



Minutes of the meeting of the **Planning Committee** held in Virtually on Wednesday 8 July 2020 at 9.30 am

Members Present: Mrs C Purnell (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: Rev J H Bowden

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mrs F Stevens (Development Manager (Applications)), Mr J Saunders (Development Manager (National Park)), Mr S Shaw (County Highways (Development Management) Team Manager) and Mr T Whitty (Divisional Manager for Development Management)

88 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

Apologies for absence had been received from Rev. Bowden.

89 **Approval of Minutes**

That the three sets of minutes of the meetings held on 6 May 2020, 13 May 2020 and 3 June 2020 be approved and signed by the Chairman with the following correction to the minutes of 13 May 2020:

LX/19/01498/FUL – Land at Nursery Green, Loxwood, RH14 0SA - ‘...delivery vehicles are capped at a 10 metres in height’, which should be recorded as ‘....10 metres in length’.

90 **Urgent Items**

The Chairman announced that an urgent item would be taken at 15b on the agenda: Covid-19 Signage Report.

Mr Oakley explained he had requested and received information from officers regarding the issue of posting site notices during the current pandemic. Mr Whitty

confirmed that he would forward the details of this correspondence to all Members of the Council for information.

91 **Declarations of Interests**

Mr Oakley declared a personal interest in respect of planning applications KD/20/00389/FUL, PS/19/02182/FUL and SI/19/01193/FUL as a member of West Sussex Council.

Mr Potter declared a personal interest in respect of planning application SDNP/19/02132/HOUS as an appointed member of South Downs National Park Authority.

Mrs Purnell declared a personal interest in respect of planning applications KD/20/00389/FUL, PS/19/02182/FUL and SI/19/01193/FUL as a member of West Sussex Council.

92 **KD/20/00389/FUL - Lower Barn (Near Chandlers Barn), Skiff Lane, Wisborough Green, RH14 0AA**

Mr Price presented the item to Members and drew attention to the information provided in the Update Sheet.

The Committee received the following speaker:

Tony Piedade – Parish Council

Mr Price responded to Members' comments and questions. Mr Price explained that the design had been negotiated to keep the glazing to a minimum to ensure light emissions were limited to concur with the Dark Skies policy, and a condition had been included regarding the requirement for external illumination to be in accordance with an approved lighting scheme. Landscaping conditions had also been included and the curtilage drawn tightly to retain control of the extent of the landscaping. Mr Price further noted that the surrounding land was also owned by the applicant and some planting had already taken place along the boundary of the footpath. With regards to complying with Class Q guidance, there were some minor discrepancies, but holistically Mr Price considered the result was a development which was more easily assimilated into the landscape. Mr Price also confirmed that a new build must be constructed to meet building regulations and therefore would be more energy efficient.

In response the question of altering the condition in relation to ecological enhancements, Mr Whitty explained that in accordance with procedure, conditions could not be applied which required details prior to commencement without the applicants consent, and added that the relevant condition was well drafted and secured the requirements. Mr Whitty agreed on the matter of the application not according with the Local Plan or policy 46, but explained other materials matters must be considered. In regards to Class Q, there was limited control and policy could not be applied, as when Class Q was granted, particular matters only could be

considered in accordance with Government mandate, for example noise, and highway impact, which resulted in a situation pertaining only to Class Q. Mr Whitty also confirmed that Class Q did not exist within the National Park, and that Class Q was now removed from new agricultural buildings. Mr Whitty added that Government required local authorities to impose local conditions only when absolutely necessary and timings must be appropriate, which was the reason for the Government introducing that conditions prior to commencement, must have the applicants consent.

With regards as to whether the adjacent field could become a garden, Mr Price confirmed the parameter was drawn tightly to ensure that any attempt to change the land use around the development would require planning permission, and should this occur without the grant of planning permission, enforcement could be applied. Mr Price also confirmed that the proposed footprint of the new building was the same as the existing building, but the roof profile had changed to provide an improved aesthetic.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

Members took a five minute break.

93 **PS/19/02182/FUL - Little Springfield Farm, Plaistow Road, Ifold, Loxwood, RH14 0TS**

Miss Bell presented the item to Members.

The Committee received the following speakers:

Sara Burrell – Parish Council
Paul White - Agent

Miss Bell responded to Members' comments and questions. With regards to the amount of employment the site would generate, taking into consideration the size of the plot, number of building and designated usage (part B8 and B1C) it would be a significant number, but could not provide a precise figure. Light pollution from the proposed limited number of roof-lights could be controlled by way of a condition. There was an expectation that security lighting would be installed but light emission could be minimised, and the access road would not be lit. With regards to the area being located within a flood zone, a condition would be included stating that the floor level would be no lower than 29.2 metres 'above ordnance datum'. On the matter of whether the proposal was an efficient use of land for housing, the site was wider than the allocation of the Neighbourhood Plan which drew the boundary tight to the employment development, and this was the reason for the highlighting of an inconsistency with the plan. With regards to the open space, a development of eight dwellings would not trigger such a requirement (which was ten units) and fifty units would trigger the requirement for an equipped play area. With regards to further dwellings at a future date, the submission of a planning application would be required. Miss Bell confirmed that residential gardens would be expected to have

close boarded fencing and the developer had also given an undertaking that trees would be planted and a landscaping proposal would be expected. With regards to foul water, Miss Bell believed this location may be too great a distance from the sewer to connect with it and the Environment Agency had commented that the development may require an environmental permit which was obtained via a separate process, although had not raised an objection. Miss Bell confirmed the access road currently served the employment land and therefore was likely to be suitable, but would need to be maintained, and details of all surfaces within the site itself would be required. On the matter of the timing and current status of the Neighbourhood Plan, Miss Bell partially agreed that had the neighbourhood plan been a made document, and had an application been submitted which met the requirements of the made neighbourhood plan, the recommendation would have been positive, but added that the application did not wholly comply with the neighbourhood plan and the neighbourhood plan was not currently a made document. On the matter of the loss of the industrial unit, the Inspector had accepted this at the previous appeal and therefore the application could not be refused based on this loss.

With regards to the refusal for the original planning application, Miss Bell drew the Committee's attention to the appeal inspector's comments which included stating the proposal to be unsustainably located, but would not result in a material loss of industrial land. Should the current application be approved, it would be deferred for a S106 agreement, and a contribution would be required for affordable housing as the number of units proposed, were below the eleven units which would trigger the requirement for the provision of affordable housing within the site. Miss Bell confirmed that a condition would be included to seek ecological enhancements if the application was permitted. With regards to the home offices, the housing officer had concerns that these rooms may be used as bedrooms and therefore the applicant had removed windows and included roof-lights. It was considered that this would have an impact on amenity for occupiers and the inclusion of windows would be sought. Miss Bell explained the bell-mouth of the access road was five metres in width and would reduce to 2.5 metres in width, a pavement had not been included and it would not be possible to widen the road.

Mr Whitty added that if Members granted permission, officers would find this contrary to the development plan and therefore this departure would have to be advertised. Mr Whitty also confirmed that as the open space and equipped play area was not required by policy, this could not be secured within a S106 agreement.

With regards to flood zone, Miss Bell confirmed that the site was predominantly in flood zone 1, and other parts of the site were in flood zone 2 and 3 adjacent to the water course running to the north of the site across the access road. On the matter of where the dwellings would be located within the site and use of land, Miss Bell explained that applicant had looked to keeping the housing development itself within the previous developed land boundary and to also reflect the boundary within the Neighbourhood Plan site, but the open space was outside the area of previously developed land. Furthermore the amount of open space could not be justified. Miss Bell added in response to the location being within a rural area, that eight dwellings in an urban area would not require a commuted sum for affordable housing. Mr Whitty also added on the matter of efficient use of land, the over-provision of open

public land was outside the existing previously development area, and advised that consideration for housing should be restricted to the area where the current built form existed.

In a vote Members agreed the recommendation.

Recommendation to **Refuse** agreed.

Members took a five minute break.

94 **SI/19/01193/FUL - Units 1 To 7 Purchase Farm, Easton Lane, Sidlesham, Chichester, West Sussex, PO20 7NU**

Miss Bell presented the item to Members and drew attention to the information provided in the Update Sheet.

The Committee received the following statement and speakers:

A statement from Sidlesham Parish Council (*read, and noted as not endorsed by Cllr D Johnson*)

Jill Sutcliffe – Objector
Yvonne Tulloch – Objector
Simon Wallace – Objector
Dan Gick – Supporter
Paul White – Agent

Miss Bell responded to Members' comments and questions. Miss Bell confirmed that there was a 2010 permission in place. There was an area of hardstanding which was currently a car park, which would be reinstated. This would provide a habitat suitable for Great Crested newts and the ecologist would be consulted on any amended details for this area. Miss Bell further suggested that Members may also wish to support an informative for trees in addition to planting around the boundary of the area. Currently on site were ten portacabins, four of which would remain. Miss Bell also reminded the Committee that much of the development may take place under the 2010 permission and the current application was not considered an extensive increase. With regards to vehicle movements a full assessment had not taken place. In the relation to the restricted occupancy position, the use was already established under the 2010 permission. Miss Bell explained that two conditions specifically related to a Noise Mitigation and Management Scheme, and the noise levels must be adhered to. The agent had also mooted putting additional acoustic measures in place in their address to the Committee. A further condition also related to storage being located within the main building and not externally. Foul drainage conditions had not been included on the original permission and current changes would not require a condition in this regard, however should incidents occur, the environmental protection team would become involved. On the matter of the uncontrolled and retrospective application, Miss Bell explained that a considerable amount of negotiation had taken place and a much improved application had resulted from that work.

Mr Shaw confirmed that the applicant had not provided information regarding the number of trips likely to be generated and agreed those details may have been helpful, but the 2010 permission was a material planning consideration, many of the trips were permitted under that consent and they would not be significantly different in comparison with the current application. Mr Shaw added that the level of information requested must be only what is explicitly required to determine the application. Mr Shaw confirmed that he was not aware of any specific congestion caused by the development. The road was not ideal but a review of the road safety record for the whole of Eastern Lane documents only one accident in the last six years.

Mrs Archer confirmed that the land which was currently hardstanding and was to be reinstated was at present subject to an enforcement notice therefore, any failure to undertake works would be supported by the notice formally, if compliance was not achieved.

With regards to the proposed application, the control of vehicle movements relating to hours of operation and noise requirements, and the definition of vehicles, Miss Bell confirmed that this would result in an improved situation for neighbours of the site, and their concerns had been taken into consideration as part of the negotiations. Mrs Archer also confirmed that the areas which were outside the permissions could be reviewed, and further notices issued if necessary.

On the matter of deferral for the inclusion of further conditions to meet the concerns expressed by neighbours of the site, Mr Whitty confirmed that a deferral could be agreed by the Committee however, this application had been in progress for a long period of time, and considerable negotiations had taken place. Mr Whitty advised that it was not the remit of the Committee to apply conditions requested by interested parties, but to apply the tests encompassed in Government guidance which advises conditions must be reasonable in respect of planning. Should Members step outside these parameters, the Council would be open to appeal and the significant associated costs. On the matter of Members concerns regarding vehicle movements, a condition could be added, but it was important not to be overly restrictive and cause negative impact on the operation of the business, and therefore Mr Whitty suggested that this could be delegated to officers for further negotiation.

Miss Bell confirmed there were operational changes on the proposed planning application and the new conditions would be applied. With regards to whether the level of employment had changed from the 2010 permission and would lead to the necessity to add a foul drainage condition to the consent, a restriction on the number of employees had not previously been included, and Miss Bell advised therefore that it would not be reasonable to add such a condition. Miss Bell also added that acoustic fencing could be discussed as part of the relevant condition, and also the addition of trees.

Cllr Briscoe made a proposal to defer for further officer negotiation and officer delegated decision, which was seconded by Cllr Sutton.

Miss Golding gave the formal proposal: To delegate to officers, to enable them to carry out further negotiations regarding conditions, in particular, regarding large vehicle movements and noise buffering, and further landscaping to the south-west corner.

In vote Members approved the proposal.

Delegation to Officers agreed.

Members took a thirty minute lunch break

95 **SI/20/00622/FUL - Red Barn, Selsey Road, Sidlesham, PO20 7NE**

Mrs Stevens presented the item to members.

Mrs Stevens responded to member's comments and questions. With regards to dusk-dawn screen/blinds for the proposed windows, Mrs Stevens advised that they were not recommended as a condition as the windows were at low level, they were not required on other windows, there were limited public views and therefore, screens were not considered necessary.

Mrs Stevens also confirmed that with regards to a S106 a unilateral undertaking had been secured and therefore the recommendation was to permit with a S106.

In a vote members agreed the recommendation.

Recommendation to **Permit** agreed.

96 **WW/20/00700/FUL - 1 and 2 West Cottages, Cakeham Road, West Wittering, Chichester, West Sussex, PO20 8LQ**

Mrs Stevens presented the item to the members.

The Committee received the following speakers:

Bridget Wright – Parish Council
Kerry Simmons – Agent

Mrs Stevens then responded to member's comments and questions. Mrs Stevens explained that the applicant had agreed to install a dusk-dawn screen/blind to restrict light spillage and this was included in the conditions. Mrs Stevens confirmed that other windows within the development were not subject to the dusk-dawn screen/blind condition. The dwelling was not within the Area of Outstanding Natural Beauty which was subject to the Dark Skies policy, and this was also not included in the Local Plan or Village Design Statement. With regards to the protective fencing, Mrs Stevens confirmed that would be required, until all construction equipment, materials and soil had been removed. Mrs Stevens added that the conditions had been updated to reflect the point in construction which had been reached.

In a vote members agreed the recommendation.

Recommendation to **Permit** agreed.

97 **WH/20/01615/NMA - Chichester Contract Services, Stane Street, Westhampnett, Chichester, West Sussex, PO18 0NS**

Mrs Stevens presented the item to Members.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

98 **SDNP/19/02132/HOUS - The Old Tanneries, Byworth Road, Byworth, Petworth, GU28 0HL**

Mr Price presented the item to Members and drew attention to the information provided in the Update Sheet.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

99 **Local Validation List**

Mrs Stevens presented the item to members and drew attention to the information provided in the Update Sheet.

Mrs Stevens responded to Members' comments and questions. With regards to whether recent Government announcements would render the consultation document out of date, Mrs Stevens explained that this would not present an issue as changes which were due to be introduced were included within the General Permitted Development Order (GPDO). The GPDO set out information which must be submitted with applications for approval or prior notification, and Mrs Stevens gave the example of converting an office building to residential accommodation, for which the Council were not permitted to require further/additional information.

With regards to the quality of applications for tree works, Mrs Stevens confirmed the list would not alter the information required and that separate regulations were in place, which currently required very limited details to be submitted. Mr Whitty added that within the National Park, South Downs National Park Authority had their own Local List, which was recently updated following the adoption of their Local Plan. With regards to future changes to the permitted development regulations, and the broad statements made recently by the Prime Minister, there may be implications forthcoming, but that was not a reason to not take the Local List forward, and currently the Council did not have one in place.

The Chairman advised that the document was for consultation purposes and therefore members were able to provide further comments via that process.

In a vote members agreed that document go out for consultation.

Recommendation to agree Consultation **Agreed**.

100 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters Between 14 May 2020 and 16 June 2020**

Members agreed to note this item.

101 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters Between 14 May 2020 and 16 June 2020**

Members agreed to note this item.

102 **Late Item: Covid-19 Signage Report**

Mrs Stevens presented the item to Members and drew attention to the information provided in the Update Sheet.

Members agreed to note this item.

103 **Exclusion of the Press and Public**

The meeting ended at 2.43 pm

CHAIRMAN

Date: