



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 11 October 2017 at 9.30 am

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

Officers present: Mrs Shona Archer (Enforcement Manager), Miss Jo Bell (Development Manager (Majors and Business)), Mr Jeremy Bushell (Principal Planning Officer), Mr Andrew Frost (Head of Planning Services), Mrs Katherine Davis (Member Services Officer), Mr Stephen Harris (Senior Planning Officer), Mr John Saunders (Development Manager (National Park)), Mrs Fjola Stevens (Principal Planning Officer), Mr Tony Whitty (Development Management Service Manager) and Ms Holly Nicol (Rural Enabling Officer)

62 Chairman's Announcements

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

Mrs Kilby would be arriving later in the meeting.

63 Approval of Minutes

RESOLVED

That the minutes of the meeting held on 13 September 2017 be approved and signed by the Chairman as a correct record.

64 Urgent Items

There were no urgent items.

65 Declarations of Interests

Mr Barrett declared a personal interest in respect of application CC/98/02043/OUT as a Chichester District Council appointed member of the Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in respect of applications KD/15/03367/FUL, CC/98/02043/OUT, WR/16/02096/REM, EWB/17/01259/FUL, CC/17/02284/DOM/, CC/17/01712/FUL and CC/17/01150/FUL as a member of West Sussex County Council.

Mrs Duncton declared a personal interest in respect of applications SDNP/17/02188/FUL, SDNP/17/02189/LIS and SDNP/17/03260/FUL as a West Sussex County Council appointed member of South Downs National Park.

Mr Dunn declared a personal interest in respect of applications SDNP/17/02188/FUL, SDNP/17/02189/LIS and SDNP/17/03260/FUL as a member of South Downs National Park.

Mr Hixson declared a personal interest in respect of applications CC/98/02043/OUT, CC/17/02284/DOM, CC/17/01712/FUL and CC/17/01150/FUL as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of applications CC/98/02043/OUT, CC/17/02284/DOM, CC/17/01712/FUL and CC/17/01150/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of applications KD/15/03367/FUL, CC/98/02043/OUT, WR/16/02096/REM, EWB/17/01259/FUL, CC/17/02284/DOM/, CC/17/01712/FUL and CC/17/01150/FUL as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of applications CC/98/02043/OUT, CC/17/02284/DOM, CC/17/01712/FUL and CC/17/01150/FUL as a member of Chichester City Council.

Mrs Purnell declared a personal interest in respect of applications KD/15/03367/FUL, CC/98/02043/OUT, WR/16/02096/REM, EWB/17/01259/FUL, CC/17/02284/DOM/, CC/17/01712/FUL and CC/17/01150/FUL as a member of West Sussex County Council.

Mr Wakeham declared a personal interest in respect of application CC/17/01150/FUL as he had carried out the commercial survey when the dwelling was previously marketed for sale.

Planning Applications

(To listen to the full debate of the planning applications follow the [link](#) to the online recording)

The Committee considered the planning applications together with an agenda update sheet at the meeting detailing observations and amendments that had arisen subsequent to the dispatch of the agenda. During the presentations by officers of the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screens.

RESOLVED

That the following decisions be made subject to the observations and amendments as set out below:-

66 **KD/15/03367/FUL - Land On The East Side Of Plaistow Road, Plaistow Road, Kirdford, West Sussex**

A supplementary agenda had been published correcting a formatting issue that had occurred at appendix 1.

The following additional information was reported on the agenda update sheet relating to an amendment to condition 3.

The following members of the public addressed the Committee:

- Mr T Piedade – Parish representative;
- Mrs N Goddard – Objector;
- Mrs L Nutting – Objector;
- Mr P White – Agent; and
- Mr J Ransley – CDC member.

Mr Harris responded to members' questions. With regard to local need and the allocation of the affordable rented housing, priority would be given to locally connected people in the Parish. There were currently nine households in Kirdford Parish on the Housing Register. He advised that the affordable rented housing, to be provided during the first phase of the development, demonstrated that there was the ability to make a significant contribution to meeting the current local need. Officers were not aware of the progress of other housing development sites in the Kirdford Neighbourhood Plan (KNP), but they would make a smaller contribution to the overall housing numbers. With regard to the proposed five-year phasing of the development, it would be likely to be completed 9-10 years into the Neighbourhood Plan period. With regard to surface water, he advised that a scheme had not been fully worked up. The site was located on very heavy soil that drained poorly and this was the reason why the indicative surface water scheme was based on the temporary storage of the water in crates under the open space with attenuated flows to the local ditch network. He advised that the Council's Drainage Engineer was satisfied that there was a suitable technical solution and that the greenfield rates over the lifetime of the development would not be exceeded and would not result in any worsening of downstream consequences. Officers would advise the Drainage Engineer of the surface water drainage concerns raised by members and if the application was permitted, the concerns would be addressed during the discharge of conditions. He confirmed that the proposed garages would accord with the minimum requirements in terms of internal dimensions, which could be included in an amended condition.

Mr Harris also addressed a number of the concerns raised by the public speakers relating to the principle of the development and whether or not Kirdford could sustain the amount of housing proposed. He advised that the amount of housing proposed

on the site had arisen from Policy 5 of the Local Plan, which had taken into account Kirdford's capacity to accommodate further dwellings. Local infrastructure had been taken into account and it was noted that a substantial CIL receipt would be received if the development was permitted, which would address infrastructure needs resulting from the development. Officers had assessed the application against the requirements of the KNP and were of the opinion that the proposed development was substantially in compliance with it. With regard to the phasing issues, Policy KSS1 of the KNP contained a number of criteria. It should be a single residential development not carried out in a piece meal manner. The Policy fully acknowledged that the issues concerning the housing mix and phasing must be considered in the context of housing viability. The scope, timing, and volume of phasing would be determined by the local housing need, site layout and financial viability. The Neighbourhood Plan's Examiner had not recommended deleting reference to phasing in the KNP based on the fact that the Policy was not unduly prescriptive in that regard. He confirmed that phasing was proposed and although it might not be for the length of time the community would like, officers were of the view that meaningful phasing was proposed, which would enable the phased integration of the housing into the village of Kirdford. The Local Plan envisaged that the housing sites would come forward early in the Plan period and if there was longer phasing it would not be possible to include all of the proposed 54 dwellings in the Council's five-year housing land supply.

Mr Frost informed the Committee that that the application had taken a longer period of time to be reported to the Committee due to officers doing their utmost to achieve the policy requirements of both the KNP and the Local Plan.. Officers had aimed to meet the expectations of Kirdford Parish Council whilst recognising that there were other policies to take into account as part of the determination of the application. He referred to the site being allocated within the KNP and it not being speculative and, that given its scale, it was expected that sites like this would come forward earlier. He referred to Policy KSS1 of the KNP, and advised that nowhere did it state that the phasing for the proposed development was required to be over a period of ten years. The developer's proposals would result in the development being delivered over a five year period with a 28 month break between the two development phases and was expected to be delivered in 2023 approximately if work commenced next year. He was of the opinion that this was a phased development that would achieve the requirements of Policy KSS1 whilst also not suppressing the delivery of the development that was needed in terms of the Council's Local Plan in a way that supported the five-year housing land supply. In terms of viability, it was not possible to reduce the requirement for CIL, as suggested by the Parish Council, as CIL was non-negotiable. Kirdford, although a service village, did not have the same range of facilities as other areas. However there were nearby villages, such as Loxwood and Wisborough Green, which had been given similar indicative Local Plan housing numbers where housing developments were starting to come forward and be built. The Committee had before them a good scheme that met the policy requirements in all aspects.

Ms Nicol explained the allocations process in respect of rural and local need via the Choice Based Lettings system. With regard to the overall declining quality of older social rented housing stock, the Government's Housing Green Paper identified this as a national issue due to a lack of investment. Therefore, households on the list

may not be, bidding on older properties as they may be holding out for newly built housing. The issue around the declining standards of older stock is being looked at by a Task & Finish Group. If no one on the housing register with a local connection bids for an available property the organisation will offer the dwellings to anyone on the housing register.

Mr Harris answered members' further comments and questions. It was not possible to take into account the condition of the existing social housing stock when considering this application. He referred to paragraph 7.17 of the Local Plan that placed emphasis on the need to bring forward Parish housing sites for development at the earliest opportunity. With regard to the viability of the development, the District Valuer had been engaged and was of the opinion that a longer phasing period was not viable.

During the debate a number of members raised ongoing concerns regarding the phasing of the development. The majority of members considered that the application should be deferred to enable officers to undertake further discussion with the applicant and to obtain a position statement that would advise if they were able to respond to the committee's concerns as to whether or not a longer phasing period was possible. It was requested that the deferral period should be no longer than two months.

Defer for further discussion with applicant with regard to phasing.

67 **CC/98/02043/OUT - Warrendell Adjacent To Centurion Way Off Plainwood Close, Chichester, West Sussex**

The following information was reported on the agenda update sheet relating to an amendment to the recommendation to read 'Defer for Section 106 agreement then Permit. If Section 106 agreement not complete within 6 months of resolution then delegate to officers', and officer comment regarding the completion of the Section 106 agreement.

Mr Bushell reported the need for an additional condition requiring the dwellings to be no higher than 2.5 storeys.

The following members of the public addressed the Committee:

- Mrs L Bye – Objector;
- Mr C Kemp – Objector;
- Mr C Beazley – Objector;
- Mr S Jenkins – Agent; and
- Mr A Dignum – CDC member.

The Committee favoured an additional condition setting out the refuse and recycling requirements.

A further amendment to the end of the recommendation was agreed with the addition of "...to determine."

In response to members' questions and comments, Mr Bushell reported that with regard to the cycleway access, due to engineering difficulties from 1) differences in the site levels at the northern part of the site and 2) the potential loss of significant trees and to avoid a hard engineering solution at the southern part of the site, West Sussex County Council had withdrawn their requirement for a cycleway access from the site onto Centurion Way. With regard to the gated access from Plainwood Close located north of the site onto Centurion Way, this was not accessible as the land was outside of the applicant's control. It was clearly the wish in future that this would be the obvious choice for the cycleway access but it was outside the scope of this application.

During the debate members raised ongoing concerns regarding the cycleway situation as they were not convinced that there was an engineering problem in providing a cycleway access onto Centurion Way from the northern part of the site.

It was suggested by Councillor Mrs Tull that some of the Community Infrastructure Levy money that Chichester City Council would receive if the application was granted could be used towards securing a cycleway onto Centurion Way.

A proposal to include an obligation within the Section 106 agreement requiring the applicant to use their "best endeavours" to secure a cycle path from the site onto Centurion Way on being put to a vote was carried.

Recommendation to **Defer** for a **Section 106 agreement** then **Permit** with additional conditions (dwelling heights), (refuse and recycling requirements) and an obligation within the Section 106 agreement regarding securing of the cycle path onto Centurion Way agreed. If the Section 106 agreement is not completed within 6 months of resolution then delegate to officers to determine.

68 **WR/16/02096/REM - Land South Of Meadowbank, Petworth Road, Wisborough Green, West Sussex**

The following additional information was reported on the agenda update sheet relating to further consultation comments received from Wisborough Green Parish Council, further officer consideration of the amended layout plan and amendment of condition 1 (plans).

The Committee favoured one additional condition relating to the provision of electric charging points and the amendment of condition 4 to require the garages to meet the standard minimum size.

Recommendation to **Permit** with amended condition 1 and condition 4, and additional condition (electric charging points) agreed.

(Mrs Tassell left the room and did not return for the remainder of the meeting)

69 **EWB/17/01259/FUL - Billy's On The Beach Kiosk, Bracklesham Lane, Bracklesham Bay, Chichester, West Sussex, PO20 8JH**

The following additional information was reported on the agenda update sheet relating to further consultation comments on the revised plans was received from East Wittering and Bracklesham Parish Council, the Council's Foreshore Officer and the Council's Estates Manager, an amendment to the application description and amendments to condition 5 and 8.

The following members of the public addressed the Committee:

- Mr I Grant – Objector;
- Mrs J Gayfer – Objector; and
- Mr N Ellis – Agent.

Members having noted the concerns raised by the Council's Foreshores Officer, that the amended scheme would be likely to create greater conflict with vehicles towing boats from the car park through the gate and pedestrians queuing, favoured a deferral of the application to enable a site visit to take place and for further negotiations with the applicant in relation to the matters raised by the Foreshores officer.

In response to the Committee's request that a demonstration of a vehicle manoeuvring a boat should be provided at the site visit, Mr Frost advised that whilst it would not be possible for a demonstration to reflect the new site layout, members would be able to assess the current layout and whether or not what was proposed would be an improvement.

Defer for a site visit by members and for further negotiations with the applicant in relation to the matters raised by the Foreshores officer.

70 **CC/17/02284/DOM - 54 Oliver Whitby Road, Chichester, West Sussex, PO19 3LW**

The following information was reported on the agenda update sheet relating to additional and substitute plans, amendments to conditions 2 and 3, further officer consideration.

Recommendation to **Permit** with amended conditions 2 and 3 agreed.

(The Committee adjourned for lunch from 12.35pm until 1.00pm)

71 **CC/17/01712/FUL - Whyke Lodge Residential Care Home, 115 Whyke Road, Chichester, West Sussex, PO19 8JG**

The following information was reported on the agenda update sheet relating to further consultation comments received from West Sussex County Council Contracts and Performance and further officer consideration.

Mrs Stevens drew attention to the inclusion of three additional conditions relating to the timings for the clearance of trees, measures to protect reptiles and the protection of hedgehogs.

The following members of the public addressed the Committee:

- Mrs N Walsh – Objector;
- Mr M Stonefrost – Objector;
- Mr B Hopkins – Objector; and
- Mrs P Dignum – CDC member.

The Committee considered the application and raised a number of concerns regarding the impact that the proposed development of six residential dwellings would have on the residents, which would result in the closure of the residential care home at a time when there was an increasing need for such homes and the resulting disruption to the residents who would require rehoming.

Members noted the advice provided by Mrs Stevens during her presentation that the Council did not currently have a policy in the Council's Local Plan concerning care homes and their protection from an alternative use. They urged officers to include one in the next review of the Local Plan. However, having considered a number of the policies contained in the Local Plan and the National Planning Policy Framework they considered these were relevant to the application as follows:

National Planning Policy Framework:

- With regard to paragraph 7 and the bullet point addressing the social role of development, members were of the view that the care home formed part of the overall provision for the community.
- Paragraph 17 set out the core planning principles. They considered that bullet points two and three gave a clear indication that steps should be taken to ensure care homes were maintained. The final bullet point stated “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”, which in this instance they considered were supported by the information in the agenda update sheet provided by West Sussex County Council Contracts and Performance Team who had raised concerns and also the content of the Chichester in Partnerships Community Strategy 2016-2021 that provided the evidence for the need for this type of facility.
- Paragraph 50 dealt with the requirement to create sustainable, inclusive and mixed communities. Therefore, members were not convinced that there was not support in national policy for the retention of this site as a residential care home.

Local Plan:

- Local Plan Policies 3 (the economy and employment provision) and 26 (existing employment sites) dealt with the protection of existing employment sites. With regard to Policy 26, paragraph 2 stated it should be demonstrated that a site was no longer required and was unlikely to be re-used or redeveloped for employment uses. Members were of the view that care and residential homes were businesses, and therefore employment sites noting

that the Policy did not define what was a business was. The closure of the care home would result in the loss of employment of 18 people.

- With regard to Local Plan Policy 38 (local and community facilities), members were of the view that there was a continued demand for the facility in the area and that the care home was already providing housing for residents in the District.

Mr Frost advised that the Council as a Local Planning Authority had fulfilled its human rights role by properly assessing the application and taking into account the NPPF and Local Plan as well as other material considerations. Whilst a number of the concerns raised by members had been considered by officers, the role of the Council was not to prevent the closure of the care home as the Council was the Planning Authority and not the provider.

Mrs Stevens informed the Committee that officers, when assessing the application had also assessed the policies raised by the Committee and the application of them, and in the officers view the care home was not classed as an employment site in terms of Policy 26. Appendix E of the Local Plan set out the general requirements for the loss of business use in terms of marketing but officers did not feel that the change of use to housing could be applied to the care home as employment was ancillary to the care provided. Policy 38 related to activities that would support the community rather than the residential nature of where residents were living. The inclusion of a policy in the Local Plan to protect the loss of care homes was something that would be looked into as part of the review of the Local Plan. This would need to be based on sound evidence that there was a wider issue in terms of planning for an aging population and the needs of the community. With regard to the proposed residential development, the Local Plan contained policies that were in support of this type of development, provided it met the relevant criteria. Officers advised that the Local Plan was up to date and included policies for sustainable development for residential development of this nature which carried significant weight in terms of determining that application. The NPPF was relevant to the proposed development as it tied in with the requirement for mixed communities and meeting the needs of the current and future population in terms of meeting housing needs. Under the current Local Plan officers considered that there was not a strong policy basis upon which to refuse permission in this case.

Mr Frost provided further advice to the Committee with regard to policies 3 and 26 of the Local Plan and the loss of employment. He advised that officers did not dispute that the care home provided employment or was a business. However, business use was defined in Appendix E, as use classes B1-B8, such as office use. The officer advice to the Committee was that it should not rely on these policies as a reason to refuse planning permission as the care home did not fall into use classes B1-B8. He stated that officers had looked at paragraphs 17 and 50 of the NPPF, which were relevant but were written in a permissive way so as to encourage planning authorities when plan making to consider the evidence and basis for a policy to cover such development. The advice to members was that reference to the NPPF, although helpful, did not provide the evidence for a refusal.

He referred to the comments made by the public speakers and advised that their concerns were fully understood, but that the planning system and the Committee's decision today would not prevent the care home closing if the owners wished.

After a further debate, the Committee favoured a refusal of the application as the development would result in the loss of a care home for which there was no evidence of a lack of demand and no marketing had taken place. The loss of the care home in this sustainable location would be contrary to policies, including their cumulative effect, 3, 26, 38 of the Local Plan and Government advice contained in paragraphs 7, 17, 50 and 70 of the National Planning Policy Framework which sought to ensure the needs of the different groups in the community were properly addressed and provide for a mix of housing for local people recognising, in this case, the view of the Committee that the benefits of the proposed new housing, a limited number of dwellings, would not be outweighed by the loss of the existing care home.

Refuse for the following reasons:

The proposed development would result in the loss of an operational care home for which there is no evidence of a lack of demand and no marketing in respect of the existing use has been undertaken. Notwithstanding the policies in the Development Plan the loss of a care home in this sustainable location would be contrary to the thrust of government advice within the National Planning Policy Framework (paragraphs 7, 17, 50 and 70) which seeks to ensure that the needs of different groups of the community are properly addressed, including the provision of homes for older people and people in need of care, and would conflict with policy 38 of the Chichester Local Plan 2014-2029 which seeks to retain local and community facilities in order to meet the needs of the community. The development would also result in the loss of the employment generated by the use of the site as a care home contrary to policies 3 and 26 of the Chichester Local Plan 2014-2029. In this instance, it is considered that the benefit of the new housing would be outweighed by the harm caused by the loss of the care home.

INFORMATIVE:

This decision relates to the following plans: 10028 DPA 01, 02 Rev. A, 04 Rev. A, 11, 12, 13, 14, 15 Rev. A, 16 Rev. A, 17 Rev. A and 18 Rev. A and 20.

(Note: this decision was contrary to the officer recommendation)

(Mr Elliott left the room and did not return for the remainder of the meeting)

72 CC/17/01150/FUL - 8 Fordwater Road, Chichester, PO19 6PR

The following members of the public addressed the Committee:

- Mr K Osterloh – Objector; and
- Mrs K Simmons – Agent.

Miss Bell responded to members' comments. Although the footprint would be closer to the street, the proposed development would still retain a significant set-back

position. All the trees on the site would be retained and the amount of green space would be similar to the current amount. The character and feel of the street, in the settlement boundary, would remain as it currently was and the site was not, in the officers' opinion, located in a semi-rural area. Details were provided of the comparison between the existing and proposed building in terms of its footprint, elevations and massing, which would not be unduly different.

Defer for a Section 106 agreement then Permit.

73 SDNP/17/02189/LIS - The White House, The Green, Fernhurst, GU27 3HY

The following additional information was reported on the agenda update sheet relating to further consultation comments received from Fernhurst Parish Council and the Chichester District Council Arboricultural Officer, an amendment to the recommendation as the full and the listed building applications should be determined separately and a full list of the conditions and informatives that related to the listed building application.

Recommendation to **Permit** agreed.

74 SDNP/17/02188/FUL - The White House, The Green, Fernhurst, GU27 3HY

The following additional information was reported on the agenda update sheet relating to further consultation comments received from Fernhurst Parish Council and the Chichester District Council Arboricultural Officer, an amendment to the recommendation as the full and the listed building applications should be determined separately and a full list of the conditions and informatives that related to the listed building application.

Recommendation to **Permit** agreed.

75 SDNP/17/03260/FUL - Wayside Cottage, Bepton Road, Bepton, GU29 0HZ

The following member of the public addressed the Committee:

- Mr D Hollowood – Objector

In response to members' comments, Mr Saunders drew the Committee's attention to proposed condition 3 that would require roof windows to be fitted with blackout blinds to avoid any light spoil so that the dark skies objectives of the South Downs National Park were protected.

Members favoured an additional condition to control flood lighting following concerns raised about the potential impact of external lighting resulting from the proposed change of use of the outbuilding to a holiday let and/or annex

Recommendation to **Permit** with additional condition (flood lighting) agreed.

76 Schedule of Outstanding Contraventions

The Committee considered and noted the schedule of outstanding contraventions circulated with the agenda, which was presented by Mrs Archer.

Crouchlands Farm, Rickmans Lane, Plaistow: The Committee expressed their thanks to Mrs Archer, Mr Hawks and the West Sussex County Council officers for their hard work during the planning appeal process. Mr Frost advised that the decision for the recently won appeal would be reported to the next meeting of the Committee.

77 Schedule of Planning Appeals, Court and Policy Matters

The Committee considered and noted the schedule of planning appeals, court and policy matters that had been circulated with the agenda.

The following information was reported on the agenda update sheet correcting the decisions for three appeals (CC/16/03216/ADV, E/17/00237/FUL and EWB/16/03920/FUL) missing from the report.

The meeting ended at 3.30 pm

CHAIRMAN

Date: