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

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

Members not present: Mrs J Fowler and Mr P Wilding

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss C Boddy (Senior Planning Officer), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr D Price (Principal Planning Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

1 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting, and explained the emergency evacuation procedure.

Apologies were received from Mr P Wilding and Mrs J Fowler.

The Chairman expressed her thanks to the previous Chairman Mr Hayes for his work. The Chairman also noted that it was 75 years since D-Day and we should not forget the sacrifices made on that day.

2 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 24 April 2019 be approved and signed by the Chairman as a correct record.

3 **Urgent Items**

There were no urgent items.

4 **Declarations of Interests**

Mrs Purnell declared a personal interest in planning applications WR/19/00124/FUL, SI/18/02925/FUL and BI/19/00351/FUL as a member of West Sussex County.

Mr Barratt declared a personal interest in planning application BI/19/00351/FUL as a member Chichester Harbour Conservancy.

Mr Briscoe declared a personal interest in planning application WE/18/03013/FUL as a member of Westbourne Parish Council.

Mr Oakley declared a personal interest in planning applications WR/19/00124/FUL, SI/18/02925/FUL and BI/19/00351/FUL as a member of West Sussex County Council.

5 **WR/19/00124/FUL - Old Helyers Farm Kirdford Road Wisborough Green RH14 0DD**

Additional information was reported on the agenda update sheet regarding the name of the ward which should read as 'Loxwood', and a further condition that the existing mobile home is removed from the site within one month of occupation of the proposed dwelling. An additional comment was also included on the agenda update sheet, from a third party believing a letter from the agent contained a misrepresentation of facts and a query regarding rural business need and current/future use, which had been addressed within the Officer's report.

The following member of the public addressed the committee:

Mrs D Appleton – Agent

During the discussion Members debated the property in relation to the current business, whether such an isolated dwelling was contrary to the Neighbourhood Plan, and requested clarification regarding the class and whether it would be linked to the business. Mrs Stevens confirmed that condition 3, would be amended, tying the dwelling (not mobile home) to person/s solely/mainly employed in the equestrian business. Mrs Stevens also confirmed the use of the wider site could not be changed to any other business use without first obtaining planning permission. If the business should cease, planning permission would be required to remove the condition for it to be sold on the open market. Mrs Stevens added that in respect of the Neighbourhood Plan, there is a 'lawful fall-back' for a tied property. Mr Whitty further explained that the application seeks to 'replace' one property, which has permission, with another. Mr Whitty confirmed the recommended occupancy restriction condition could be amended to allow occupiers to be employed in agriculture in addition to the equestrian use on the site. .

Committee members also sought clarification regarding parking and access. Mrs Stevens responded that the site provided two parking spaces for the proposed dwelling and further parking areas for horse boxes with sufficient turning spaces and that the Highways Authority was satisfied with the access and parking proposed.

Recommendation to **Permit** agreed.

6 WE/18/03013/FUL - Woodbury House Whitechimney Row Westbourne PO10 8RS

Additional information was reported on the agenda update sheet (recorded as Application No: 19/00124/FUL and should read 18/03013/FUL). Westbourne Parish Council objects to this retrospective application as the completed construction works are in contravention to the original plans, which although recognised as not a justification for refusal, considers there are sound planning reasons for refusal of the application. These reasons include the roofline which is set higher than approved, the raising of the ground levels causing surface water to run into adjoining land and the demolition of an original flint wall which should have been retained and, which had replaced by a new flint wall, which is not considered in character with the village.

The members of the public addressed that committee:

Mr R Hitchcock – Parish Representative
Mr R Briscoe – Objector

During the discussion Members debated the newly constructed flint wall, and the issues of managing surface water where levels have been raised. Mr Barrett proposed a site visit due to the difficulties of visualising the work which had taken place from photographs only, which was seconded by Mr Oakley.

Following further discussion Miss Boddy, agreed the new wall appears stark at present, but it would weather over time and its appearance would soften. Miss Boddy confirmed the drainage officer had advised that he was satisfied with the proposed drainage and confirmed that further information about the scheme requested by members could be presented at the next meeting.

A vote was taken with regards to undertaking a site visit, which was agreed.

Mr Whitty confirmed that having heard the concerns of Members a site visit would be appropriate.

Recommendation to defer a decision, pending a site visit.

7 SI/18/02925/FUL - Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex

Additional information was reported on the agenda update sheet regarding the name of the ward which should read as ‘Siddlesham with Selsey North’.

The following member of the public addressed the committee:

Mr A Harland – Parish Representative

During the discussion Members debated traffic volume on the road from which the site access would be located, larger vehicles accessing the site, visibility splays, the impact of new hardstanding on drainage, infilling development, the appearance of sub-dividing fields, storage of feed, potential issues of manure seepage onto the highway, the replanting of hedgerows, and whether a condition not to operate a business from the site would be appropriate. Mrs Stevens responded that with regards to 'infilling' if this was a residential scheme, that would be an appropriate consideration, but it is not for an equestrian development, and provided information citing Policy 55 of the Local Plan which permits equestrian use where the criteria is met. The Highways Authority were satisfied with the proposed access; the gate would be set back from the edge of the carriageway to allow space for vehicles to stop clear of the highway. With regards to flooding, a condition had been included that 'discharge of washings ...or yard areas must first drain into a soakaway or treatment system'. There would be no requirement for additional undercover space to keep feed. Mrs Stevens added that planning permission is not required for grazing or turn horses out, and that the fencing erected on the site does not currently require planning permission, acknowledging that a condition could be added removing permitted development for further fencing to sub-divide the field. The Environment Officer has not raised any objections regarding the muck heap but they do require a waste management plan to be submitted. In response to concerns from members about the location of the muck heap and the potential odour impacts upon neighbouring properties Mrs Stevens advised that a condition could be added to relocate the muck heap to another part of the site further away from residential properties. Mrs Stevens confirmed that the other two applications for the gypsy and traveller sites are independent of this application and there is no indication within this application that this site would be used for commercial purposes and therefore it is appropriate to include a condition stating that the site should only be used for the private keeping of horses.

Further discussion included; the position of a recently installed new gate; a question regarding the installation of hardstanding and what would happen if construction of the stables does not takes place; removal of hedgerows;, connection to the bridleway network;, and future use of the stables for conversion to residential accommodation. Mr Whitty responded that there is no dropped kerb adjacent to the gate, therefore that is likely to be unauthorised development and separately from this application, enforcement action can be taken. Mr Whitty advised Members of the committee against employing supposition regarding future use of the building, and reminded Members with regards to the gypsy and traveller sites on appeal, these are not linked with this application. Mr Whitty stated that he understood the concerns regarding the loss of hedgerows and equally with regards to larger vehicles turning off or onto the highway and confirmed adjustments to access the site could be required, and Mr Whitty reiterated the Highways Authority had not raised concerns.

Mrs Stevens confirmed the comments from the Environment Officer relate to a buffer for the existing hedgerow and that there is no hedgerow near the stable or requirement for the stable to be set back five metres from it. A conditions to secure a landscaping scheme and tree protection measures is recommended , but there would be some loss of vegetation. There is also a condition regarding the boundary treatment, and a rural type of boundary treatment such as post and rail fencing

would be required. . Filling-in gaps in vegetation elsewhere does form part of this planning application. Mrs Stevens confirmed the bridleway network was accessible from Keynor Lane. There is a condition regarding the use of the building and although it could revert to agricultural use, any other use would require planning permission. With regards to lighting, storage and disposal of waste, these matters are covered in the conditions and other matters such as the removal of permitted development to sub-divide the field could be added to the recommended conditions.

With regards to a question relating to the new gate, Mr Whitty confirmed it was not part of the proposal and if Members are concerned, this could be clarified by an informative on the decision.

Mr Briscoe proposed that a decision be deferred pending further information regarding access from the Highways Authority as to the type vehicles which may be using the site, which is on a well-used road. This was seconded by Mr Oakley due to the number of matters and accumulated conditions discussed during the debate for which clarification was sought

The application was therefore deferred for further information in relation to; the use of alternative vehicles across the access and highway, the proposed planting scheme, how security of the site was proposed to be secured, to further consider re-siting of the muck heap, and for additional information about access to public bridleways.

Mr Whitty responded that it was his view that concerns can be dealt with by way of conditions, and that the applicant is entitled to decision within a reasonable timeframe within the process.

Members of the Committee took a vote on deferral.

Recommendation to defer decision, pending further information.

8 **FB/19/01017/DOM - Strathisla 10 Salthill Road Fishbourne Chichester West Sussex PO19 3QH**

Additional information was reported on the agenda update sheet regarding the name of the ward which should read as 'Harbour Villages' and that the application is retrospective and therefore condition 1 is omitted from the recommendation.

Recommendation to **Permit** agreed.

9 **CH/19/00661/FUL - Flat Farm Broad Road Hambrook Chidham Chichester West Sussex PO18 8RF**

Additional information was reported on the agenda update sheet regarding the name of the ward which should read as 'Harbour Villages'.

During the discussion Members debated brightness and appropriateness of the lighting, impact on the character of the area, any ecological impact, and change from original planned bollard lighting to lamp columns. Mr Whitty responded by

showing photographs taken the evening prior to the meeting and explained the light spill on the ground was limited, that character of the area was not affected as it is less rural in appearance than previous, due to appeal decisions allowed on the other side of the road. Therefore, in that context the character is already present, and Mr Whitty advised that it would be difficult to construct an argument based on character, to defend an appeal.

Members of the Committee queried the potential to both limit the lumen output and control the timing of the lighting. Miss Bell confirmed the lights were currently 915 lumens, and it would be possible to limit the light by condition. With regards to timing, the lights have sensors as approved in 2012 to switch on at dusk and off at dawn, which is how the other lighting on the development is operating, but the implementation of different hours could be investigated by requirements through condition.

With regards to a question as to whether a consultation with residents may appropriate, Mr Whitty confirmed a previous consultation had not generated any comments. Mr Whitty added that he had some concern with limiting the lighting (brightness and timing) without the knowledge of impact on safety, and suggested as an alternative, part of the resolution may be that Members ask officers to investigate the option for placing such a restriction with the applicant, which may be possible depending on health and safety constraints. Mr Whitty further advised that efforts could be made to consider restrictions.

Recommendation to **Permit** agreed with the condition that final details regarding the level of lumens and timings to be established.

10 **BI/19/00351/FUL - Birdham Fruit Farm Martins Lane Birdham Chichester West Sussex PO20 7AU**

Additional information was reported on the agenda update sheet regarding the name of the ward which should read as 'The Witterings', and to also note that no part of this decision permits a new access track across the land adjoining the application site to the east. Mrs Stevens gave a further verbal update to a condition within the recommendation which referred to the control of the building, which is the subject of this application in relation to two earlier permissions in 2004 and 2005, which should also include a permission given in 2008.

The following member of the public addressed the committee:

Mr S Crossley – Applicant

During the discussion Members debated if further structures would be required for storage and what weight should be given for the need for temporary accommodation within an Area of Outstanding Natural Beauty (AONB). Mrs Stevens responded that there are no proposals for an additional building for storage and any such building would require a planning application as permitted development is more limited within the AONB. Mrs Stevens confirmed that the building would only be occupied in connection with main dwelling on the site. Members further suggested that removal of permitted development is included as a condition to prevent further structures. Mr

Whitty responded that without evidence, this could be considered as unreasonable or unnecessary.

Recommendation to defer for Section 106 then **Permit** agreed.

Mr Page left the meeting at the close of this item and did not return.

11 **VARIATIONS TO SECTION 106 AGREEMENT - 18/00448/OBG: Land west of Garsons Road, Southbourne**

This item will be taken under item 14.

12 **VARIATIONS TO SECTION 106 AGREEMENT - 18/02913/OBG: Land west of Garsons Road, Southbourne**

This item will be taken under item 14.

13 **SDNP/18/00474/FUL - Lower Diddlesfold Farm Diddlesfold Lane Northchapel West Sussex GU28 9EN**

Additional information was reported on the agenda update sheet providing the name of the ward as 'Loxwood'. Additional comments raised by two third party objectors, an amendment to time limit condition and two additional conditions disallowing the construction of an enclosure within a specific area of the site and the requirement for an asbestos survey.

Mr Saunders reminded Members of the Committee, that this application is within the South Downs National Park Authority (SDNPA) area and therefore the emerging SDNPA Local Plan is the framework for considering applications, rather than the District Council Local Plan 1999. Mr Saunders also provided additional comments from the Landscape Officer regarding three outstanding matters. The permitted agricultural building will partially screen the development, which will have a minimal impact on long distance views and use of traditional materials will enable the buildings to sit within the landscape, reflecting the local vernacular. The sand school will be 67m above datum, the same as the adjacent slab of the agricultural barn and lower than the adjacent land level. The Landscape Officer is now satisfied in relation to parking of vehicles, changes to the entrance, lighting and fencing and that either there are no changes proposed or that they can be adequately controlled by condition.

The following member of the public addressed the committee:

Mr M De'Courcy – Agent

During the discussion Members commented on the improvement in appearance the proposed development would provide, and queried whether the applicant would live on the site, if there would be a necessity for sub-division of open fields to accommodate horses, the change from agriculture to equestrian use and business use of the development. Mr Saunders confirmed that there were two dwellings on the site in the control of the applicant, which the applicant may consider replacing at

a future date but that was not part of this application. Mr Saunders explained that in relation to the forthcoming SDNPA Local Plan, regarding change of use, currently the proposal is for the buildings to be tied by condition to private equestrian use and there are policies within the Local Plan which allow for redundant rural buildings to be converted to residential use but, a number of tests would have to be passed for permission to be granted. The application was for mixed equestrian and agricultural use. With regards to sub-division of the fields, a condition could be added if this is a concern to restrict permitted development rights to erect fencing on the land and Mr Saunders confirmed permitted development does allow conversion of farm buildings into other uses.

Members further discussed whether there was sufficient parking on site, requirement for housing, and the link for the dwellings within the application. Mr Saunders responded that there was sufficient hard-standing for parking and the two houses within the site enabled the scale of the development to be more acceptable. Mr Whitty added there is not a direct link through 106 or a condition to revert the houses to a link, but one dwelling is agriculturally tied to the farm and if the other was sold or an application was made for a new dwelling within the site account can be taken as to whether that is appropriate but advised it is not reasonable to tie the dwellings at this time.

Recommendation to **Permit** agreed.

14 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters Between 4 April 2019 and 16 May 2019**

The Chairman asked if any Members had any issues to raise, and suggested that for future meetings, Members email issues in advance, to ensure officers had time to prepare a response.

Mr Oakley drew Members attention to Planning Reference 18/00798/FUL and suggested members viewed the detail of this application, as such conversions were likely to be a regular occurrence, and this was an interesting decision with regards to appearance within street scene, provision of living conditions and the potential impact on parking in an already built-up area. The Chairman suggested that details will be provided for the next meeting as a summary, that officers provide further information at that time.

Mr Oakley referred to Planning Reference 18/0080/FUL and commented that this appeal is on the original application and asked why the applicant is still pursuing the appeal given there is another on-going appeal. Mrs Golding responded that once permission is issued on the other appeal, this appeal may be withdrawn.

Miss Golding drew the Committee's attention to the update sheet, to which two court matters had been added.

15 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters Between 4 April 2019 and 16 May 2019**

The Chairman noted that there was an absence of information on Planning Reference SDNP/18/03543/Hous and SDNP/18/04138/FUL. Mr Whitty responded that these appeals would be reported on at the next meeting.

Miss Golding drew the Committees attention to the update sheet to which one court matter had been added.

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

There were no late items.

The meeting ended at 12.48 pm

CHAIRMAN

Date:

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