fees, however one of the consultation questions is whether authorities would like the ability to set their own fees. This could be a burden on the local authority and give rise to challenges.
- Officers were of the opinion that adding the affordability accelerator to the stock-based approach made the housing numbers undeliverable in this area.
- The Authority would still be able to use its Design Guide, but it would not be obligatory to produce a Design Code for the whole National Park. It would be very difficult to produce a single Code that could cover an area as large and varied as the SDNP.
- The NPPF currently required 10% of housing to be affordable ownership. The proposed changes would enable the Authority to set its own level of provision based on local need for this tenure.
- The Authority was collaborating with other Protected Landscapes and would be involved in a shared response from National Parks England. Informal discussions were ongoing with the neighbouring authorities. National Landscapes (AONBs) are not planning authorities and therefore many of the consultation questions will not be relevant to them.
- Officers could review the wording of the response to Question 12 as they agree that Protected Landscapes were only one aspect of the problem of unmet housing need.

63. **RESOLVED:**

- I. Agreed the consultation response as set out in this report and delegate authority to the Director of Planning to make any minor changes necessary as a result of comments at Planning Committee.

64. The Chair closed the meeting at 16.43 hrs.

CHAIR

Signed: _____

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:**

- l) 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.

Agenda Item 13

- 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: _____

