



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 13 December 2017 at 9.30 am

**Members Present:** Mr R Hayes (Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs P Tull and Mr D Wakeham

**Members not present:** Mrs C Purnell and Mrs J Tassell

**In attendance by invitation:**

**Officers present:** Mr J Bushell (Principal Planning Officer), Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor), Miss K Davis (Member Services Officer), Mrs F Stevens (Principal Planning Officer), Mr T Whitty (Development Management Service Manager) and Mr S Harris (Senior Planning Officer)

#### 97 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure.

He advised that item 5 and item 8 had been withdrawn from the agenda.

Apologies were received from Mrs Purnell and Mrs Tassell.

#### 98 **Approval of Minutes**

Mr Oakley referred to Minute 79 (approval of minutes). It had been agreed that following the new information that had come to light regarding the access in respect of CC/98/02043/OUT – Warrendell adjacent to Centurion Way off Plainwood Close, Chichester, the application would return to today's Committee for further discussion.

Mr Frost reported that officers were currently consulting with West Sussex County Council and the applicant on the new information, before the application could return to the Committee for a decision possibly in January or February 2018.

#### **RESOLVED**

That the minutes of the meeting held on 15 November 2017 be approved and signed by the Chairman as a correct record.

99 **Urgent Items**

There were no urgent items.

100 **Declarations of Interests**

Mr Barrett declared a prejudicial interest in respect of planning applications CC/14/01018/OUT and BO/17/01800/FUL as a Chichester District Council appointed member of the Chichester Harbour Conservancy.

Mrs Duncton declared a prejudicial interest in respect of planning applications SY/17/01458/DOM, KD/15/03367/FUL, EWB/17/01722/FUL, E/17/01911/FUL

CC/14/01018/OUT and BO/17/01800/FUL as a member of West Sussex County Council.

Mr Hixson declared a prejudicial interest in respect of planning application CC/14/01018/OUT as a member of Chichester City Council.

Mrs Kilby declared a prejudicial interest in respect of planning application CC/14/01018/OUT as a member of Chichester City Council.

Mr Oakley declared a prejudicial interest in respect of planning applications SY/17/01458/DOM, KD/15/03367/FUL, EWB/17/01722/FUL, E/17/01911/FUL CC/14/01018/OUT and BO/17/01800/FUL as a member of West Sussex County Council.

Mr Plowman declared a prejudicial interest in respect of planning application CC/14/01018/OUT as a member of Chichester City Council.

Mr Plowman declared a prejudicial interest in respect of planning application CC/14/01018/OUT as a Chichester District Council appointed member of the Chichester Area Advisory Committee.

### **Planning Applications**

**(To listen to the speakers and the full debate of the planning applications follow the [link](#) to the online recording)**

The Committee considered the planning applications together with the agenda update sheet at the meeting detailing observations and amendments that had arisen subsequent to the despatch of the agenda. During the presentations by officers of the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screen.

### **RESOLVED**

That the following decisions be made subject to the observations and amendments as set out below:-

101 **TG/17/01699/FUL - Tangmere Airfield Tangmere Road Tangmere**

This application was withdrawn from the agenda.

102 **SY/17/01458/DOM - 11 Beach Gardens Selsey Chichester West Sussex PO20 0HX**

The following information was reported on the agenda update sheet relating to the receipt of one further third party objection.

The following members of the public addressed the Committee:

- Mrs E S Wilkinson – Objector;
- Mrs A Gaunt – Objector;
- Mr G Mellett – Objector; and
- Mr J W Elliott – CDC Ward Member

In response to members' comments and questions, Mr Whitty advised that with regard to overlooking, if in the future any additional windows were added at first floor level on the side elevations, as a consequence of permitted development restrictions these would be required to have obscure glazing. However, if the Committee wanted greater control a condition could be required to restrict this permitted development. The external spiral staircase was not a full story height due to the ground floor of the building being set into the ground.

The legal advice received regarding the amount of demolition that had already taken place advised that the proposal amounted to an extension and not a new dwelling. With regard to a comment made that condition 4 did not specify the double garage parking spaces as part of the parking provision for the site, this condition could be amended to require the garage to be maintained as a garage for parking purposes in the future.

Members felt unable to determine the impact of the proposed extension and alterations on the neighbouring properties and its impact on the surrounding area, including overlooking issues on the basis of the available details and accordingly they favoured a deferral of the application to enable a site visit by the Committee to take place.

**Defer** for a member Site Visit.

103 **SI/17/01148/FUL - 79 Fletchers Lane Sidlesham PO20 7QG**

Mrs Stevens reiterated the fall-back position in respect of this application for the erection of a dwelling, which carried significant weight in considering this application, as the principle of a residential dwelling had been established.

Mr Frost explained that the Government had radically extended permitted development rights for converting a range of buildings, including agricultural buildings to residential dwellings. For Prior Approval cases (as previously determined for this site) the Planning Authority's policies as set out in the Local Plan, with the exception of the assessment of certain technical matters, were not relevant. Before the Committee was an application for a one for one replacement dwelling and members should base their decision on the policies in the Local Plan and judge, based on the strength of the fall-back position, whether as a consequence the proposal was acceptable or not.

Members favoured a condition that would remove permitted development rights contained within Part 1, Classes A – E of the Town and Country Planning (General Permitted Development) Order 2015, as amended and an informative noting that the foot print and height of the approved building shall accord with the approved plans.

## **RESOLVED**

Recommendation to **Defer** for a **Section 106 agreement** then **Permit** with one additional condition (removal of permitted development within Part 1, Classes rights A - E) of the Town and Country Planning (General Permitted Development) Order 2015, as amended and one additional informative (relating to the footprint and height of the building) agreed.

### **104 SI/17/01059/FUL - 63 Street End Lane Sidlesham PO20 7RG**

This application was withdrawn by the applicant.

### **105 KD/15/03367/FUL - Land On The East Side Of Plaistow Road Plaistow**

This application had been deferred at the Committee meeting held on 11 October 2017 for further discussion with the applicant with regard to phasing.

Further information as reported on the agenda update sheet relating to the receipt of additional Parish Council comments, further supporting information received from the applicant and amended condition 3 was provided.

Mr Harris reported the outcome of a meeting held with planning officers, the applicant, Kirdford Parish Council and Mr Ransley, Wisborough Green Ward member to explore if phasing of the development for a longer period than five years was possible. Following this meeting, the applicant had withdrawn their original proposal regarding phasing and had advised the local planning authority that phasing could no longer be accommodated. Officers were of the view that there were no planning policy, practical, or viability-related reasons or any other material considerations to justify the development not being carried out with at least some form of phasing. If no phasing was provided, this would be in conflict with a fundamental requirement of Kirdford Neighbourhood Plan Policy KS1. Accordingly, whilst the applicant's position was noted, the original recommendation to defer the application for the completion of a Section 106 agreement and to permit on the basis of a five-year phasing programme remained unchanged. He referred to paragraph 8.29 of the report, concerning the Council's five-year housing land supply, and

advised that phasing over a period longer than five years was not supported by officers.

The following members of the public addressed the Committee:

- Mr T Piedade – Parish Representative;
- Mrs L Nutting – Objector;
- Mr P White – Agent; and
- Mr J Ransley – CDC Ward Member

In responding to members' questions and comments, Mr Harris explained that the scheme that officers were recommending was substantially in compliance with Neighbourhood Plan Policy KS1, and that an element of phasing was proposed as the policy required. He referred to paragraph 8.48 of the report that set out the details of the number of benefits that the development would provide. The District Valuer had carried out a thorough evaluation and his view was that a five-year phased development would be financially viable but that phasing over a longer period was not. The view of officers was that, providing the commencement of the development was not unduly delayed, the dwellings that resulted from a five-year phasing programme would contribute towards the Council's current five-year housing land supply. He referred to recent appeal decisions where planning inspectors had reached a view on what they considered to be the Council's housing land supply, which had resulted in officers reassessing the Council's supply and publishing an updated position statement concluding that the Council currently had a 5.3 year housing land supply.

Mr Frost added that the Council was of the view that it had a robust five-year housing land supply. In the event that the officer recommendation was agreed by the committee, if the applicant was not willing to sign the Section 106 agreement due to the obligations and provisions contained therein, the application would be brought back to the Committee for further consideration. . However, this would result in a substantial delay in delivering the proposed development on the site. A refusal of the application was not advised as the officer recommendation, if agreed would enable the scheme to be delivered in a way that appropriately respected the requirements of the Kirdford Neighbourhood Plan with regard to phasing and housing delivery.

With regard to the possibility of light pollution at night, Mr Harris advised that during the assessment of the application the applicant had agreed that there would be no street lighting. However there may be a need for low level bollards for certain parking areas and footpaths, which would be dealt with by way of a condition. There would be the ability to divide the two phases with a hoarding, which would be dealt with by way of the Section 106 agreement.

The Committee favoured an additional condition requesting the provision of electric charging points for vehicles.

Recommendation to **Defer** for a **Section 106 agreement** then **Permit** with amended condition 3 and one additional condition (electric charging points) agreed.

(Mr Hixson and Mr McAra left the meeting room returning later on during the meeting)

106 **EWB/17/01722/FUL - South Downs Holiday Village Bracklesham Lane, Bracklesham**

The following information was reported on the agenda update sheet relating to an amendment to condition 1.

The following member of the public addressed the Committee:

- Mr M Brown

Mr Bushell responded to members' questions and comments. With regard to the marketing of the site, the Local Plan requirement for the applicant to demonstrate credible marketing was only required if the proposal was for a permanent change of use. As this was an application for a temporary use, if permitted, its use would revert back to holiday accommodation at the end of the one year temporary permission. He confirmed that the current marketing of the site for holiday accommodation would not be compromised by the temporary use. If a future application was received for a permanent use other than for holiday accommodation, officers would consider carefully how cogent the marketing exercise had been. He acknowledged that both horticulture and tourism were key aspects of the District's local economy. Any loss of the site as holiday accommodation would require significant justification. With regard to the use of private cars, officers would establish with the applicant the restrictions that would be placed on their use more fully through the travel plan condition. With regard to the routing of vehicles, West Sussex County Council did not require a routing plan and it was noted that there had been no restrictions in place when the site had been in use as holiday accommodation. However, officers agreed to encourage the applicant to explore a routing agreement through the travel plan condition.

Members favoured an amendment to the first line of condition 1 to read "The use of the site shall be for the accommodation of agricultural workers and site related ancillary staff...".

Recommendation to **Permit** with amended conditions 1 and 6 agreed.

(Mrs Duncton left the meeting room and did not return for the remainder of the meeting)

107 **E/17/01911/FUL - 101 First Avenue Almodington Earnley PO20 7LQ**

The following member of the public addressed the Committee:

- Mrs L Chater – Parish Representative

In responding to members' questions and comments, Mr Whitty advised that the proposed use was for a permanent dwelling for the applicant's son. There were no planning legislation controls to prevent the use of the proposed dwelling as a holiday

let unless any harm it would cause could be demonstrated. With regard to the amenity space proposed, there were no minimum amenity space standards required for this type of application. Any encroachment of the amenity space onto adjoining land would require a planning application for a change of use. However, a condition could be required in respect of the boundary treatments to ensure that they were robust and retained. Mr Whitty advised an additional condition that would remove permitted development rights A-E and an informative limiting the footprint and height to ensure it accorded with the approved plans could be required.

Recommendation to **Defer** for a **Section 106 agreement** with one additional condition (removal of permitted development within Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) Order 2015, as amended and one additional informative (relating to the footprint and height of the building) then **Permit** agreed.

108 **CC/14/01018/OUT - Graylingwell Hospital College Lane Chichester PO19 6PQ**

(Mr Hixson and Mr McAra returned to the meeting for this item only)

The following information was reported on the agenda update sheet concerning an amended location plan and a clarification of the recommendation as the application was now for a lower number of dwellings than previously proposed.

Mr Bushell answered a number of questions and comments. With regard to the 60%-40% east/west traffic split, condition 20 required the bus gates that would control that split to be in place within three months following the granting of planning permission. The school land option was reserved for ten years from the date of the signing of the original Section 106 agreement i.e. until 19 August 2019 and the size of the proposed site remained the same as originally proposed. With regard to revisions made to the proposed conditions since the application was originally considered by the Committee, there had been some changes to the text of the conditions and the 'FUL' components of the hybrid application had been deleted as the wooded hamlet extension and three new flats part of the development had now been carried out. A CIL payment would be required for the 218 dwellings remaining in the balance to be built in place of the former Section 106 obligations concerning highways atters removed from the revised Section 106 agreement. With regard to the landscaping of the eastern fringe this was as originally proposed and would be dealt with by way of condition 44. The opportunity for cycle access points to Carse Road and Mansbergh Road would be dealt with as part of the reserved matters application.

Recommendation to **Defer** for a **Section 106 agreement** then **Permit** agreed.

(Mr Hixson and Mr McAra left the meeting room and did not return for the remainder of the meeting)

109 **BO/17/01800/FUL - The Oaks Main Road Bosham PO18 8PH**

The following members of the public addressed the Committee:

- Ms J Copsey – Parish Representative; and
- Mr M Upton-Brown – Applicant

Mr Whitty advised that this application had been considered very carefully by officers and that a decision to permit would not create a precedent for such proposals as each application had to be assessed on its own merits.

Recommendation to **Permit with Section 106 agreement** agreed.

## 110 **Schedule of Planning Appeals, Court and Policy Matters**

The Committee noted the schedule of planning appeals, court and policy matters circulated with the agenda.

The following information was reported on the agenda update sheet relating to 6. Court and Other Matters and a challenge to the Planning Inspector's decision letter in respect of *Land at River Farm, Brookfield Lane, Tillington*, and a correction under Court Hearings concerning *Decoy Farm, Aldingbourne*.

### 3. Current Appeals:

*15/00202/CONAGR - Oakham Farm, Church Lane, Oving*: Officers undertook to liaise with the Enforcement Manager concerning a question regarding the traffic impact from the use of the site on the narrow country lanes and update members accordingly.

### 6. Court and Other Matters:

*Land East of Breach Avenue, Southbourne*: Miss Golding reported that the Council's letter before claim had not resulted in the agreement of all parties to quash the planning inspector's decision letter. An application to the High Court had been made by the Council the previous day and the papers served on the relevant parties. The next stage would be a permission hearing to hear the skeleton arguments. Depending on the workload of the court it was expected that a date for the hearing would be set for the end of January 2018.

## 111 **Chairman's Announcement**

The Chairman wished the Committee and officers a merry Christmas and a prosperous New Year.

The meeting ended at 2.10 pm

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CHAIRMAN

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Date: