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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 15 November 2017 at 9.30 am

**Members Present:** Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), 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 J Tassell, Mrs P Tull and Mr D Wakeham

**Members not present:** Mr G Barrett

**In attendance by invitation:**

**Officers present:** Miss J Bell (Development Manager (Majors and Business)), Mr J Bushell (Principal Planning Officer), Mr S Dommatt (Senior Environmental Health Officer), Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor), Miss L Higenbottam (Democratic Services), Mr T Horne (Principal Environmental Health Officer), Miss R Jones (Senior Planning Officer), Ms H Nicol (Rural Enabling Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Principal Planning Officer) and Mr T Whitty (Development Management Service Manager)

## 78 **Chairman's Announcements**

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

He advised that item 15 had been withdrawn from the agenda.

Apologies were received from Mr Barrett.

## 79 **Approval of Minutes**

Mr Oakley referred to minute 67, paragraph six (application CC/98/02043/OUT, Warrendell Adjacent to Centurion Way off Plainwood Close, Chichester, West Sussex) regarding the gated access from Plainwood Close located north of the site onto Centurion Way outside of the applicants control. It was agreed that following the meeting new information had come to light regarding the access and the application should return to the Committee in December for further discussion.

## **RESOLVED**

That the minutes of the meeting held on 11 October 2017 be approved and signed by the Chairman as a correct record.

### **80 Urgent Items**

The Chairman announced that the Committee would receive a Part II update relating to SB/16/03569/OUT – Land East of Breach Avenue, Southbourne under agenda item 18b.

### **81 Declarations of Interests**

Mrs Duncton declared personal interests in respect of applications BX/17/00898/REM, CC/16/03791/OUT, FU/16/04131/FUL, HN/17/01301/ADV, LX/17/02304/FUL, SY/17/00951/FUL and SDNP/17/02780/FUL as a member of West Sussex County Council.

Mrs Duncton also declared personal interests in respect of applications CC/16/03791/OUT and SDNP/17/02780/FUL as a West Sussex County Council appointed member of the South Downs National Park Authority.

Mr Dunn declared personal interests in respect of applications CC/16/03791/OUT and SDNP/17/02780/FUL as a Chichester District Council appointed member of the South Downs National Park Authority.

Mr Hall declared a personal interest in respect of application CC/16/03791/OUT as a Chichester District Council appointed member of the Goodwood Airfield Consultative Committee.

Mr Hixson declared personal interests in respect of applications CC/16/03791/OUT, CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a member of Chichester City Council.

Mrs Kilby declared personal interests in respect of applications CC/16/03791/OUT, CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a member of Chichester City Council.

Mr Oakley declared personal interests in respect of applications BX/17/00898/REM, CC/16/03791/OUT, FU/16/04131/FUL, HN/17/01301/ADV, LX/17/02304/FUL, SY/17/00951/FUL and SDNP/17/02780/FUL as a member of West Sussex County Council.

Mr Plowman declared personal interests in respect of applications CC/16/03791/OUT, CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a member of Chichester City Council.

Mr Plowman also declared personal interests in respect of applications CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a Chichester

District Council appointed member of the Chichester Conservation Area Advisory Committee.

Mr Plowman also declared a personal interest in respect of application CC/16/03791/OUT as a member of the Goodwood Motor Circuit Consultative Committee.

Mrs Purnell declared personal interests in respect of applications BX/17/00898/REM, CC/16/03791/OUT, FU/16/04131/FUL, HN/17/01301/ADV, LX/17/02304/FUL, SY/17/00951/FUL and SDNP/17/02780/FUL as a member of West Sussex County Council.

Mrs Purnell also declared a personal interest in respect of application SY/17/00951/FUL as a member of Selsey Town Council.

Mrs Tassell declared a prejudicial interest in respect of application SDNP/17/02780/FUL as a friend of the applicant. Mrs Tassell withdrew to the public seating area during the item.

### **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 the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screen.

#### **RESOLVED**

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

**82 BX/17/00898/REM - Land West Of Abbots Close, Priors Acre, Boxgrove, West Sussex**

Information was reported on the agenda update sheet relating to the deletion of condition 6 due to duplication with condition 4 and a further condition relating to external lighting. Miss Jones introduced the item by reference to plans and photographs of the site and surroundings.

The following members of the public addressed the Committee:

- Mr M Bish – Boxgrove Parish Council
- Mrs T Moignard – Objector
- Mr G Beck - Agent

Miss Bell, Miss Jones and Ms Nicol responded to members questions. With regard to the wording of the proposal '*up to 22 dwellings*' it was agreed that the words '*up to*' should be deleted. With reference to concerns about the location of the acoustic fence it was confirmed that the fence would be situated inside the application boundary and condition 4 required submission of a detailed specification prior to development. Officers are to clarify with the applicant the impact on trees from the acoustic fence. With regard to the quality of flint and other construction materials condition 2 sets out a requirement for materials to be agreed. With regard to concerns relating to the width of the access road within the site, it was noted that West Sussex County Council (WSCC) Highways had not raised any objection to the proposal. Officers considered the 4m road width adequate and confirmed that some properties would be allocated garages in addition to the parking allocation. Officers also confirmed WSCC were content with the safe turning of HGVs.

With reference to concerns that the site layout and distribution of affordable housing would not encourage community integration, Miss Jones and Miss Nicol explained that the grouping of affordable units accorded with the council's usual requirements and that officers had suggested the split of open space to the developer to enable a better acoustic environment to be achieved to the southern boundary of the site (located next to the A27). Officers agreed to discuss the integration of affordable housing further with the developer with a view to suggesting two areas of affordable housing rather than one. Mr Whitty explained that it would be easier to find a housing provider to manage the site if the affordable housing were less spread and therefore easier to maintain.

Following the discussion the Committee still favoured a spread of affordable housing throughout the site and one larger area of open space.

Mrs Tassell proposed the application be deferred for further discussion between officers and the developer. Mrs Kilby seconded the proposal which was carried.

**Defer** for further discussions between officers and the developer regarding the site layout.

The Committee took a 10 minute break.

83 **CC/16/03791/OUT - Phase 2 Of The Westhampnett/North East Chichester SDL Land North East Of Graylingwell Park, Chichester, West Sussex**

Mr Bushell introduced the item. Information was reported on the agenda update sheet regarding an amendment to the report relating to the Section 106 agreement and amendments to planning conditions 5, 23 and 25.

The following members of the public addressed the Committee:

- Mr C Beaumont – Objector
- Mr I Smith – Supporter
- Mr J Allen - Applicant

Mr Bushell and Mr Horne responded to members questions. With regard to the proposed 400 metres sound buffer Mr Horne explained that based on World Health Organisation standards there should be no adverse impact to any persons living at a property on the site a distance of 400 metres or further from the Goodwood motor circuit. With regard to the character of the sound it was confirmed that motor racing events are held at Goodwood five days per year with additional driving activity on the circuit subject to strict noise management conditions.

With reference to concerns that the application was submitted with all matters reserved Mr Bushell explained that although unusual this was an acceptable approach. Members were shown a series of parameter plans provided by the applicant to demonstrate how the development could be achieved. With regard to concerns relating to a 6m wide access road passing through Graylingwell Park it was noted that WSCC Highways had no objection to the proposal. Mr Bushell explained that a letter from solicitors for Linden Downland LLP had been received confirming that a legal agreement was in place with the applicant allowing vehicular access to the development across Graylingwell Park. He confirmed that pedestrian access to Winterbourne Road via potential connection points provided up to and abutting the site boundary as shown on the parameter plans would be expected. With regard to footpaths the applicant was under no Local Plan policy obligation to provide a new circular footpath but had agreed to contribute £50,000 towards an upgrade of footpath 459 extending north from Fordwater Road to New Road to a bridleway. With reference to concerns about potential flooding on the Lavant Valley footpath/cycleway officers considered that the wider public benefits of providing the footpath outweighed the possible flood risk. Mr Bushell explained that arrangements for foul water disposal were yet to be determined but conditions 6 and 26 required submission of additional information. With regard to assimilating the development into its surroundings, the landscaping design approach was to include informal groups of trees planted on the east site boundary adjacent to the River Lavant, tree planting along streets within the site and gapping up of the hedgerows on Stocks Lane and at Fordwater Road.

In response to a request to consider further landscaping off site Mr Frost agreed that an informative could be added to highlight the importance of considering the impact of landscaping and planting both on site and to the surrounding area. He confirmed that landscaping could be discussed further following submission of the relevant reserved matter application.

Mr Bushell agreed to take forward members suggestions relating to an additional condition to require electric charging points.

**Defer for a Section 106 agreement then Permit.**

84 **CC/17/01988/FUL, CC/17/01989/LBC, CC/17/02160/ADV - 13 East Street, Chichester, PO19 1HE**

Mr Oakley left the meeting during this item and did not return.

In response to members concerns regarding the impact of the lettering on the character of the shop front Mrs Stevens explained that the previous occupier had used a similar size and style.

The Committee favoured removal of the vinyl poster panels located in the front windows of the shop. Mrs Stevens agreed to add an informative requesting removal following completion of internal building works.

CC/17/01988/FUL

Recommendation to **Permit** agreed.

CC/17/01989/LBC

Recommendation to **Permit** agreed.

CC/17/02160/ADV

Recommendation to **Permit** agreed.

85 **E/17/02376/FUL - Dragon Nursery, Third Avenue, Batchmere, West Sussex**

During the presentation the Committee were shown recent pictures of the site where additional building work had commenced inside the glass house.

The following member of the public addressed the Committee:

- Mr C Charter – Earnley Parish Council

Some of the Committee expressed concerns regarding the additional building activity on site but felt that the application before them was acceptable.

Recommendation to **Permit** agreed.

86 **E/17/02419/FUL - 129A Third Avenue, Almodington, Earnley, PO20 7LB**

Information was reported on the agenda update sheet relating to further consultation responses from the parish council who had withdrawn their objection and a correction to the wording of condition 12.

In response to members questions Mr Whitty confirmed that the question of the curtilage had been addressed in respect of the earlier prior approval application. With regard to whether the removal of the feature door at the front of the building would cause any detrimental impact to the character of the building officers had not identified any harm in its removal.

Mr Frost clarified that changes to the General Permitted Development Order (GPDO) had led to the government's expectation that subject to approval of certain specific details, local planning authorities should be enabling the conversion of

buildings which are no longer required for their original purpose as long as they are capable of such a conversion.

Recommendation to **Permit** agreed.

87 **FU/16/04131/FUL - Land West Of North Lodge, Scant Road, East Hambrook, Funtington, West Sussex**

Information was reported on the agenda update sheet relating to a further consultation response from the Health and Safety Executive, additional supporting information from the agent and an amendment to the recommendation to read '*subject to no objection being received from Southern Gas Networks by 7 December 2017*'.

In response to members questions regarding the suitability and size of the facilities officers considered the grazing and stable block sufficient for the number of horses proposed. With regard to the size of the parking area Mrs Stevens confirmed that the space would be proportionate to the estimated number of visitors. Concerns relating to light pollution would be managed by condition 7.

Recommendation to **Permit** agreed.

88 **HN/17/01301/ADV - Brook Lea, Selsey Road, Hunston, Chichester, West Sussex, PO20 1NR**

The Committee agreed that the temporary sign and associated timetable for removal were both reasonable.

Recommendation to **Permit** agreed.

The Committee took a 30 minute lunch break.

89 **LX/17/02304/FUL - Buildings North Of Mallards Farm And Bluebell Cottage, Guildford Road, Loxwood, West Sussex**

The following members of the public addressed the Committee:

- Mr T Colling - Loxwood Parish Council
- Mr J Aldous - Agent

With regard to members concerns in relation to the type of materials to be used, Mr Frost drew attention to condition 3 requiring materials to be agreed with the council and agreed to add an informative detailing the Committee's preference for use of brick and tiles.

Recommendation to **Permit** agreed.

90 **SY/17/00951/FUL - Selsey Regeneration 53A High Street Selsey Chichester West Sussex PO20 0RB**

This application had been deferred at the Planning Committee meeting held on 16 August 2017 for a site visit, which was held on 13 November 2017 in order to obtain a better understanding of the proposed development and its impact on the surrounding area, including the shared access and, in light of the concerns raised in particular about the potential for illegal parking, waste storage and collection, the emission of food and waste smells.

The following member of the public addressed the Committee:

- Mr C Alden – Selsey Town Council

With regard to members remaining concerns relating to cooking odours Mr Whitty explained that the Environmental Health officer had no objection to the proposal subject to the installation of an extract ventilation system as detailed in condition 4. With reference to concerns that delivery drivers and members of the public could illegally park on the double yellow lines at the front of the site Mr Whitty confirmed that the applicant had agreed to instruct the drivers to park appropriately. The applicant had also volunteered to place a notice in the front window to discourage illegal customer parking. Officers had also assessed the nearby public car park as being within a reasonable distance for customer use.

Members debated the merits of the proposed use and although some members thought the application was not appropriate they found no reasonable planning reason for refusal.

Recommendation to **Permit** agreed.

91 **SDNP/17/02780/FUL - Kimpton Cottage, Durford Wood, Rogate, GU31 5AS**

Mrs Tassell declared a prejudicial interest in respect of application SDNP/17/02780/FUL as a friend of the applicant. Mrs Tassell withdrew to the public seating area during the item.

In response to members questions Mr Saunders clarified that the South Downs National Park Authority had adopted the Community Infrastructure Levy (CIL) in April 2017 and therefore the application would be liable for CIL.

Recommendation to **Permit** agreed.

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

This item was withdrawn from the agenda.



## **Land west of Centurion Way and west of Old Broyle Road, Chichester - Progress of the S106 agreement and commercial negotiations update**

Mrs Tassell returned to the Committee table.

Miss Bell updated the Committee on progress to date of the Section 106 agreement and the commercial land negotiations for Phase Two.

### **Section 106 Agreement**

Miss Bell clarified that the Section 106 Agreement had been delayed for seven months due to ongoing discussions between the applicant, WSCC Education Department and officers to resolve the issues regarding education provision. A redrafted Agreement had now been issued to the applicant and WSCC for final comment and it was anticipated that it could be finalised by the end of November 2017. Miss Bell explained that the developers continued to work towards the progression of the reserved matters and a timetable for the reserved matter applications was detailed in the report.

### **Commercial Land Negotiations for Phase Two**

Miss Bell confirmed that commercial land negotiation discussions had continued throughout the summer regarding the design of the southern access fronting Bishop Luffa School, the entrance to the school, the layout of the playing pitches and associated elements. The parties had now agreed a bus drop off/pick up point and associated access. Agreement on the layout of the playing pitches and position of the access road was anticipated by December 2017 which would enable commercial land negotiations to take place between January and September 2018.

Miss Bell confirmed the current expectation that the southern access road would be available for construction traffic by March 2021 and full residential traffic by December 2021. She explained that it appeared likely that the construction of the Phase One development would have reached some 250 dwellings by the time the southern access was available.

Mr Plowman wished to note concerns relating to work on the roundabout of the Old Broyle Road but acknowledged that appropriate action had been taken.

In response to a request that officers clarify the status of the sewerage pipeline Mr Frost confirmed that it was understood that Southern Water were working with the developers to agree terms to enable a connection to the new sewer but that until the developers were satisfied regarding the timescale for delivery, the alternative option was a fall-back position.

In response to a request to clarify concerns regarding the impact of the southern access on Centurion Way, Miss Bell confirmed that all matters relating to Centurion Way would be considered following submission of the Phase Two planning application.

The Committee took the opportunity to wish Miss Bell well in her time away from the council and thanked her for her hard work on the Whitehouse Farm application.

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

**Appeals at Summerfield Cottage, Graffham Street, Graffham, GU28 0NP and New Barn Cottage, Newbarn Lane, Lordington, Stoughton, PO18 9DU.**

Mr Saunders drew attention to the letter dated 29 September 2017 detailed on page 191 of the agenda pack. He explained that the appeals had been assessed by the same inspector who in both cases had failed to reference the location of the site within the National Park or the statutory duty to conserve and enhance the cultural heritage of the National Park.

With regard to Summerfield Cottage, Graffham Street, Graffham officers felt that once the Inspector had identified harm to the character of the National Park he had not correctly applied the test in paragraph 134 of the National Planning Policy Framework and had failed to identify any public benefit to outway the perceived harm.

Mr Saunders explained that in both cases the letter acknowledged the inspectors errors however officers disagreed with the conclusion that the errors made little impact on the overall decision.

Due to the scale of these cases, officers were not minded to challenge the outcome but wished to draw attention to the errors made in order to inform future Inspector training.

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

**95 Exclusion of the Press and Public**

Further to the Chairman's earlier announcement he proposed to take the meeting into Part II. Mrs Kilby seconded the proposal which was carried.

**RESOLVED**

That the public including the press should be excluded from the meeting on the following ground of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 5 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

**96 Consideration of any late items as follows:**

The Committee received a Part II oral update from Miss Golding relating to the Inspector's Decision Letter dated 2 November 2017 for SB/16/03569/OUT – Land East of Breach Avenue, Southbourne.

Miss Golding and Mr Frost answered member's questions relating to points of detail.

The Committee voted in favour of making the resolutions set out below.

**RESOLVED**

1. That the decision to send a letter before claim in respect of a potential challenge of the decision letter be ratified;
2. That an application be made to the High Court for a declaration (in the event parties agree) or to lodge a claim to quash the Inspectors decision letter;
3. That any further decisions necessary in the process be delegated to Andrew Frost, Head of Planning Services in consultation with legal services.

The meeting ended at 2.34 pm

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CHAIRMAN

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Date: