



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 13 March 2019 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mrs J Duncton, Mr J F Elliott, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mrs P Tull

Members not present: Mr G Barrett, Mr M Dunn and Mr M Hall

In attendance by invitation:

Officers present: Mr A Frost (Director of Planning and Environment), Mr S Harris (Senior Planning Officer), Miss S Hurr (Democratic Services Officer), Mrs N Langford (Senior Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

289 **Chairman's Announcements**

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

Apologies were received from Mr G Barrett, Mr M Dunn and Mr M Hall.

290 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 13 February 2019 be approved and signed by the Chairman as a correct record.

291 **Urgent Items**

There were no urgent items.

292 **Declarations of Interests**

Mrs Duncton declared a personal interest in planning applications CC/18/03180/FUL, CH/18/03195/REM, SI/18/02490/FUL and WW/18/03254/FUL as a member of West Sussex County Council.

Mr Hayes declared a personal interest in planning application SB/18/03215/DOC as a member of Southbourne Parish Council.

Mr Hixson declared a personal interest in planning application CC/18/03180/FUL as a Member of Chichester City Council.

Mrs Kilby declared a personal interest in planning application CC/18/03180/FUL as a Member of Chichester City Council.

Mr Oakley declared a personal interest in planning applications CC/18/03180/FUL, CH/18/03195/REM, SI/18/02490/FUL and WW/18/03254/FUL as a member of West Sussex County Council.

Mr Plowman declared a personal interest in planning application CC/18/03180/FUL as a Member of Chichester City Council and as a Chichester District Council appointed member of the Chichester Conservation Area Advisory Committee.

Mr Purnell declared a personal interest in planning applications CC/18/03180/FUL, CH/18/03195/REM, SI/18/02490/FUL and WW/18/03254/FUL as a member of West Sussex County Council.

293 CC/18/03180/FUL - City Walls Car Park Southgate Chichester West Sussex

Additional information was reported on the agenda update sheet relating to an amended location plan and an additional consultation comment received from the Environment Agency.

The following members of the public addressed the committee:

Mr M Le Selleur – Supporter
Mr A Finnamore - Applicant

During the discussion members debated the necessity for further car parking spaces within the city, safety of pedestrians and concerns regarding the proposed application to extend the car park in closer proximity to the city walls. Members also debated the loss of trees, and whether having another view of the Residential Bastion with associated information signage was a positive addition for visitors or would a view of the Bastion from the footpath alongside the school playing fields be more favourable.

In response to members' comments, Mr Whitty confirmed officers were not concerned with having a shared space for pedestrians and vehicles. Mr Whitty further commented that a more appropriate position for an information board for the bastion would be nearer to it, on the footpath. The Tree Officer had also confirmed that the trees which would require removal did not have Tree Preservation Orders, although were in a conservation area, but most were likely to have been self-set and their loss would have limited impact.

In response to further comments from Members' regarding excavation and whether two parking spaces could be removed from the plan for planting to screen the car park, Mr Whitty drew the committee's attention to the report which explained a buffer would be required between the car park and the city walls to afford them protection.

If planning permission were granted, this would be required as a condition. Mr Whitty added that landscaping was a concern and there may not be sufficient space for planting.

Recommendation to **Refuse** agreed.

294 **CH/18/03195/REM - Greenacre Nursery Main Road Chidham PO18 8TP**

Additional information was reported on the agenda update sheet relating to consultation responses and the officers' response to them concerning materials, landscaping, and the removal of permitted development rights to insert roof-light windows. The applicant had also confirmed works to improve the performance of a culvert, details of future ditch maintenance, and a willingness to undertake appropriate landscaping.

During the discussion Members sought clarification as to the provision for affordable housing, the use of adjacent paddock and responsibility for maintaining the proposed public open space.

Officers responded to Members' question and comments. Mr Harris confirmed that the development would make provision for three affordable homes with gardens that are modest but of acceptable size, to be sold at a discounted market value and further reminded Members that on-site provision was to be welcomed given that it was not a policy requirement for a development of this size and in a rural area. There was a necessity to maintain access to the adjacent paddock for the owners, which would have low intensity use. Mr Harris further confirmed that responsibility for the provision and future maintenance of the public open space, would be addressed by way of a legal agreement and it was likely that it would be maintained through a management company.

Recommendation to **Permit** agreed.

295 **SB/18/03215/DOC - The Orchards Main Road Southbourne Emsworth Hampshire PO10 8JH**

Additional information was reported on the agenda update sheet identifying the connection into the mains sewer and location of the associated manhole with substitute plans.

The following members of the public addressed the committee:

Mrs A Tate – Parish Representative

Mr M Evans – Objector (provided information read by Mrs S Seabrook)

Mr J Child – Objector

Mr R Seabrook – Objector

Mr R Reay – Agent

Mr J Brown – Chichester District Councillor

The Chairman commented that further to the concerns of the objectors and Councillor Jonathan Brown, in relation water management, information was required

from Southern Water and introduced Mr Csatlos, a Senior Project Manager from the company.

Mr Csatlos explained his role to provide capacity for new developments. In addressing the points raised by members of the public whom had addressed the Committee, Mr Csatlos began by explaining that there had been a burst rising main in the previous year due to the unexpected cold weather which had caused operational problems with both water and sewerage infrastructure. Since this time a number of additional measures had been taken to prevent reoccurrences. This scheme was to address capacity for the housing development and not operational matters, and similarly at the treatment works the scheme was to deliver infrastructure capacity and not treatment capacity. Treatment capacity matters are dealt with by way of the local plan level and not on an individual site by site basis, and at site level the capacity is delivered with the understanding that the treatment capacity is already in place. Mr Csatlos explained that he could not comment with regards to how surface water is being dealt with, but the matter in question concerned foul discharge and he was able to take questions on out flows from the development. Mr Csatlos further commented that with regards to the lack of information, if that was the perception of Southern Water, he would like to apologise on behalf of the company. Mr Csatlos added that revision of the modelling criteria was based on defined methods, following recent studies.

The Chairman responded that he was not clear of the reasoning for Southern Water delivering a different scheme to that previously agreed, also without consultation, and asked if Mr Csatlos could elaborate as to why this scheme was needed and how it was an improvement. Mr Csatlos explained that the developer had submitted a section 98 application and following this Southern Water had produced a study and modelling report which outlined what was required. The modelling report was produced at the beginning of 2016 and the modelling criteria had since changed the LASSO Report and 21st Century Capacity Drainage Report 2017, which had highlighted errors in the previous assessment. The most significant finding was in relation to the misconnection of surface water to the foul system. The previous calculation for surface water ingress had been 4 metres squared per property, but had since been revised to 1.4 metres squared per property. The average number of people in a property was also previously 2.8 but was revised to 2.4. The water usage was also reviewed and revised from 135 to 125 litres per person per day. A further factor which resulted in a reduction in the flow criteria impact for new developments was the existing catchment which was assumed to have 40% infiltration. This rate was based on the fact that some pipework was many years old, even Victorian, but on new development sites all pipes were new therefore surface water ingress was not anticipated at that rate, and surface water infiltration from new sites was applied at 10%.

The Committee asked for further information regarding who has responsibility for the treatment works, how is treatment different from capacity and the reason for changing modelling criteria. Mr Frost explained with regards to the respective roles, Southern Water is the statutory undertaker with responsibility for infrastructure to convey waste water to the treatment works. Mr Frost reminded the Committee that Mr Csatlos was present to answer questions and demonstrate that the scheme which Southern Water had implemented was an appropriate scheme to deal with

waste water from the Priors Orchard development and an adequate replacement for works which were approved through discharge of condition a few years ago. Mr Frost confirmed that this was the question the committee must consider in order to decide whether to discharge the condition. This was a technical matter and the Committee should be able to rely on the advice from Mr Csatlos from Southern Water. Mr Frost added that the site was in the Neighbourhood Plan and part of the Council's strategic housing requirement given to Southbourne as included in the Local Plan and his understanding was that there was sufficient headroom at the waste water treatment works.

The Chairman commented that with regard to the Neighbourhood Plan, the development was accepted with the understanding that the required works would be completed and the request was now to change the information discharged by condition, for reasons for which were not fully understood. Mr Whitty confirmed that the waste water capacity was not a question for the Committee as that had been previously agreed by the grant of permission for the Priors Orchard development. The consideration was whether or not the current proposals were sufficient to convey the water to the waste water treatment works. Southern Water had not needed to resize the pipe or upgrade the pumping station as originally estimated, as the revised modelling (required by Ofwat) and on site testing had indicated that there is less water flowing through the existing pipework than previously estimated and more existing capacity in the pumping station. Therefore, at this time there was no requirement for an upgrade, although that may change in the future. In relation to the pumping station capacity, Mr Whitty identified that it had been estimated that the pumping station was operating at 45 litres per second in the original assessment, and the original programme of works specified this was upgraded to 49 litres per second. Yet when the pumping station was tested it was found there was existing capacity for flows of up to 95 litres per second. Instead, the updated assessment identified a requirement in a different part of the network for a storage solution. This had now been implemented. With regard to the suggestion that the a decision be deferred to gain information from the Environment Agency, Mr Whitty explained that the Environment Agency's remit did not extend to the network, as that was the responsibility of Southern Water.

During the discussion members debated the concerns raised by objectors and supporters including if the estimate of usage for each dwelling had taken into consideration the size of dwellings, and if the system would be fit for purpose. Mr Csatlos confirmed he was confident that the modelling was correct, had used current data, and the system was fit for purpose. Mr Csatlos also outlined further changes which supported the decision for reviewing the needs afresh and departing from the 2015 estimate. The latest modelling report was completed in 2018 and a drainage area plan in 2017. These provided updated information regarding the flow through the system. Additionally, a drop test was undertaken in the pumping station which confirmed upgrading was not required. The offsite tank to accommodate additional flow was adequate. In response to a question regarding the condition of the pipes, Mr Csatlos confirmed although the pipes were not investigated, the flows through the manholes and pumping station indicated the scheme for the development site was as required.

Many members expressed reservations at the discharge of foul water from 159 dwellings into an 85 year old 6 inch clay sewer pipe already serving a popular 55 – plot campsite. The Southern Water representative emphatically stated that the results from their modelling clearly indicated that this was fully acceptable.

Mr Frost confirmed that the role of Southern Water was to assess and determine what was appropriate in providing infrastructure for this housing development and would not address pre-existing problems within the area. Mr Frost concluded that the question before the Committee was whether based on the information provided that the scheme installed is appropriate to convey waste water from the Priors Orchard scheme and a decision must be based upon that. Mr Frost added if the Committee refused to discharge the condition, the developer would have no option but to make an appeal, which would require the Council to mount a case and questioned what would that comprise of, as Southern Water were satisfied with the work they had completed. Therefore the only evidence would be local information and anecdotal concerns and it would be very difficult for the Council to demonstrate that the infrastructure was not fit for purpose.

Following further comments from the Committee, a decision was taken to vote.

Recommendation to **Permit** agreed.

296 **SI/18/02490/FUL - Woodlands Keynor Lane Sidlesham Chichester West Sussex PO20 7NG**

Additional information was reported on the agenda update sheet relating to: an amended description, additional supporting information from the applicant confirming the provision of parking on site, and that the occupation of the caravans was required until the end of November. The update sheet also confirmed that it was not necessary to obtain a contribution to the recreational disturbance scheme, for temporary planning permission, but should an application for a permanent grant of planning permission be made, a contribution would be required at that stage. An additional condition was recommended that within three months of the date of the decision, there would be the provision of four car parking spaces, an amendment to conditions regarding the use of land for human habitation and storage of caravans which would cease at the end of three years and the land restored to its former condition. Further amendment to conditions required details regarding secure and covered cycle parking to be submitted to the Council for approval, and that the caravans must only to be occupied by a person employed in agriculture, and none of accommodation to be occupied other than between 1 February and 30 November.

The following member of the public addressed the committee:

Miss L Santos - Applicant

The Chairman confirmed the application was before the committee due to an objection from the Parish Council and noted that there was no representative from the parish.

During the discussion Members debated whether there was a requirement for 18 agricultural workers on the site and if those workers were being taken to other sites. Members further debated whether the caravans would be visible from the road, if retail sales would take place on the site, and if the lease was four years, the reason for planning permission being sought for three years. Mrs Stevens responded that officers had no evidence that workers were living on the site and working at other locations, and that it would not be reasonable to have a condition tying workers to this site only. There were currently two caravans on the site and this would increase to three, there was no indication of retail activity, there was a possibility that ancillary sales could take place, but otherwise an application for a change of use would be required. . There were permitted development rights for caravans to be on site, and the only reason for requiring planning permission was that they were not being moved during the winter period. With regards to the four year lease, Mrs Stevens explained that three years is usually the period provided, and with the opportunity to apply for a further temporary period, should the lease be extended, or the business grow or for permanent permission if justified. In response to a further question, Mrs Stevens responded that the reason for the caravans to remain 'on site', was likely to be due to a lack of available storage land, and leaving the caravans on site would be the most economical option. If there were concerns that the caravans were being occupied in the winter months, Planning Enforcement could review and take action if necessary.

Recommendation to **Permit** agreed.

297 **WI/18/02953/FUL - West Winds Itchenor Road West Itchenor PO20 7DH**

The following members of the public addressed the committee:

Mrs A Trevelyan – Parish Representative
Mr N Ellis – Agent

During the discussion Members debated the appearance of a garage positioned forward of the proposed property, the removable of 'eyebrows' which were present on the existing property, and concerns regarding external lighting in relation to the Dark Skies Policy. Mrs Stevens responded that it was recommended to include a condition limiting external lighting to ensure night skies and bats were protected. Mrs Stevens further clarified that planning permissions had been granted previously with similar policies, but these had now expired. With regards to the loss of the eyebrow dormer windows, the permitted extensions to the property would also have resulted in their loss, and the proposed replacement dwelling was more sensitive, compared to the design previously proposed, and the eyebrow dormer windows were not included in that extension scheme.

Members further debated the application in regards to the Parish Council design guidance in relation to garages forward of dwellings (and it was noted that there are a number within the road), that the Harbour Conservancy had previously requested the removal of permitted development rights and whether external lighting should be conditioned as 'downward lighting'. Mrs Stevens responded that officers had considered the removal of permitted development rights and it was thought not to be reasonable to do so in this instance. Under permitted development rights a single

storey extension could be provided to the rear of the property, and it is considered that the plot would be a sufficient size to accommodate this without harm.

Recommendation to **Permit** agreed.

298 **WW/18/03254/FUL - Ellanore House Ellanore Lane West Wittering Chichester West Sussex PO20 8AN**

Additional information was reported on the agenda update sheet amending a condition regarding the necessity to submit and have approved in writing a strategy outlining specific details of sustainable design and construction for all new buildings in order to minimise the impact of the development upon climate change. A second condition was amended on the agenda update sheet regarding the necessity to submit and have approved in writing a full schedule of all materials and finishes with samples, in order to enable the control of the development in the interests of amenity and visual quality.

A member of the public addressed the committee:

Mrs J Gleeson – Agent

During the discussion members debated the number of storeys, design of the proposed building, the importance of the materials to be used and the potential issue of light pollution from the glazing. Mrs Stevens responded, explaining the accommodation was arranged over four floors but the application was for a two-storey building with attic rooms having dormer windows, and a basement. The main part of the building would be constructed of reclaimed brick and reclaimed slate tiles, other parts of the building would be constructed with reclaimed clay tiles, and a mix of timber boarding and reclaimed brick. There was a condition which requires all building materials to be submitted for approval and therefore officers would have control regarding the quality of the materials and ensure they were of muted tones, which would help settle the building within the landscape. With regards to light pollution, where there is a length of glazing on the ground floor, it was set back under a canopy which would minimise light pollution and the upper floor the design includes over-hanging eaves. Mrs Stevens also noted, the Harbour Conservancy had not raised any objections in connection with light pollution or the Dark Skies Policy. Mrs Stevens further explained the floor plans to the Committee and also confirmed that a condition would be included to limit external lighting.

Recommendation to **Permit** agreed.

299 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters Between 30-Jan 2019 and 21-Feb-2019**

The Chairman confirmed he had not received any notifications and there was nothing to report at this time.

The Chairman referred the Committee to the item regarding Breach Avenue, Southbourne, and confirmed the hearing had been scheduled for 23 July 2019. The

judge had granted the hearing and had indicated that it had a good chance of success.

300 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 30/01/2019 and 21/02/2019**

The Chairman confirmed he had not received notification of any query from members and there was nothing further to report.

In response to a question regarding the South Downs National Park Authority not accepting 'red-cards', Mr Whitty confirmed he would investigate this matter.

The meeting ended at 12.53 pm

CHAIRMAN

Date: