



Minutes of the meeting of the **Planning Committee** held Virtually on Wednesday 7 April 2021 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Mr G Barrett, Mr R Briscoe, 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: Rev J H Bowden and Mrs J Fowler

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mr S Harris (Principal Planning Officer), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)), Mr H Whitby (Tree Officer) and Mr T Whitty (Divisional Manager for Development Management)

24 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

Apologies for absence had been received from Rev Bowden and Mrs Folwer.

25 **Urgent Items**

There were no urgent items.

26 **Declarations of Interests**

Mr Oakley declared a personal interest in respect of CC/20/03108/REM and CC/20/01897/FUL as a Member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of CC/20/03108/REM and CC/20/01897/FUL as a Member of Chichester City Council.

Mrs Purnell declared a personal interest in respect of CC/20/03108/REM and CC/20/01897/FUL as a Member of West Sussex County Council.

Mrs Sharp declared a personal interest in respect of CC/20/03108/REM as a Member of Chichester City Council, and CC/20/01897/FUL also as a Member of Chichester City Council and a resident of Chichester Conservation Area.

CC/20/03108/REM Land West Of Centurion Way And West Of Old Broyle Road, Chichester

Mr Harris presented the item to Members, provided a verbal update regarding a change to Condition 3 to reflect a recent revision and drew Members' attention to the Agenda Update Sheet which included amendments to two conditions relating to approved plans and tree protection.

The Committee received the following speaker:

Rob Collett – Applicant (statement read)

Officers responded to Members' comments and questions:

With regards to the green space (pocket park) between the parcel and adjacent parcel, Mr Harris explained that the routing of the spine road had already been permitted under phase one, and that re-routing the access to the south of the park would not be possible as it would involve land that was outside of the Phase 1 application site. The path shown along the southern side of the park was a cycleway with the aim of improving facilities for cyclists, and contributing to what was intended to be a pedestrian friendly area.

On the matter of issues which had occurred with the applicant on sites elsewhere in the District in relation to drainage and lighting problems for existing residents and negative impact on wildlife during construction work, Mr Whitty responded that although this should not be referenced with regards to this application, he was aware of the issues and that developers use different contractors for different sites. The Council's enforcement officers were involved in such matters across the whole of the site under discussion and would keep the works in progress under review in relation to any problems which may occur.

With regards to the comments that Newlands Lane may have been a lost opportunity at outline stage in terms of it not being identified as a cycleway at that stage, Mr Harris responded that he did not consider this to be the case. In relation to the outline application for phase one, there was unlikely to be a significant volume of cycle traffic and it would not have been justified. On the matter of future vehicular traffic on Newlands Lane and phase two, Mr Harris advised this had not been shown on part of any approved parameter plan to date, but could be considered in the future if required. In regards to unauthorised vehicle access where the cycle link emerged onto Newlands Lane, it would cross a deep drainage ditch and therefore this would prevent unauthorised access. Mr Harris explained that Condition 5 included the requirement of details of the transition between the parcel and Newlands Lane which was likely to require bollards, and an informative could be added with regards to the expectation of such installation. Mr Harris confirmed that surface water drainage was to be dealt with subsequently under the outline conditions, and therefore the details were not yet known. Mr Harris added that he understood the location did not drain well due to ground conditions and therefore that a significant proportion of drainage would be directly into the wider network, designed at the outset for this eventuality, although the surface drainage had been better than expected in terms of the detailed drainage schemes that had been

approved for parcels thus far. The drainage would be reviewed by the Council's drainage engineer officer when details were submitted. Mr Harris further explained that silting issues with paved areas and the routine maintenance would be dealt with under the relevant conditions and common areas would in future be maintained by the Management Company.

With regards to where the cycleway emerged onto Newlands Lane, Mr Harris agreed this was a valid point but there was a difficulty in both stopping unauthorised vehicles and facilitating other users, and this matter would be considered carefully when the relevant condition was discharged. County Council Highway officer Mr Shaw did not want staggered barriers as this caused a hindrance for some users, but measures would be required in order to slow cyclists where they emerged onto Newlands Lane.

Mr Harris confirmed that the protection of the chalk stream was being regularly monitored by enforcement officers, and the route of the chalk stream was protected under the conditions in terms of the environmental construction management plan. Mr Harris further confirmed that there had been some issues in relation to the chalk stream and some reinstatement works would take place and replanting to a small area in the south east corner of the parcel. Significant planting would take place in the southern open space and this would include meadow grass. Mr Harris added that with regards to Newlands Lane, there was no intention for the Country Park to be accessed by vehicles from this road but only by pedestrians and signage had been positioned to remind people that the private road should not be accessed by vehicles unless they were residents. Mr Harris further responded that the aspirations of a bridleway along to Salthill Road were noted, but the developers only had control up to Salthill Lodge.

On the matter of building control Mr Whitty confirmed that the Council only had enforcement control. The developers had appointed approved inspectors for building control purposes and consequently, this was not within the Council's control.

With regards to parking issues, Mr Harris advised that the Country Park was intended as an attractive location but there had not been a plan in this part of the site for a car park, although there was a car park located off Old Broyle Road. Should a problem arise, the County Council would need to monitor and put any necessary measures in place.

With regards to Condition 5, Mr Harris confirmed that this could be amended to make specific reference to measures to prevent unauthorised access across the parcel. On the matter of the roof run-off, this would be dealt under the conditions on the outline application and had been included within the calculations considered by the drainage engineer officer. Mr Harris agreed that in relation to the maintenance of the shared surface areas, there would be a reliance on compliance with the plans and subsequent conditions when discharged.

In relation to the chalk stream, Mr Harris confirmed that the whole drainage strategy had been developed around protecting the chalk stream. In the south east corner,

drainage works had caused some short-term and localised issues, which were being resolved and local Members had been kept updated on this matter.

In a vote Members agreed the recommendation to permit.

Recommendation to **Permit** agreed.

Members took a ten minute break.

28 **CC/20/01897/FUL 22A and Land to the Rear of 24 Lavant Road, Chichester, West Sussex**

Mr Mew presented the item to Members and provided a verbal update relating to an additional objection regarding the character of the area, privacy of neighbouring properties and the request for hedge planting. Mr Mew also drew Members' attention to the Agenda Update Sheet regarding a third party representation which cited the lack of clarification relating to the construction method and any associated fire risks.

Mr Plowman left the meeting and did not return.

The Committee received the following speakers:

Simone Ivatts – Objector
Richard Zipeure – Objector
Nick Sutherland – Objector (statement read)
Paul White – Agent

Officers responded to Members' comments and questions:

Statement provided Mr Plowman read in his absence.

With regards to consulting Southern Water, Mrs Stevens confirmed that there was no statutory requirement to do so on schemes under ten dwellings which was also in line with the adopted position statement. It was acceptable for the scheme to discharge to Apuldram Wastewater Treatment Works subject to the mitigation for nitrates. On the matter of the protection of boundary vegetation, the trees and shrubs had been assessed as not worthy of a Tree Preservation Order but a plan had been submitted with the ecological mitigations and enhancements proposed as part of the scheme and Mrs Stevens confirmed that Condition 26 could be amended to clarify that the vegetation along the boundaries should be retained. In terms of the wider approach to nitrate mitigation, in line with advice from Natural England, which the Council were working with, in regards to one-off schemes and also a broader approach going-forward, there was not a requirement for authorities to look at discreet areas within specific parts of Chichester Harbour as an example, or the wider Solent which had been divided into areas, which was the reason for Natural England accepting the type of mitigation proposed. On the matter of the use of the agricultural land to be used for the mitigation scheme, this was grade 3 or 4, had been in recent use and officers were satisfied would provide an appropriate level of mitigation.

With regards to the affordable housing provision, Mrs Stevens confirmed that within the development plan it was not possible to require a contribution for this size of development, and should this be a concern, it would have to be addressed by planning policy. On the matter of the materials proposed, Mrs Stevens advised that there was a mix of materials within the locality and the cedar cladding on the rear properties was considered acceptable, but the materials condition could be amended to include a requirement for materials to be negotiated as part of the discharge of conditions application.

Mrs Stevens explained that the previous appeal scheme had included two detached properties to the front of the site and a row of three link-detached properties to the rear. The current scheme included part of the adjacent neighbouring garden with two semi-detached properties to the front of the site and two chalet bungalows to the rear of the site and therefore the previous proposal had been greater in density. The current proposal was considered by officers to be appropriate, provided housing in a sustainable location, supported the lack of a five year housing land supply and provided space around the dwellings with garden areas. The housing team had previously raised an objection to the four-bedroomed units, and the scheme had been amended to two four-bedroomed and two three-bedroomed units. Mrs Stevens added that it was difficult to have a Housing and Economic Development Needs Assessment (HEDNA) compliant scheme on such a small number of units and to do so it would have required a two-bedroomed unit in place of a three-bedroom unit, but the current scheme was now considered not materially different to the HEDNA to warrant refusal, as concluded by the housing team. Mrs Stevens advised that the mitigation management would form part of the Section 106 agreement to ensure on-going management of the nitrate mitigation land.

Mr Whitby confirmed that his assessment of the vegetation had been concluded as not worthy of preservation but could be considered important in terms of softening the boundaries between residents and for the wildlife. The protection could be made more stringent but not under a preservation order. Mrs Stevens also confirmed the site was not within a conservation area and the tree specifically cited was not protected, therefore the Council did not have control, but Condition 26 could be enhanced and amended.

Mrs Stevens confirmed that Condition 15 prevented any external lighting other than in accordance with a scheme which must be agreed. In regards to the distances from neighbouring properties, Mrs Stevens advised that the proposal provided distances over and above the Council's guidance. In terms of the quality of the existing buildings, Mrs Stevens added that it was accepted that they form part of the character of the area but the demolition of a house does not require planning permission and only prior approval for the method of demolition.

With regards to housing land supply figures Mrs Stevens advised that a windfall site was separate within the Local Plan and Mr Whitty added that windfall sites assisted in demonstrating delivery.

With regards to the Tree Preservation Order (TPO) tree, Mrs Stevens confirmed that tree 7 was an oak in a neighbouring site, and tree on the highway land was owned

by the County Council and was not the subject of a TPO. Mrs Stevens also responded that the case officer had looked at the evidence provided for the previous use of the nitrate mitigation land and Natural England had not raised an objection. On the matter of ground water monitoring, Mrs Stevens responded that Condition 6 was a standard condition which required that this must take place over the winter period following the grant of planning permission and construction could not take place until the information had been submitted and agreed in consultation with the drainage engineer officer.

Mr Whitty summarised a number of points including the principle of development of the site and explained that this proposal would maximise the efficient use of land and with regards to the erosion of character, this was not contained within any adopted policy and all decisions of the Committee must be based on policy. There was other back land development within the vicinity with larger houses being removed for the construction of smaller dwellings and therefore this now formed part of the character of the area. With regards to the trees and boundaries, the level of threshold for creating a TPO tree, this was set at high public amenity not a private amenity. It could however be ensured that planting to the rear aimed at retaining privacy and was maintained via a condition. On the matter of nitrate mitigation land, it was grade 3 or 4 land, and the Council's policies sought to protect grade 1, 2 and 3 land, therefore the lowest grade was looked at for loss in the first instance. There was ploughed evidence for the land and Natural England's approach was that it was not possible to establish the regularity or time period in which ploughing had taken place or crops grown, but that the land would make a contribution to mitigating nitrates within the harbour. The Council had engaged with a specialist regarding the Solent to draw-up a longer term solution. In the intervening time, the solutions put forward by developers had to be accepted and secured by a Section 106 with the requirement to plant, and this could be reviewed in the future to ensure this was taking place. Mr Whitty added that Natural England required the nitrate mitigation land was taken out of all farming production and using the land for animal husbandry would still produce a level of nitrates.

Mr Whitty confirmed the amendments to the conditions as discussed during the debate.

In a vote the recommendation was **not carried** against officer recommendation.

The Chairman proposed that the application was deferred. This was seconded by Mr Briscoe.

In a vote Members **Agreed** to **Defer** for further negotiation with the applicant on the retention of hedging and trees and for comment from Southern Water on the Apuldram Wastewater Treatment Works capacity for the extra three houses and cumulative effect. The application to be brought back to Committee for determination.

Members took a ten minute break

Mrs Stevens presented the item to Members.

Officers responded to Members' comments and questions:

With regards to the replacement tree, Mrs Stevens confirmed that the relevant condition required a suitable replacement of at least two metres tall which could be for example an oak or field maple but that decision would be made by the applicant.

On the matter of pruning, Mr Whitby advised a tree would recover, and the tree would compartmentalise such wounding, but the general condition of the tree was worsening.

Mrs Stevens advised that in accordance with the tree's protected status, only one tree was required as replacement, and it was only in relation to planning applications that two replacements were required for each single tree removed and Mr Whitty added that Natural England would need to lobby to seek a change in this legislation to require a two for one replacement.

Mrs Stevens confirmed that a condition stated the requirement for the tree to be replaced within the first planting season.

In a vote Members agreed the recommendation to permit.

Recommendation to **permit** agreed.

30 **Control of Estate Agent Signs within the Chichester Conservation Area**

Mrs Archer presented the item to Members. The Agenda Update Sheet provided two corrections regarding the dates of the relevant legislation.

Mrs Archer responded to Members' comments and questions:

Mrs Archer confirmed that the reasoning for seeking agreement to the recommendation in the report was in part due to the number of students lets and explained that this matter was under Regulation 7 of the Town and Country Planning (control of Advertisements) (England) Regulations, and an application would therefore not be a planning application. The report proposed that within the Chichester Conservation Area an application for permission to display signage would be required. Mrs Archer also commented that other marketing methods were available.

Mrs Archer advised that if this was to apply to Midhurst Conservation Area, further work would be required with South Downs National Park, and confirmed that she would discuss this with the authority at her next meeting with them. Mrs Archer also confirmed that further matters relating to the boarding-up of premises was also being considered, but this was part of separate legislation.

With regards to the number of signs displayed for a single premises and the condition of the signage, Mrs Archer responded that a separate application would be

required for each sign, which must be clean and safely displayed. Each application would cost £132. On the suggestion of the use of QR bar codes, Mrs Archer agreed that may be an idea which could be considered by the Business Improvement District group. Mrs Archer was unable to provide statistics in relation to the number of student lets.

In a vote Members agreed the recommendation that officers make an application to the Secretary of State under Regulation 7 of the Town and Country Planning (control of Advertisements) (England) Regulations 2007 for a Direction that deemed consent shall not apply for the display of Estate Agent Boards within the Chichester Conservation Area of a period of ten years.

Recommendation **Agreed**.

31 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 10 February 2021 and 9 March 2021**

Mr Whitty confirmed that with regards to Land North of Stane Street, Westhampnett, the Parish Council and the Ward Members were advised of the variation to the Section 106 agreement. The Government were currently encouraging changes to be accepted due to the current Covid-19 pandemic where they did not have a significant impact on delivery of housing. The Parish Council did object, however the Council's own advisor in relation to the sport and recreation need, had no objection and therefore did not find it would have a significant impact upon the provision and timing for development, and people wishing to use the facility. With regards to Covid-19, the Council would not seek for a developer to have to fund further costs for work where not necessary. If there was a reasonable assumption on the basis of a letter from an applicant, that there is a need to delay provision and that delay would not cause significant impact, the Council would accept such a situation particularly considering the Government's current stance. However, should it be considered appropriate to challenge a delay, the Council would be more robust or seek further evidence, but proportionality was key.

On the matter of Land West of Birdham Farm, Birdham Road, Mr Whitty reported that the order required occupation to cease on 31st March 2021 and for the site to be cleared by 30th April 2021. The occupants may apply for a later date for compliance and the courts were likely to agree an extension until 30th June 2021 for occupation to cease and 31st July 2021 for the site to be cleared, but that was dependent upon an application being made. The current plan was for officers to gather evidence and consider legal proceedings on the basis of that evidence. Mr Whitty agreed to provide an update report for the Parish Council and confirmed that other interested parties were being kept updated.

With regards to Land at the Corner of Oving Road and A27 for the erection of 143 dwellings, and the withdrawal of the application, Mr Whitty responded that he did not have any further information at the current time.

On the matter of new units on Gypsy sites, Mr Whitty confirmed that appeals were being requested by way of hearing, in order to fully present evidence and allow third parties to participate in the process, but this was a decision of the Planning

Inspectorate. With regards to Land North West of Newbridge Farm, Salthill Road, Mrs Stevens confirmed had been requested as hearing by the appellant, and the Planning Inspectorate had been in communication with them early this year, as they had not submitted all of the required information, and added that the appeal schedule would be updated for the next meeting.

Mr Whitty explained that the procedure for Section 106 agreements was set out in the Council's constitution and the procedure states that applications were determined and reported to Committee but prior to determination, comments were sought from the Parish Council, Ward Members and other consultees in regards to any matters raised.

32 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 10 February 2021 and 9 March 2021**

Members agreed to note this item.

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

There were no late items.

34 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.25 pm

CHAIRMAN

Date: