



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 6 November 2019 at 9.30 am

**Members Present:** Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp, Mr A Sutton and Mr P Wilding

**Members not present:**

**In attendance by invitation:**

**Officers present:** Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss C Boddy (Senior Planning Officer), Mr J Bushell (Principal Planning Officer), Mr T Day (Environmental Coordinator), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr D Kier (Engineer (Coastal and Water Management)), Mr J Saunders (Development Manager (National Park)), Mr Steven Shaw, Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

## 16 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and read out the emergency evacuation procedure.

No apologies for absence had been received and all Members were present.

The Chairman confirmed that planning Application SY/19/00321/FUL item 11 would be taken as the first planning application.

## 17 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 2 October 2019 be approved and signed by the Chairman with one amendment that Cllr Sutton had been present at the meeting, but had not been recorded as present.

## 18 **Urgent Items**

There were no urgent items.

**19 Declarations of Interests**

Mr Barrett declared a personal interest in respect of planning applications BI/19/01396/FUL and WW/18/02708/DOM as a member of Chichester Harbour Conservancy.

Rev Bowden declared a personal interest in respect of planning applications CC/19/0666/DOM, CC/19/01531/REM and CC/19/02014/DOC As a member of Chichester City Council and a prejudicial interest in planning application CC/19/00666/DOM as a neighbour of the property submitting the application was a personal friend.

Mr Briscoe declared a personal interest in respect of planning application WE/18/03132/FUL as a member of Westbourne Parish Council and a prejudicial interest in CC/19/00666/DOM and a prejudicial interest in WE/18/03132/FUL as the applicant was a personal friend.

Mr Fowler declared a personal interest in respect of planning application SDNP/19/04212/FUL as a member of Midhurst Community Partnership.

Mrs Johnson declared a personal interest in respect of planning application SY/19/00321/FUL as a member of Selsey Town Council.

Mr McAra declared a personal interest in respect of planning application SDNP/19/04212/FUL as a member of Midhurst Town Council.

Mr Oakley declared a personal interest in respect of planning applications BI/19/01408/FUL, CC/19/01531/REM, CC/19/02014/DOC, SY/19/00321/FUL and WR/19/01926/FUL as a member of West Sussex County Council.

Mr H Potter declared a personal interest in respect of planning application SDNP/19/04212/FUL as an appointed member of South Downs National Park Authority.

Mrs Purnell declared a personal interest in respect of planning applications BI/19/01408/FUL, CC/19/01531/REM, CC/19/02014/DOC and WR/19/01926/FUL as a member of West Sussex County Council, and planning application SY/19/00321/FUL as both a member of West Sussex County Council and as a member of Selsey Town Council.

Mrs Sharp declared a personal interest in respect of planning applications CC/19/0666/DOM, CC/19/01531/REM and CC/19/02014/DOC As a member of Chichester City Council.

**20 SY/19/00321/FUL - Land East Of Manor Road, Manor Road, Selsey, West Sussex**

Mrs Johnson left the table for the next item to which she had declared a prejudicial interest.

Mr Bushell introduced the application and presented a series of slides.

Additional information was provided on the agenda update sheet relating to the applicants details, information regarding meetings between the applicant and Selsey Town Council and additional third party objections, further clarification for the Surface Water Drainage section of the report, amendment of conditions and additional conditions.

The following members of the public addressed the Committee:

Mr Michael Sully – Parish Council

Mr Brendon Hogan – Objector

Mr Christopher Dean- Objector

Mr Andrew Brown – Objector

Mrs Lisa Jackson – Agent

Mr David Smith – Agents Drainage Consultant

Mr Timothy Johnson – CDC Member (represented by Mrs. Donna Johnson)

During the discussion members sought clarification regarding the weight to be given to the Neighbourhood Plan which had not yet reached referendum stage, the number of proposed dwellings relative to the strategic Local Plan allocation for Selsey, whether the highways advice on the previous application had lapsed and required review, the number of proposed three storey dwellings, figures for bat and bird boxes, triggers for conditions, the complexity of surface water drainage solution relative to anticipated tidal and inland water levels, the robustness of the liner and its anchors for the attenuation pond, the siting of a play area in the middle of the Phase 1 central open space area, and the optimum angle for the installation of the photo voltaic panels. Mr Kier advised that the design of the surface water drainage proposals was the result of significant consultation between the Council's Drainage Engineer and the applicant's consultant. The attenuation pond was to be widened, deepened and lined to exclude groundwater and increase its volume. It would be brought online with controlled release of water at no more than existing greenfield rates into the Southern Water sewer and then discharge through the surface water outfall to East Beach, which had significant capacity. The discharge from the proposed future care home on the adjoining land parcel outside of the application site would be upstream of the attenuation systems. In respect of the pond liners failing or requiring repair, these would be the responsibility of the estate management company to maintain and resolve any issues, but the liners had an estimated life of upwards of twenty years.

Mr Bushell responded that the Neighbourhood Plan had reached an advanced stage of preparation and although not yet a 'made' plan it had been through Independent Examination and found to be sound. In this regard the National Planning Policy Framework (NPPF) states that at this stage the Plan can be afforded significant weight in terms of decision making. With regards to the highways issue, the assessment had been based on the uplift of an extra 34 dwellings, from the previous permission for a 139 dwellings, which had been assessed at 159 dwellings. The uplift of 34 dwellings would result in an additional 19 traffic trips during the am peak period and 18 traffic trips during the pm peak period. The outline planning permission for the 139 dwellings scheme permission lapsed in September 2018, therefore relatively recently in planning terms. To substantiate refusing an application on highway grounds the Council via the highways authority would need to demonstrate a *severe* impact from the 'uplift', and the conclusion was that the impact in this case would not be severe. With regards to the equipped play area (LEAP) in the main area of open space, it was acknowledged that this was centrally placed but that it would still result in useable space around its periphery. There was no requirement on this application for a formal sports pitch, but the exact position of the LEAP could be adjusted as part of the landscaping condition to ensure the scheme maximized the amount of useable space. Mr Bushell advised that the photo voltaic solar roof panels, were to be positioned on roofs at an optimal angle of not

more than 25 degrees either side of south and that it was to be conditioned that they were installed prior to first occupations. Maintenance/replacement thereafter would be the responsibility of the householder. Mr Day confirmed the optimal position for the photo voltaic units was 20-25 degrees either side of south, but sub-optimal was still worthy of pursuit where the panels were not over-shadowed. On this site the applicant was proposing 76% of dwellings would have the solar PV panels which was a much higher provision than had currently been seen else-where.

Members sought clarification regarding whether householders would be required to replace photo voltaic units when they failed due to age. Mr Whitty responded that this would be up to the householder to make such a decision but compelling householders by condition to ensure this took place would not be a reasonable requirement.

Members sought clarification regarding the 2015 Local Plan in relation to expected works on the junctions of the A27, the capability of the sewerage treatment works for foul water disposal, the increase in school places and drainage issues for the site. Mr Bushell drew the Committees attention to the report and responded that Highways England (HE) had been consulted and had not raised an objection. With regard to the upgrades on the A27 junctions and the Council's Supplementary Planning Document (SPD), HE had requested an extra contribution of £175K, based on the additional 54 dwellings, this being the uplift from the previously permitted 139 and the excess of the committed Local Plan housing numbers for this site. The foul waste would discharge to the Siddlesham Treatment Works and Southern Water had indicated they were able to provide foul sewage disposal to service the development. With regard to school places, the applicant had cited that the development would realise a Community Infrastructure Levy (CIL) receipt of approximately £2m which potentially could support additional school provision if such a future need was substantiated. Mr Bushell clarified that the drainage strategy was included in the report and agenda update sheet, which explained the preferred option, but it was also recognised that there may be future development on adjoining land such as a new care home for which drainage arrangements would be required. The developer had offered two drainage solutions in addition to the 'base' option and at the appropriate time, those design solutions would be assessed as to establish which was technically the most efficient to service all required development. Mr. Bushell responded to the request for further clarification regarding the plans and explained that soak-a-ways were shown on the central area of open space as part of the SuDS strategy.

Members sought further clarification with regards to the amount of energy to be gained from solar panels. Mr Day responded that based on the 2018 UK average domestic electricity consumption per dwelling, energy generated from the solar panels could represent a potential reduction of 17% of the electricity consumption across the whole of Phase 1 of the site and that fabric efficiencies to building regulation standards would be additional to this reduction.

Members sought further clarification with regards to the circulated photograph of surface water on the site from one of the speakers about whether there would be an issue with both surface water and ground water and the potential failing of the proposed means of surface water disposal .. Mr Kier responded that any water falling on the site would be collected by the Sustainable Drainage Systems (SuDS),

which would then be directed to the attenuation basin and then released into the Southern Water surface water sewer at a restricted rate. Any failure of the system would be responsibility of the management company to address.

Members sought further clarification with regards to the value of a site visit, and if ground water would ingress into the attenuation basin. Mr Kier responded that the basin would be lined with an impermeable membrane to avoid this occurring. Mr Whitty advised the Committee that they could request a site visit should they consider they had insufficient information based on the report and having seen the slides, but that a site visit may not be helpful in terms of their assessment/understanding of technical drainage issues.

Mr Whitty further advised that there were two main considerations; a 'higher level' issue in relation to policy; and drainage matters. The drainage solution was not unusual and using lined ponds was an accepted method. A management company would take responsibility for any failures in the system and any required repairs. There were 150 dwellings allocated for Selsey in the Local Plan as a strategic allocation and he advised Members that this was a minimum and not a maximum figure. Any additional 'windfall' dwellings were not included in the figures. 110 dwellings had been permitted and built on the East Beech Walk site to the east, leaving 40 required to meet the minimum number under the Local Plan. The site had a recently expired permission for 139 dwellings, and therefore had previously been found to be acceptable in principle by the Council for housing development. The current application made better more efficient use of that land for housing which government policy supported. The proportional uplift in total housing over what had previously been agreed was small when factoring in the status of Selsey as a settlement hub. These were factors which would be taken into account by an Inspector should this application be refused. Mr Whitty concluded that the proposed development was acceptable, pointing out that the Neighbourhood Plan had re-drawn the Selsey settlement boundary line to now include the site. If for whatever reason the Neighbourhood Plan was not completed, there would be a remaining requirement under the Local Plan for Selsey to allocate land for a further 40 dwellings to deliver the 150 in total.

Members sought further clarification in regards to the current surface water system, particularly as manhole covers were not sealed. Mr Kier confirmed that the proposals for the SuDS were sufficient to accept water, and therefore there should not be any issues with drainage.

Members sought further clarification with regards to the surface water drainage system, the reason for which the dwellings proposed were not in accordance with the 'fabric first approach' principles, which would have provided assurance regarding the carbon neutrality position of the site, and the lack of capacity regarding the B1245. Mr Whitty re-iterated that the drainage system was considered to be appropriate and that conditions would ensure it was maintained. Mr Whitty advised that the Committee's decision must be based on evidence, the proposed drainage strategy was an accepted approach, there was no evidence before the Council to counteract the information, and therefore no reason for refusal on these grounds. In terms of the highway matters, a *severe* impact must be demonstrated for a proposal to be refused and this had not been evidenced in this application. With regards to sustainability, developers were proposing that minimum building regulation

requirements of fabric insulation would be met its just that in this regard they had not gone as far as developers at other developments recently considered by the Committee. . The criteria of current Local Plan 40 had been followed, which required developers to assess their site and establish a range of options to address energy saving. Rather than majoring on an enhanced fabric approach the developer had instead chosen to meet the necessary criteria through the installation of photo voltaic units. This was an acceptable approach.

Members sought further clarification with regard to the Management company potentially going into liquidation and Mr Whitty confirmed that conditions were included with regards to how the management company was operated, and that the company was likely to take charges from residents.

Members sought further clarification with regards to the provision for hedgehogs, trees numbers and screening at the rear of the Asda store, sustainable transport, community facilities, cumulative impact of traffic, number of dwellings cited in the Neighbourhood Plan, and biodiversity gain from the development. Mr. Bushell drew the Committees attention to the report and the landscaping condition, and within that condition, developers would be encouraged to include measures to encourage hedgehogs. The scheme would provide a large attenuation basin, which would be landscaped and provide significant biodiversity benefits. Mr Bushell could not provide the number of trees due to be planted, but the indicative drawings received to date, showed a significant degree of planting around the site, and the parameter plan for Phase 2 indicated a green corridor along the north site boundary with Park Lane. The sustainable transport provision had been captured within the travel plan condition which would include liaison with the County Council's travel plan co-ordinator. The applicant would also be required to demonstrate how first occupants at the site were to be made aware of the travel opportunities available.

Mr Whitty confirmed that the Selsey Neighbourhood Plan does not allocate any land for new housing on the basis that there was already provision for 110 dwellings at East Beech Walk, and the previous permission on this particular site for 139 dwellings. Both these two sites were now shown in the Neighbourhood Plan as being within the revised settlement boundary for Selsey. Cumulative impact on the highway was considered as part of the Local Plan which also took into account the up-lift in the number of dwellings. With regards to photo voltaic life expectancy, the Council was not expected to understand what may happen at a future date in terms of future technical innovations to minimise energy consumption but had to take a balanced view in relation to what was being proposed now.

Members sought further clarification with regards to the document forwarded from Selsey Town Council concerning conditions and section 106 requirements linked to the permission for the previous scheme for 139 dwellings. Mr Bushell confirmed that planning conditions from the previous scheme had been rolled forward where still applicable and relevant but that application was made at a different time, prior to the introduction of the Community infrastructure Levy (CIL) which now dealt with many of the infrastructure obligations that were in the previous S.106.. The Chairman confirmed that there were a number of matters outstanding from the previous application, being progressed. With regards to community facilities, the Chairman also confirmed these would be included within CIL funding.

The Chairman requested that the affordable rented houses should be first let to those with a local connection to Selsey, which Mr Bushell agreed would be put in place.

Recommendation to defer for S106 then **Permit** agreed.

The Committee took a 15 minute break.

21 **BI/19/01396/FUL - Houseboat Living The Dream, Berth No.1, Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ**

Mrs Stevens introduced the application.

The following members of the public addressed the Committee:

Timothy Firmston – Parish Council (represented by Elizabeth Hamilton)  
Jonathan Hogan – Agent

During the discussion members sought clarification regarding the size of the proposed houseboat, whether it would present any issues with through navigation and the suggested conditions received from Chichester Harbour Conservancy (CHC). Mrs Stevens responded the dimensions of the proposed house were acceptable. Mr Barrett, as the Authority's CHC appointed representative, confirmed that there are no proposals to develop the Canal further and therefore through-navigation would not present any issues. Mrs Stevens drew the Committee's attention to the report which listed the suggested conditions received from CHC including the installation of the houseboat to take place outside the bird breeding season. The outbuilding was already in-situ and did not require permission. Mrs Stevens added that samples of the materials for the houseboat's construction would be submitted for approval and that in accordance with a CHC suggested condition, the visual appearance of the houseboat would be required to be both maintained and retained.

Recommendation to **Permit** agreed.

22 **BI/19/01408/FUL - Harbour House, 22 Greenacres, Birdham, PO20 7HL**

Mrs Stevens introduced the application.

The following members of the public addressed the Committee:

Mr Timothy Firmston – Parish Council (represented by Elizabeth Hamilton)  
Mr Simon Randall – Agent

During the discussion members sought clarification regarding whether the north-facing glazing would have any impact on navigation and how the blinds for the rooflights would be operated. Mrs Stevens responded that CHC had not made any comments in relation to impact on navigation of the glazing and drew the Committee's attention to a condition which required rooflights to have automatic 'dusk till dawn' blinds, to be retained and maintained to an operational manner, and

that the wording could be adjusted to include storm shutters. Mr Whitty reminded the Committee that such a requirement would be difficult to enforce.

Members sought further clarification regarding the potential request to use recycled building materials. Mr Whitty confirmed that this could be explored with applicant and added as an informative.

Recommendation to **Permit** agreed.

Rev Bowden left the table for the next item to which he had declared a personal interest.

23 **CC/19/00666/DOM - 125 Cedar Drive, Chichester, West Sussex, PO19 3EL**

Mrs Stevens introduced the application.

The following members of the public addressed the Committee:

Mr Jonathan Murden – Objector  
Mrs Madelaine Craggs – Supporter

Mrs Golding confirmed that Mrs Clare Apel was present in the public gallery and that although not a member of the Committee was required by the code to declare a prejudicial interest.

Mr Michael Bryer – representing the applicant Mrs Bryer  
Mr Richard Plowman – CDC Member

During the discussion members sought clarification regarding whether any of the work could be carried out under permitted development, conditions regarding obscured glass, issues of the development overlooking neighbouring properties, screening with vegetation and potential Tree Preservation Orders (TPOs). Mr Whitty responded that a proportion of the work which was the subject of the application required planning permission and therefore the permitted development element which would not on its own require permission, would also do so. Mr Whitty added with regards to the trees and their protection by TPO, this would only be possible where it was considered to be in the wider public interest and not private interests, and further explained that of the four vertical windows, the two outer panes would be required to be obscured as included in the conditions, which would provide light to, and outlook from, the room but limit the overlooking of neighbouring amenities.

Recommendation to **Permit** agreed.

Mr Wilding left the meeting and did not return.

Members took a 35 minute lunch break.

24 **CC/19/01531/REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH**

Miss Bell introduced the application.

Additional information was reported on the agenda update sheet relating to an amendment to the Decided Plans Table.

The following members of the public addressed the Committee:

Mr Richard Plowman – Parish Council

Miss Louise Goldsmith – West Sussex County Council Member

Miss Laura Humphries – Applicant

During the discussion members sought clarification regarding visitor parking provision, public bus provision, permeable private drive paving, photo voltaic panels, the link to bus route, self-build plots, whether a contribution would be made to the A27, progress on the southern access route, timetable for delivery of whole site, the disposal of sewage, car charging points, pavements, landscaping, turning circles for refuge vehicles, and solar street lighting.

Mr Shaw confirmed that there were thirty visitor spaces throughout the central road, with further scope for parking on one side of the road, and therefore a lack of visitor parking is not envisaged. The Road Safety Audit was due to be completed by the developer, and WSCC had yet to see a copy, although that was not considered an issue. Mr Shaw confirmed the bus route would be on the spine road, the details of which are contained in the Section 106 agreement. With regards to side road vehicle cross over, a raised speed table is proposed to slow vehicles and give greater priority to pedestrians. Cycling infrastructure linking to Centurion Way is not a material consideration for the current application but would be so in relation to the wider site and was considered at the outline planning permission stage. A £1,374 financial contribution would be made per dwelling, for the A27 to Highways England as agreed as part of the outline permission. Mr Shaw confirmed he was not able to provide a more current update with regards to the southern access, than had been recently given by the developer. The outline permission has a condition requiring details of vehicle charging points for the local centre and the car park for the Sustainable Alternative Natural Greenspace (SANGS), but there was currently no provision for the houses themselves, although they could be retrofitted. With regards to the pedestrian footway on one side only of the carriageway, Mr Shaw confirmed that in his personal and professional opinion, a footway on both sides of the carriageway or a shared surface for both would be preferred, however this does not warrant a reason for refusal, or present a significant safety issue.

Miss Bell drew the Committee's attention to the report in relation to comments from the drainage officer at the discharge of condition stage, and there was a note on the hard-surfacing plan to increase the permeable paving if required. With regards to the solar panels, the amount had increased from seven square metres to twelve square metres per property and there was an informative to allow purchasers to increase the number of solar panels at their expense before completion of the roof. Miss Bell added with regards to the cycle route and Centurion Way, that this parcel of land did not connect with Centurion Way, as there was another parcel in between, but this could be further reviewed for other parcels. There were no self-build plots as part of the scheme, but officers have pursued with the developers, the desire for variety within the building designs, and to ensure a consistency of approach.

Although not directly relevant to this application, there is no southern access update, but this would be obtained shortly. . Officers are awaiting a response in relation to sewage, but have not yet received it, however this was a condition 'trigger' on the outline permission and that point had not yet been reached. With regards to the layout of solar panels, the design of the site has been dictated by the topography, with significant level changes, the central road position was already set with the requirement for easement of the pipeline. It was also considered important to ensure the properties fronted the road. Taking these issues into consideration, this had impacted on the positioning of solar panels. With regards to the pavements a number of discussions had taken place with the developers, but this was the scheme the applicant wished to be considered. Miss Bell confirmed that the pavements were sufficiently wide for refuse bins. In relation to solar street lighting, there was a lighting condition on the outline permission, and this had not yet been ruled out.

Members sought further clarification regarding the number of homogenous brick walls, double drives and sufficient space for moving refuse bins to the pavements, whether solar panels could be installed on garage roofs, the landscaping planned between White House Farm buildings and the north east site, carriageway widths, concerns about the number of cars which will be parked on the roads and lack of adequate parking spaces, rain water harvesting, and potential severing of water to existing properties. Mr Shaw responded that with regards to parking, a holistic view had to be taken with the site considered as a whole, reviewing census car ownership data, and the size of the properties. Ultimately this had to be taken as an estimate with the desire to provide the correct balance of parking spaces, which he believed had been achieved for this development. Mr Shaw added that it was important to provide a hierarchy for roads, utilising different widths to ensure they did not all appear similar, mains road were defined and cars slowed on the narrower side roads and cul-de-sacs. All aspects of road use had to be considered, not just parking facilities. Driveway widths were also acceptable for maneuvering refuse bins. Miss Bell responded with regards to the brick walls, confirming a condition or informative could be added to ensure the walls were more detailed in their design. Regarding whether two of the plots were within optimal range for solar panels, the solar panels are considered to be the 25% on the 23 dwellings, and providing the opportunity to place solar panels on garage roofs is also included within an informative. With regards to the buffer adjacent to White House Farm, this was outside the application site and on the farmer's land and it was understood it would be grassed. The boundary treatment on the application site adjacent to the buffer would be close boarded fence. In regards to the water supply to White House Farm, this was outside of planning control and would be the responsibility of the utility providers to ensure supply.

Members sought further clarification on the Road Space Audit, and whether anyone could park on the development and walk into the city. Mr Shaw confirmed he did not have an answer, that this was a separate matter, and also that this was a private road, not to be adopted. A Member of the Committee confirmed this area was not part of the city-wide parking management plan, going out to consultation in the new year.

Recommendation to **Permit** agreed.

The Committee took a five-minute break.

25 **CC/19/02014/DOC - Land On The West Side Of Broyle Road, Chichester, West Sussex**

Miss Bell introduced the application.

The following members of the public addressed the Committee:

Miss Louise Goldsmith – West Sussex County Council Member

Mr Rob Collett – Applicant

During the discussion members sought clarification regarding the number of vehicle movements (140 or 280), how will abnormal loads would be routed, the wheel-washing for vehicles leaving the site and where will this flow to, the temporary access from Old Broyle Road and the safety of the footpath, air quality related to vehicle movements, control of smaller vehicles below 3.5 tonnes and toilet provision on site. Mr Shaw confirmed the vehicles movements would total approximately 140 and the developer had not confirmed that they were expecting any abnormal loads, and were this to be planned, West Sussex County Council would be consulted which would be a separate matter. With regards to the wheel-washing, any flow on to the highway could be enforced if causing a safety issue. Temporary vehicle access was a matter of detail, which would be reviewed as part of the construction management plan with consideration to the safety of all road users. With regards to vehicles below 3.5 tonnes, there would not be any control for such vehicles, as the HGV vehicles movements were the focus for the County Council, which had a far greater impact.

During the discussion members sought further clarification regarding the construction road (existing farm track) within the site and potential damage to tree roots and sediment wash off into the chalk stream, control of litter from construction workers, and times of HGVs entering and exiting the site. Miss Bell responded that air quality issues were outside the discharge of the planning condition, although discussion could be had in a different arena. Toilets would be emptied on site and waste removed which was included in the number of vehicle movements. With regards to the track, Miss Bell confirmed this was initially the existing farm track and once available the spine road would be used. Fencing would protect the tree line and Miss Bell added that she did not have any information with regards to the chalk stream, and she was currently awaiting a response from the Environment Agency. Mr Shaw confirmed the time restrictions for vehicle movements related to the avoidance of school times and were contained within the report. The developer would confirmed these times to all contractors. The general construction hours were 7.30 until 18.00 on Monday to Friday and 8.00 until 13.00 on a Saturdays and not on Sundays or public holidays. Mr Whitty advised that a number of matters had been debated which went beyond the control of planning, but considered the protection of the trees and the chalk stream important and suggest this matter was delegated to officers, which may include consulting the Environment Agency if necessary.

Mr Whitty confirmed the resolution of the Committee was to delegate the application to officers, but that the officers would first look into the matters raised, including protection of the trees and impact on the chalk stream. This recommendation was

proposed and seconded. In response to a further question, Mr Whitty further explained how breaches would be dealt with, and the enforcement process available.

Recommendation to **Permit** agreed.

Mrs Fowler left the room and did not return.

26 **EWB/19/01464/FUL - Beach Hut, 17 Tamarisk Walk, East Wittering, Chichester, West Sussex, PO20 8DQ**

Mrs Stevens introduced the application.

The following member of the public addressed the Committee:

Mrs Zoe Shore – Applicant

Recommendation to **Permit** agreed.

Mr Briscoe left the table for the next item to which he had declared a personal interest.

27 **WE/18/03132/FUL - Racton View, Marlpit Lane, Hambrook, Westbourne, PO10 8EQ**

Miss Boddy introduced the application.

During the discussion members sought clarification regarding the current weight taken in relation to the emerging Local Plan, and where the applicant was residing. Miss Boddy responded that some weight could be given to the Local Plan which was confirmed by Mr Whitty as having reached the stage of Strategic Environmental Assessment. Miss Boddy added that the applicant was currently living in a touring caravan on the site.

Recommendation to defer for S106 then **Permit** agreed.

28 **WR/19/01926/FUL - The Bat And Ball Country Pub, Newpound, Wisborough Green, RH14 0EH**

Mr Saunders introduced the application.

Additional information was provided on the Agenda Update Sheet in relation to a condition.

The following member of the public addressed the Committee:

Mr Peter Drummond – Parish Representative

During the discussion members sought clarification regarding whether the surrounding area could be landscaped, a future more suitable structure, a potential

time-limit by which a more suitable structure could be installed, and that the presence of the structure was contrary to the Neighbourhood Plan. Mr Saunders responded that a temporary planning permission could be granted and the applicant required to, investigate a more permanent solution. Mr Whitty added that the Committee would need to be clear in its conclusions that the structure was unacceptable but recognise its necessity for the operation of the business, if it were to consider granting a temporary permission.

Members sought further clarification regarding the inclusion of a condition regarding screening or whether the current structure could be moved to a more acceptable location and the objectives of the Neighbourhood Plan. Mr Whitty responded that a decision could be deferred, but the Committee must be clear as to its reasons for deferral, and should look to either refuse the application or grant a temporary permission if they considered the structure should in the future be replaced with another solution. Mr Saunders added that the Neighbourhood Plan proposals referred to conserving and enhancing the setting of the listed building. The structure could be screened, and considered to be causing less than substantial harm weighed against public benefit. Mr Whitty advised that the Committee could take a vote on the officer recommendation, and if that was not carried, a proposal could be put forward.

Members further discussed the comments from the Council's Conservation and Design Offer, the need to pay attention to the Neighbourhood Plan, the necessary support for the business and that a decision must be based on policy.

Recommendation to **permit** agreed.

29 **WW/18/02708/DOM - Dolphins, Rookwood Lane, West Wittering, Chichester, West Sussex, PO20 8QH**

Mrs Stevens introduced the application.

The following members of the public addressed the Committee:

Mr Keith Martin – Parish Council

Mr Richard Austin – Objector (Chichester Harbour Conservancy)

Mr George Chapman – Applicant

Mr Whitty advised the Committee on matters cited by the speakers in relation to the public right of way which he confirmed to be a footpath not for cyclists, the use of the land, which is now immune from enforcement action and that the Committee should focus on the application which was in reference only to the construction of the proposed tunnel.

During the discussion members sought clarification regarding the location sitting within a Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) and matters associated with those designations and the use of the land. Mr Whitty advised that the use of the land provided the setting and was lawful, and the matter at hand was whether the proposed tunnel 'in itself' was harmful.

Members sought further clarification regarding the SSSI/SPA in relation to the planning process, and the ambiguity of the boundary. Mr Whitty responded that it

was impossible to precisely identify whether the land was within the SSSI/SPA, although the essence of the matter was the potential impact on the SPA and activities were more likely to have an impact. With regards to the previous movement of soil to create a path and more level area, it was considered less harmful to not to request this to be reinstated. Mr Whitty drew the Committee's attention to comments from Natural England in the report which confirmed the proposed tunnel was outside the designated nature conservation site, however, irrespective of whether the tunnel was within or outside of the designation the test was 'whether the tunnel would have an adverse effect on the integrity of the SPA' and although there may be some impacts at the construction stage these can be mitigated. Overall, the development was assessed as being not of a sufficient scale to have an adverse effect on integrity of the SPA.

Members further discussed whether the proposed tunnel would be visible from the water, if development was prohibited in an SSSI, potential urbanisation of the location, lighting of the tunnel and whether the handrails would be a further intrusion on the visual appearance of the location. Mr Whitty responded that small, domestic scale lighting such as solar garden lights could be provided on the land without planning permission and lighting could be controlled to be directed internal to the tunnel as far as possible, and he could not comment on safety of the handrails as this was a matter for the applicant, not the Planning Authority. Mr Whitty further advised that there was a risk of costs if the matter was taken to an appeal on the grounds of ecological impact, given the advice available to the Council from its own internal experts and that of Natural England. Having heard the debate by the Committee, if refusal was based on the harmful impact to nature within the conservation site, and the landscape impact within an Area of Outstanding Natural Beauty (AONB) of introducing concrete and not conserving or enhancing the countryside, rather than an ecological impact, may be a more robust reason for refusal of the application. Such a reason would be reflective of the Committee's concerns raised in the debate.

The Chairman sought an initial vote on the recommendation and advised should that not be carried, a further proposal would be sought.

Contrary to the recommendation of officers to permit, the application was not carried.

A further proposal to refuse the application on the grounds that the application would be harmful to the AONB through the introduction of an overtly man-made feature which would have a harmful impact on this unspoilt and tranquil landscape, was proposed and seconded.

Contrary to the recommendation of officers to permit, the application was **refused**.

Mr McAra left the table for the next item to which he had declared a prejudicial interest.

30 **SDNP/19/04212/FUL - Midhurst Rother College, North Street, Midhurst, GU29 9DT**

Mr Saunders introduced the application.

During the discussion members sought clarification regarding the use of glass, whether the panels could be demountable, the appearance of the installation and whether decals should be added to ensure they were fully visible. Mr Whitty confirmed that the matter of demountable panels had been discussed with the applicant, but the school considered this was too difficult in terms of removal and storage and that the addition of decals could be added as an informative, but the design should be agreed with the Council.

Recommendation to **Permit** agreed.

31 **Schedule of Outstanding Contraventions**

Members sought clarification regarding the stage reached with advancing legal proceedings. Mr Archer confirmed that all matters are with the Council's barrister and conclusion of the evidence is awaited.

32 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters between 16 September 2019 and 16 October 2019**

Further information was provided on the Agenda Update Sheet amending a date.

There were no comments or questions relating to this item.

33 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 16 September 2019 and 16 October 2019**

There were no comments or questions relating to this item.

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

There were no late items.

35 **Exclusion of the Press and Public**

There was no requirement to exclude the press and public.

The meeting ended at 5.40 pm

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CHAIRMAN

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Date: