



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 18 April 2018 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-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 and Mrs J Tassell

Members not present: Mrs P Tull

In attendance by invitation:

Officers present: Mr A Frost (Director of Planning and Environment), Miss N Golding (Principal Solicitor), Miss K Davis (Member Services Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Development Manager (Applications)), Mr T Whitty (Divisional Manager for Development Management), Mr R Hawks (Assistant Manager (Enforcement)) and Mr D Price (Principal Planning Officer)

148 **Chairman's Announcements**

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

Apologies were received from Mrs Tull.

149 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 14 March 2018 be approved and signed by the Chairman as a correct record.

150 **Urgent Items**

There were no urgent items.

151 **Declarations of Interests**

Mrs Duncton declared a personal interest in respect of applications E/17/02910/FUL, CC/17/03117/FUL, SDNP/16/03326/FUL and SDNP/16/03326/FUL as a member of West Sussex County Council.

Mrs Duncton declared a personal interest in respect of applications SDNP/16/03326/FUL and SDNP/16/03326/FUL as a West Sussex County Council appointed representative of the South Downs National Park.

Mr Dunn declared a personal interest in respect of applications SDNP/16/03326/FUL and SDNP/16/03326/FUL as a Chichester District Council appointed representative of the South Downs National Park.

Mr Hixson declared a personal interest in respect of applications CC/18/00219/DOM, CC/18/00053/DOM and CC/17/03117/FUL as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of applications CC/18/00219/DOM, CC/18/00053/DOM and CC/17/03117/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of applications E/17/02910/FUL, CC/17/03117/FUL, SDNP/16/03326/FUL and SDNP/16/03326/FUL as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of applications CC/18/00219/DOM, CC/18/00053/DOM and CC/17/03117/FUL as a member of Chichester City Council.

Mrs Purnell declared a personal interest in respect of applications E/17/02910/FUL, CC/17/03117/FUL, SDNP/16/03326/FUL and SDNP/16/03326/FUL as a member of West Sussex County Council.

152 **E/17/02910/FUL - Almodington Nurseries Batchmere Road Almodington Earnley PO20 7LG**

Additional information was reported on the agenda update sheet advising that Earnley Parish Council had withdrawn their objection.

Recommendation to **Permit** agreed.

153 **CC/18/00219/DOM - 9 Velyn Avenue Chichester PO19 7UP**

Mrs Stevens reported that Chichester City Council had withdrawn their objection following the receipt of amended plans.

Recommendation to **Permit** agreed.

154 **CC/18/00053/DOM- 36 St James Road Chichester PO19 7HT**

Additional information was reported on the agenda update sheet relating to a correct to the report to read Permit with condition 2 amended and amended plans.

Recommendation to **Permit** with amended condition 2 agreed.

155 **CC/17/03117/FUL - Land West Of Frederick Road Chichester West Sussex**

Mr Whitty reported an amendment to condition 10 to include reference to an allowance for climate change. He explained the reasons why officers were of the opinion that the proposal was considered appropriate, being outside the settlement boundary of Chichester City as outlined in the report.

The following members of the public addressed the Committee:

- Mr D Haley - Supporter; and
- Mr K Wawman - Applicant

Mr Whitty responded to members' questions and comments. He explained where the affordable housing provision would be located and that whilst it was somewhat grouped there would still be a mixture of development types. He confirmed that the Council's Environmental Health Officer was satisfied that potential vibration from the nearby railway track would not cause a significant impact. Following the Council's Environmental Health Officer comments steps had been taken, to alleviate the noise impact and the western elevations of the blocks of flats as far as possible would not have any bedrooms. The market units would be most affected by A27 traffic noise. A condition would require the applicant to achieve a 28 decibel minimum noise reduction. Windows would not be required to be continually closed. With regard to the impact on bats and ecology, apart from a small amount of scrub and tree removal on the eastern side the remainder of the site boundaries would remain to retain the ecological links. It would be difficult to justify restricting development on the basis of it being prejudicial to the A27 as there was no scheme of improvements in place. The development would not significantly add to traffic on Clay Lane or cause detriment. There was no reason to seek full details of the proposed landscaping from the applicant at this stage. Mr Whitty advised that the applicant had outlined the principles of the landscaping and the intention to retain a significant amount of trees. With regard to visibility splays the trees on the site were set back a reasonable distance from the highway and would remain in situ. He confirmed that there was sufficient headroom capacity to accommodate foul water disposal via the existing foul network. With regard to ground water drainage, the Council's Drainage Engineer had provided a full and detailed response and were satisfied that there was a technical solution for which details would be required to be submitted by a condition. The Council's Environmental Health Officer gave very little weight to noise attenuation from trees as even evergreens provide very little mitigation.

Miss Golding reported that with regard to the eight affordable dwellings, the draft Section 106 Agreement provided the option for either a commuted sum equivalent to 0.8 of a unit or for the applicant to provide an eighth dwelling on the site. However, from the comments made by one of the speakers it sounded as though the applicant intended to provide the eighth dwelling.

Members favoured the following:

- An additional condition to include a requirement for a Construction Management Plan,
- Officers to ensure that the list of plans in condition 2 are complete;
- The deletion of 'winter' and the inclusion of reference to climate change in condition 10;
- The amendment of condition 29 to include reference to climate change;
- An additional informative to encourage eight affordable dwellings to be provided onsite; and
- An additional informative requesting the landscaping scheme to include appropriate tree planting to the Clay Lane frontage and the retention of existing planting where possible.

Recommendation to **Permit** with one additional condition (Construction Management Plan) amended conditions 2, 10 and 29, and two additional informatives (eight affordable dwellings and additions to the landscaping scheme) agreed.

156 **SDNP/16/03326/FUL - Garden of 1 Stone Pit Cottages Marleycombe Road Camelsdale, Linchmere**

This application had been deferred at the Planning Committee meeting held on 14 March 2018 for a site visit. The site visit took place on 16 April 2018.

Additional information was reported on the agenda update sheet regarding the commissioning of a preliminary drainage assessment, amended conditions 4 and 7, and additional condition 17 (surface water drainage scheme).

The following members of the public addressed the Committee:

- Mr T Scrivens – Objector;
- Mrs S Ord – Objector; and
- Mrs N Graves – Ward Member

Mr Frost advised that in most cases site visits did not need to be arranged, with members instead able to rely on the visual presentations, as well as the advice and information given by the officers when making their decision. Therefore, members who had been unable to visit the site should not feel disbarred from voting on the recommendation.

Mr Price and Whitty responded to members' questions and comments. The proposed retaining wall formed the bulk of the length of the eastern boundary with the majority incorporated into the eastern flank wall of the proposed dwelling. The stability of the ground and its construction were a matter for control under the building regulations. He explained the visible elements of the retaining wall from a public perspective. With regard to the scale and bulk, this was a question of design and the National Planning Policy Framework was clear that such matters should not be dictated by the Planning Authority. It was acknowledged that whilst the design was a matter of taste, it would be complimented by the choice of local materials

being timber boarding, stone and a slate roof. The proposed over hangs and variations in setback would offset its massing and bulk. Its bulk and scale in the street scene was not that different to that of other nearby properties. The South Downs National Park Authority's Dark Skies Officer's suggestion that the glazing should be low light transmission glass had been included and would be secured by condition 9. Following concerns raised at the previous meeting regarding surface water drainage management, additional condition 17 had been added to deal with surface water runoff. Condition 4 required the submission of a drainage scheme to provide drainage under the access track. With regard to the Small Scale Development Construction and Environmental Management Plan required by Condition 10 and the two drainage conditions, officers advised that condition 10 could be amended to require details to be submitted for approval to prevent the wash of building materials etc off the site onto the road to be included in the Plan.

Mr Whitty advised that if members favoured the removal of the word 'winter' in condition 17 this was acceptable. With regard to the proposed retaining wall, if members were particularly concerned about safety then a barrier could be secured by a condition if members wished. If members were concerned about how the water passing through the retaining wall would be dealt with then a condition could be added requiring details to be submitted as part of the drainage strategy.

In a vote the officer recommendation to permit the application was not carried.

Following the discussion the majority of members considered that the development by reason of its design scale and bulk would be prominent, out of character and harmful to the qualities of the South Downs National Park and contrary to certain policies.

Refuse for the following reasons:

The application site is located in a sensitive, edge of settlement position adjacent to woodland and within the South Downs National Park. The proposed dwelling, by reason of its design, scale, form and massing would result in a form of development that fails to promote or reinforce local distinctiveness in terms of the existing built form and character. The resultant dwelling would be a prominent and visually inappropriate feature, detrimental to the overriding rural quality, character and appearance of the landscape of this part of the South Downs National Park. As such the development is considered to be contrary to policy BE11 of the CDLPFR 1999, paragraphs 56, 60, 61 and 115 of the NPPF and policies SD4 and SD5 of the emerging South Downs Local Plan Pre-submission Draft (Sept 2017).

(This decision was contrary to the officer's recommendation)

157 **Schedule of Outstanding Contraventions**

The Committee considered and noted the schedule of outstanding contraventions circulated with the agenda, which was presented by Mr Hawks.

Mr Hawks confirmed that the Planning Enforcement Team had a full complement of staff.

The Old Army Camp, Cemetery Lane, Woodmancote: The four enforcement notices had been issued on 10 April 2018.

158 **Schedule of Planning Appeals, Court and Policy Matters**

The Committee considered and noted the schedule of outstanding planning appeals, court and policy matters that had been circulated with the agenda.

6. Court and Other Matters

Land at Breach Avenue, Southbourne: 26 March 2018 the Court granted the Council permission to proceed with the claim to challenge the Planning Inspector's decision letter. A meeting was due to take place the following day with the barristers' clerks with the Court to agree the date of the hearing, which was likely to be July 2018.

The Chairman thanked the officers, on behalf of Southbourne Parish Council, for their continuing support in this matter.

159 **Exclusion of the Press and Public**

RESOLVED

That in accordance with Section 100A of the Local Government Act 1972 the public and the press be excluded from the meeting during consideration of the following items on the Agenda for the reason that it was likely in view of the nature of the business to be transacted that there would be disclosure to the public of "exempt information" being information of the nature described in Paragraph 5 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

160 **Report in Relation to a Claim Concerning a Tree Adjacent to 22 Salthill Road, Fishbourne, West Sussex**

(Exempt paragraph 5)

The Committee considered this report circulated to members and officers only.

Mr Whitty reported that following the decision of the Planning Committee on 17 June 2016 that supported the officer recommendation to refuse the application for the felling of the Oak tree a claim for compensation had been received against the Council.

RESOLVED

That the amendment of the Tree Preservation Order FB/79/00053/TPO to remove reference to the Oak tree be agreed.

The meeting ended at 1.30 pm

CHAIRMAN

Date: