



Minutes of the meeting of the **Planning Committee** held virtually on Wednesday 3 February 2021 at 9.30 am

Members Present: 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 R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mrs C Purnell

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)) and Mr T Whitty (Divisional Manager for Development Management)

198 **Chairman's Announcements**

Vice-Chairman Rev. Bowden took the chair and welcomed everyone present to the virtual meeting.

Apologies for absence had been received from Mrs Purnell.

199 **Approval of Minutes**

The minutes of 6 January 2021 be approved as a correct record.

200 **Declarations of Interests**

Mr Briscoe declared a personal interest in respect of WE/20/00047/FUL as Member of Westbourne Parish Council.

Mr Oakley declared a personal interest in respect of WE/20/00047/FUL and O/20/02087/FUL as a Member of West Sussex County Council.

201 **WE/20/00047/FUL - Hopedene, Common Road, Hambrook, Westbourne, West Sussex, PO18 8UP**

Mrs Stevens presented the item to Members and drew Members' attention to the information provided in the Agenda Update Sheet and confirmed a correction to the first sentence of para 8.11 which should have read 'The site is immediately 'east' of

an area of land....' and a further condition was amended regarding the requirement for nitrate neutrality to avoid an increased nitrate level within the Chichester Harbours.

Mr McAra arrived at the meeting.

The Committee received the following speaker:

Richard Hitchcock – Parish Council

Officers responded to Members' comments and questions:

With regards to the reed bed, Mrs Stevens explained that the size had been calculated to mitigate the amount of nitrates estimated to be released from the package treatment plant as a result of the new pitch, in line with methodology established by Natural England. The reed bed would require future management in order to remain effective in its function to remove nitrates and therefore a condition had been included to secure the necessary maintenance. On the matter of unauthorised pitches, Mrs Stevens confirmed that her understanding was that these were not within the site being considered but on adjacent sites and enforcement action was in progress. In regards to inefficient use of the land, Mrs Stevens explained that there was not an established density requirement as associated with housing schemes and it may be possible to provide more pitches on the site in future if deemed acceptable, but only the application with its proposed layout within the red line, which was tight around the single pitch, was currently being considered. In relation to the landscaping and lawn, Mrs Stevens confirmed the ecologists were satisfied with the proposals to provide planting and native hedging, and it would not be reasonable to require further enhancements, however as a standard landscaping condition had not been included, a landscaping condition which required native mixes to be used could be added.

With regards to the weight which could be afforded to an emerging Neighbourhood Plan, Mr Whitty confirmed this was a matter for the Committee. The Neighbourhood Plan had been through a process in which a number of fact-checks had been made including an assessment relating to sustainability and environmental impact, and was likely to be presented to CDC Cabinet in either April or May this year and a referendum would take place. Therefore the Neighbourhood Plan could be afforded some weight and whether that was sufficient to outweigh presumption in terms of a sustainable development was to be considered. Mr Whitty advised that the relevant policy was OA42 which related to Gypsy and Traveller pitches which stated that the purpose of the Neighbourhood Plan was to consider if Gypsy and Traveller sites had been proportionately met. Officers had noted that this application was for an extension of a set of pitches for a family taken a balanced view between appropriate weight afforded to the Neighbourhood Plan, against significant harm not been identified.

Mr Whitty advised the main basis on which to take a decision was to consider whether or not the district's level of supply had been met and the existence of vacant pitches similarly to considering vacant market housing stock would not be relevant at an appeal. The focus should be on the lack of current supply and

balancing the harm that may be construed from the proposal in relation to that. With regards to over-whelming a settled community, an Inspector may take a view that this evidence was anecdotal and not a provision of tangible evidential harm.

With regards to relevant guidance, Mr Whitty responded that this could not be used as policy. On the matter of the suggested maximum number of 15 pitches within a site, the site which was the subject of the application and the neighbouring site, might be viewed as two separate sites as one could not be accessed from the other. Mr Whitty also advised that the referenced guidance was withdrawn on 1 September 2015, although it could be noted, but an Inspector was unlikely to give it any weight.

On the matter of considering the evidence which informed the Neighbourhood Plan and whether that was relevant, Mr Whitty confirmed it could be reviewed for the current and future applications. Evidence of over-development was usually provided by demonstrating a strain on services, but an argument could be presented of a perception within a community of one group defined by traits, as being dominant. However, officers had experience on appeal with much larger numbers of gypsy and travellers pitches, and the actual numbers of those in the settled community were significantly higher and the Inspector had not found the community to be over-whelmed. With regards to anti-social behaviour, police evidence may be required which would have to demonstrate that it was directly related to the number of pitches. Mr Whitty reiterated that a robust case would have to demonstrate a strain on services, and that the settled community were numerically overwhelmed, which could relate to the local neighbouring dwellings rather than the parish as a whole. The lack of a Local Plan would not give any further weight to a Neighbourhood Plan, but when made it would be afforded weight the Local Plan did not currently have.

Mrs Stevens confirmed a landscaping condition which required native mixes to be used could be added to the ecological enhancement condition or be included as a stand-alone condition.

In a vote Members **refused** the application against officer recommendation.

Mr Briscoe proposed refusal of the application on the grounds of its being premature in relation to the Neighbourhood Plan, over-intensification of the site, and having dominance within the settled community in terms of the immediate neighbouring houses. Mr Whitty advised that prematurity would not be a reasonable reason for refusal, rather that reasons for refusal were: the cumulative impact of this site and the adjacent site, the harm demonstrated by the domination and intensification, and the current status of the Neighbourhood Plan, which provided a reason supported by policy. This was accepted by Mr Briscoe. The proposal was seconded by Mr Potter.

In a vote Members **agreed** the proposed reasons for the refusal of the application.

202 **O/20/02087/FUL - Colworth Manor Farm, Colworth Lane, Colworth, Chichester, West Sussex, PO20 2DU**

Miss Bell presented the item to Members.

Miss Bell responded to Members' comments and questions:

With regards to the lighting condition, Miss Bell confirmed correspondence with the applicant on this matter and that it had been confirmed that the polytunnels did not have fixed lighting and operatives used torches when undertaking night-time checks, but suggested that Condition 11 was reworded to ensure that if fixed lighting was necessary in the future, that this would require details to be submitted and approved. With regards to the wildlife corridor, the relevant policy which is in the emerging Local Plan is focused on permanent housing but the ecology officer had been consulted and the only issue would be disturbance of bats from the lighting, which was controlled by Condition 11. On the matter of the planting scheme Miss Bell explained that the applicant had referred to a four metre gap between the hedges which should have been a 400mm gap and the relevant Condition 7 would be updated with the correct information. With regards to litter Miss Bell confirmed that there was a list of requirements in Condition 9 the applicant must follow related to the polythene but a requirement for the disposal of other litter could be added. Miss Bell also confirmed the main access was from Colworth Lane and officers and the highways authority were content with this, and associated movements which were largely already taking place. With regards to the coalescence and landscaping views and the gaps in the hedgerow Miss Bell responded that she could seek confirmation through the condition 7 which areas were enhanced planting and which were new, and confirmed this condition also related to the biodiversity enhancement works. The height of the polytunnels would be 3.6 metres. They were set back from the boundaries and with enhanced planting the views would be filtered and not harmful to the landscape and set back from the main road. Miss Bell explained that Condition 6 related to the Sustainable Urban Drainage System management and maintenance and would require approval in writing. Miss Bell added that the applicant had agreed to use non-plastic recycled plant tubes which would also be added to Condition 7.

With regards to the environmental enhancement area Miss Bell confirmed she would make further checks on the area to be planted and retained as grassland and that when the polythene was removed the land was kept in an appropriate condition for wildlife. Miss Bell added that there was further work to be undertaken for reptile relocation and badger protection fencing. On the matter of the maintenance of polythene Miss Bell considered this was adequately covered by Condition 9. With regards to whether the expansion of the polytunnels was necessary for the business, Miss Bell drew the Members attention to the report which explained that there was an established need for soft fruits and the polytunnels would extend the growing season, reduce the need for pesticide and improve the quality of the fruit, and officers were confident of economic necessity.

Miss Bell further explained that the ecological enhancements were considered appropriate and the environmental officer was content.

In a vote Members agreed the recommendation to permit the application.

Recommendation to **Permit** agreed.

Members took a ten minute break.

203 **Schedule of Contraventions**

Mrs Archer drew Member's attention to the Agenda Update Sheet which listed two prosecutions related to 20/00299/CONENF, Land south of The Stables, Newells Lane, Funtington and 19/00231/CONBC, 3 West Ashling Road, Hambrook, Funtington. Both had been adjourned by the Court until 30th July 2021 due to a backlog of cases in the current Covid-19 pandemic. Mrs Archer also confirmed that 4, The Paddocks, next door to Hopedene Nursery would be issued with an enforcement notice today (3 February 2021). Mrs Archer explained that the team were following Covid-19 restrictions and taking a balanced view with regards to processing those matters which were essential and those which could be delayed. Notices had been issued for all matters within the report, therefore the enforcement process was in progress.

With regards to LURG/SDNP/20/00539/OPDEV, Land North of Blind Lane, Lurgashall, Mrs Archer confirmed that a further notice had been issued and there had been engagement with the landowners, but to retain control it was necessary to issue the notice. A compliance date had been received (27 April 2021) by which time the buildings must be removed, although an appeal may be forthcoming.

On the matter of the current case numbers Mrs Archer reported that the workload had remained consistent, however there had been a slight increase in cases potentially due to the numbers of people currently remaining at home during the Covid-19 pandemic and therefore being more aware of local potential enforcement matters which included an increase in the reporting of matters anonymously.

The Chairman requested if a graph illustrating trends could be provided for future meetings and Mrs Archer responded that the database held considerable information and therefore it would be possible to produce such a graph on the next occasion the quarterly contraventions were presented to the Committee.

Mr McAra and the Committee Members congratulated and thanked Mrs Archer and her team for their work and achievements.

204 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 16 December 2020 and 12 January 2021**

Mrs Archer responded to Members questions and comments:

With regards to Flintwalls, The Street, Boxgrove Mrs Archer confirmed that part of the flint wall collapsed some time ago, which had been replaced with a fence and had not been challenged at the time. Following a further collapse, the whole wall had been replaced with a fence. Officers were in discussion with the agent in the relation to the most recent matter, initially for the wall to be rebuilt once the fence had been removed. Whether construction of a wall in the area of the fence which had replaced the historical collapse could also be required, was being reviewed.

With regards to Land North West of Premier Business Park Mrs Archer confirmed that the applicant had applied for an extension to the period of compliance which

had been approved until the end of March 2021, with works to be completed by the end of April 2021.

205 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 16 December 2020 and 12 January 2021**

Members agreed to note this item.

Mr McAra and Members of the Committee thanked Rev. Bowden for taking the chair for the meeting.

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

There were no late items.

207 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 11.48 am

CHAIRMAN

Date: