



Minutes of the meeting of the **Planning Committee** held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on Wednesday 4 December 2019 at 9.30 am

Members Present: Mrs C Purnell (Chairman), 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 H Potter, Mr D Rodgers, Mrs S Sharp, Mr A Sutton and Mr P Wilding

Members not present:

In attendance by invitation:

Officers present: Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr D Power (Senior Planning Officer), Mrs F Stevens (Development Manager (Applications)), Miss K Taylor (Senior Planning Officer), Mr H Whitby (Tree Officer) and Mr T Whitty (Divisional Manager for Development Management)

36 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and read out the emergency evacuation procedure.

No apologies for absence had been received and all Members were present.

37 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 6 November 2019 be approved and signed by the Chairman with the following amendments:

That minute 20 included a trigger for Condition 26 Bat and Bird Boxes, and in Condition 34 the Open Space, to be included within the recommendation.

That minute 24 included a Condition regarding brick wall detailing, to be included within the recommendation.

That minute 25 included the form of recommendation as approved by the Committee.

With regards to minute 20 that Mrs Johnson had spoken on behalf of Mr Johnson, and also on her own behalf for planning application SY/19/00321/FUL.

With regards to minute 25 Mrs Sharp queried if the Environment Agency had now provided advice in relation to the chalk stream. Mr Whitty responded that, this had not yet been received.

38 **Urgent Items**

There were no urgent items.

39 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of planning application BI/19/02122/FUL as a member of Chichester Harbour Conservancy.

Rev. Bowden declared a personal interest in respect of planning applications CC/19/02109/TPA and CC/19/01286/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of planning applications WW/19/01622/FUL, PS/19/00682/FUL, CC/19/02109/TPA and CC/19/01286/FUL as a member of West Sussex County Council and TG/19/02365/FUL as a member of Tangmere Parish Council.

Mrs Purnell declared a personal interest in respect of planning applications WW/19/01622/FUL, PS/19/00682/FUL, CC/19/02109/TPA and CC/19/01286/FUL as a member of West Sussex County Council.

Mrs Sharp declared a personal interest in respect of planning applications CC/19/02109/TPA and CC/19/01286/FUL as a member of Chichester City Council.

40 **WW/19/01622/FUL - Surbitonia, 45 Howard Avenue, West Wittering, PO20 8EX**

Mrs Stevens introduced the application.

Additional information was provided on the agenda update sheet relating to amended conditions regarding the boundary treatments, the provision of cycling and refuse storage facilities, and the use of porous materials for the proposed hardstanding and driveway. A further verbal update was provided with regards to condition 13, confirming that the strategy must reflect the WSCC Parking Guidance 2019, and also that a condition removing permitted development would be reasonable.

The following members of the public addressed the Committee:

Mr Bill Buckland – Parish Council
Mrs Sue Miles – Objector
Miss Heather McCrudden – Agent

During the discussion Members debated the character of the proposed dwellings within the setting, over-development, sub-division of plots and appropriate number of sub-division of plots, height of the proposed buildings causing loss of the open vista of the street, loss of single floor accommodation, number of proposed parking spaces, loss of a traditional dwelling, greater sustainability of proposed buildings, hedgehog provision and whether one dwelling could be positioned to the front and one to the rear of the plot. The Chairman reminded the Committee that they could only debate details regarding the application as presented. Mrs Stevens responded that the current dwelling was not a listed building and could be demolished without planning permission. The width of the plot was slightly wider than other plots within the vicinity which had been sub-divided as proposed in this application, and some other plots would not be considered as suitable for sub-division. Mrs Stevens confirmed that weight could be given to the 'Village Design Statement', and that this identified the eclectic design within the area. Mrs Stevens further confirmed that it would be possible to walk between the two proposed dwellings and the neighbouring property and other properties had been built-out close to their boundaries. It would be necessary to identify the harm caused with regards to refusing the application on the grounds of the width of the plot. Mrs Stevens also added that it would be possible to reverse into the parking area, there would be provision for one car charging point for each dwelling as part of the considerations, the highways authority had made no objections and the road was used at low speeds allowing any necessary manoeuvres.

Members sought further clarification regarding whether it was considered by officers reasonable to refuse the application and the likely outcome, should the applicants appeal the decision. Mrs Stevens confirmed that all applicants have the right of appeal, and that the officers' recommendation was for the application to be permitted.

Members further debated whether the parking of six vehicles would negatively impact on the character of the street and if in accordance with NPPF 127 this may provide reasonable grounds for refusal, the issue of granting permission and further applicants citing previous permissions for similar proposals, the improved energy efficiency of proposed dwellings, over-burdening of the site, and the impact of an accumulative effect relating to sub-division of plots. Mr Whitty added that the change in character would not result in significant harm, although it is recognised that there would be some change, the proposals broadly accord with other plots within the vicinity.

Members sought further clarification regarding whether the potential to demolish the current dwelling could be prevented, if the area could be protected, whether bat bricks could be included, whether planting could be conditioned to continue after the five year period, would the larger proposed dwellings in comparison with other dwellings conflict with the authorities own policy, and whether the layout of dwellings in considering the VDS, may provide grounds for refusal. Mr Whitty confirmed that the applicant could choose to demolish the current dwelling, however this would leave the applicant with a plot of reduced value if planning permission could not then be secured and suggested this action was therefore unlikely but the Council did not have powers to prevent demolition. Mr Whitty further reminded the Committee that decisions must be made in accordance with current and not future policy, that bat

bricks could be added as a condition. With regards to the planting, it would not be reasonable to expect this to be retained beyond a five year period, small changes which do not require planning permission could be considered to change the character of an area, and the VDS recognises an eclectic mix of dwellings which provides support to the proposals for which the applicant was seeking permission.

Members sought further clarification regarding whether car use and ownership was being encouraged by the number of proposed parking spaces. Mr Whitty confirmed that with the potential number of occupants, they would need to be catered for and further explained that the West Sussex County Council 'Guidance on Parking at New Developments' would be discussed later on the agenda.

Contrary to the recommendation of officers, permission was **Refused** permission for the following reason;

The proposed development by reason of its size and depth comparative to the prevailing form of development in the locality, and the cumulative impact of enclosing open views between properties at first floor level and above, would result in over-development of the site, which would be out of character with the surrounding area and harmful to the visual amenities of the street scene. Furthermore the proposal would result in a car dominated frontage due to the excessive amount of hardstanding, which would be out of keeping with the open character of the street scene. The proposal would therefore be contrary to Policy 33 of the Chichester Local Plan, and paragraphs 127 and 130 of the National Planning Policy Framework.

The Committee took a five minute break.

41 **TG/19/02365/FUL - Land To The West Of Hangar Drive, Tangmere, West Sussex**

Mr Power introduced the application.

Additional information was provided on the Update Agenda Sheet regarding the corrected name of the applicant, additional relevant planning history, amended conditions relating to no occupation prior to vehicular access construction, or until secure cycle parking spaces have been provided and no external illumination permitted other than in accordance with a lighting scheme having been submitted and approved.

Further verbal updates were provided regarding new and amended conditions in relation to litter control, requirement for bird/boxes/nesting bricks, reference to West Sussex County Council Highways Parking Guidance 2019, on the matter of contaminated land, to ensure the proposal would not impact on the integrity of the remediation as previously permitted, and internet provision.

The following member of the public addressed the Committee:

Mr Roger Owers – Objector

During the discussion Members debated the previous permission granted and now lapsed, the change of context to the current time related to the setting, the high density nature of the site, requirement of piling works, contamination, broadband limitations, loss of trees, limitations of new tree planting due to adjacent treatment works, the current opportunity for recreational activity on the site, the proposed limited buffering of proposed development from the reduced open space and the design of the spine road with a pinch point and the effect of parking spaces near to the location. Members further discussed the lack of amenity around the proposed development, disruption to local residents during the construction process, views that the development should have been built when other adjacent plots were under construction, and the number of written objections received by the Council.

Mr Power responded that the density was not out of keeping with the location, the proposed conditions dealt with issues regarding contamination and broadband. The remaining open space would still be of considerable size and the remaining provision of open space would comply with Local Plan policy. The Construction Management Plan could control the impact of piling works to neighbouring amenity, as to could the storage of construction materials and any clearing/tidying of site could be controlled by this condition. Mr Whitty added that piling works would be part of the material considerations and with regards to climate emergency, policy 40 of the current Local Plan has been taken into consideration. In relation to the delay in constructing the proposed development and lapsed permission from 2016, this was a decision of the developer.

Members further debated safeguarding the remaining public space from future development, proximity of the public space to the flats and likelihood of conflict, that it was now easier to comprehend the impact of the proposed development with other adjacent dwellings completed, whether a site visit was appropriate, and whether repositioning the flats within the plot would achieve a better result. Mr Whitty responded that a condition related to the open space and there was a s106 requirement, the NPPF had become more defined in terms of the obligation to establish well-designed places. With regards to the proximity of the flats to open space clarification could be obtained and a barrier such as railings could be installed to protect the flats.

Members further debated the loss of open space for play as particularly important due to the high density of dwellings, and the need to revise the original s106. Mr Whitty confirmed that a variation to the s106 agreement may be required. Members further discussed the control of litter and bonfires to ensure other residents were not impacted upon, and whether the proposed development would have resulted in the requirement for an increase in social housing numbers, had it been constructed at the same time as the adjacent dwellings. Mr Whitty confirmed there would have been the requirement for one further dwelling with regards to affordable housing, but it would not be reasonable to add that requirement at this stage, given that it was a separate and contained development. Mr Power also confirmed that the management of litter and the recycling of litter could be included as a condition.

Contrary to the recommendation of officers, permission was **Refused** for the following reasons;

1. The proposal would result in the introduction of an overly dominant form of development, and the loss of open space which makes a significant contribution to the spacious character of this part of the estate, which has now been built out. The scale, form and siting of the proposed building, together with the encroachment into and loss of open space, would be harmful to the character and appearance of the area. The proposal would subsequently result in a form of development out of character with the area, failing to take into account local distinctiveness and causing harm to the visual amenities of the streetscape. The proposal would therefore be contrary to Policies 33 and 54 of the Chichester Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework
2. The development would result in the loss of open space, which would be harmful to the amenities of surrounding properties. Furthermore, the proximity of the development to the open space would result in overlooking to future occupiers and an unacceptable relationship between the open space and the proposed development, which would be harmful to their amenity. The proposal would result in unacceptable harm to the amenity of neighbouring properties and future occupiers, failing to comply with Policies 33 and 54 of the Chichester Local Plan 2014-2029.
3. *Informative: Since the previous application (16/00444/FUL) the site has been built out and the open space provided. The NPPF has also been revised and places a greater emphasis of achieving good design within development. There has therefore been a material change in both policy and circumstance since the granting of application 16/00444/FUL.*

42 **PS/19/00682/FUL - Crouchlands Farm, Rickmans Lane, Plaistow, RH14 0LE**

Mrs Stevens introduced the application.

Additional information was provided on the Update Agenda Sheet regarding an amended condition relating to the timescale for the removal of the portacabins.

During the discussion Members debated the necessity for facilities at the site, the retrospective nature of the application, and work required for the remediation of the land, and general recycling within the portacabins. Mr Whitty responded that the over-riding condition was the permitted timescale for portacabins to remain on the land and that removal could be enforced, and that he could not confirm that recycling was taking place within the portacabins.

Recommendation to **Permit** agreed.

The Committee took a 15 minute break.

Mrs Stevens introduced the application and Mr Whitby, the Council's Tree Officer.

The following members of the public addressed the Committee:

Mr Alan Carn – Objector
Ms Jenny Cole – Objector
Mr Colin Wood – Supporter
Mr J Summers – Supporter
Mrs Kathleen Spur – Applicant

The Chairman invited Mr Whitby to provide further information regarding the tree. Mr Whitby explained that the tree was a mature Holm Oak tree from the Mediterranean region, three metres in circumference, and had been pruned every eight years. The tree was an evergreen, with old foliage dropping in May, followed by new foliage and flowers forming, and was a healthy specimen.

During the discussion Members debated the Holm Oak on the other side of the street, whether the wall could be removed and a fence erected in its place, the risk to the footpath and applicant's garage, the amenity value of the tree, the replacement, the need to remove the element of risk, the reduction in flood risk by the tree's take up of water, that trees are part of a cycle, and a replacement tree being of a more appropriate variety or form for the location.

The Chairman advised that previously Planning Committees had refused to allow the felling of a tree and the resultant damage caused had required that the Council fund the cost of repairs, and also that the Committee should be aware that the Council would also be liable for any trips or falls caused by the tree.

Members further debated the definition of a Tree Preservation Order (TPO), whether the tree had to date caused any cracks in the adjacent garage wall, the impact of not removing roots if the tree was felled and how easily a replacement tree could be planted in the location.

Mr Whitty responded that permission could not be refused due to the climate emergency, and that the tree had a value within the street scene and was in good health but a balanced view was required. There was no current evidence that the tree was causing damage to the garage or the dwelling, although this may be a material consideration for the future. The Holm Oak on the other side of the street had not caused the same degree of issues, a fence would not retain the soil surrounding the root ball, and a reduction in the roots could cause the tree to become unstable. The area was in flood zone 2/3 only within a specific year event but Mr Whitty agreed the tree did take up excess water. The amenity of the footpath was also to be considered and required work to remediate the footpath, was likely to be on-going. Mr Whitty further advised that should the application be refused, from today forwards, should any damage occur to the applicant's property, the Council would be liable, and cited a similar situation in which costs had totalled over quarter of a million pounds. The highways authority had requested that the tree was felled, and therefore should this not take place and a pedestrian is injured as a result, the

Council would be liable. Mr Whitty concluded that a Holm Oak was not appropriate for the location and on removal, the root ball would be bored-out from the ground. Mr Whitby confirmed that a replacement tree could be included within the conditions and would be appropriate for the location. The roots were currently becoming detrimental to light-structures for example block paving, and the situation would not be improved by new boundary treatments. Members further debated the amount of footpath to be removed for the tree to be felled, whether the liability on the Council was quite limited, whether the block-paving could be replaced by gravel, whether further evidence of damage was required, and if the removed roots would leave voids underground. Mr Whitby explained that the applicant may not receive an insurance claim for any damage caused by the tree. Members commented they considered they were being forced into making a decision to fell the tree. Mr Whitty advised that the applicant was not required to provide evidence, and if the application was refused, the Council would be open to any compensation claims regardless of the amount of evidence provided.

Mr Whitty confirmed that the roots would be reduced and that the only impact from the remaining roots was that the area may drop by a small amount. Mr Whitty added that any replacement tree would be planted at ground-level, and that the recommendation from officers to agree for the tree to be felled had not been taken lightly.

Members further debated the importance of the appearance of the street scene, carbon reduction supported by the tree, the provision of a place for wildlife given by the tree, and when the damage to the wall had occurred.
Recommendation to **Permit** agreed.

44 **CC/19/01286/FUL - Abbas Combe Nursing Home, 93 And 94 Whyke Road, Chichester, West Sussex**

Miss Taylor introduced the application.

Additional information was provided on the Update Agenda Sheet regarding further comments from WSCC as the highways authority clarifying information in relation to the pedestrian infrastructure, that correspondence had been received from the agent agreeing to the pre-commencement conditions, that Longdale Avenue, should read Langdale Avenue, and an amendment to the Decided Plans Table.

The following members of the public addressed the Committee:

Mr Gary Abraham – Objector
Mrs Helen Dodd – Objector
Mr Adrian Kearley – On Applicant's Behalf

During the discussion Members debated whether the proposal would be an overdevelopment of the plot, which was confirmed by Miss Taylor to have been reduced in size during negotiations with officers. Members further discussed the description of the model of the operation of the home which seemed to be both a nursing home and also cater for residents who were cared for under the support of an elderly, mentally and infirm (EMI) establishment. Further matters debated

included limited sunlight into the building and outside areas, the potential for basement being lower than the water table and conditions for employees working in the basement. Mr Whitty explained the proposed use of the development would be classed as C2 in planning terms, and the operation of the home was not a planning matter and similarly any potential issues with the basement or working within the basement was not a planning matter. The current buildings had C2 use, and the new development would be an improvement upon the existing buildings. Officers also considered that the impact on neighbours of the replacement development would be reduced in comparison with the current buildings and the level of separation was acceptable. Mr Whitty also responded to the Chairman's request for clarification regarding overshadowing, confirming it would be reduced in the summer when the sun was higher and there would be a degree of overshadowing in the winter.

Members further debated the shortage of residential homes in the area, the size of the building, the relationship with neighbours and the design of the roof. Mr Whitty confirmed that officers' considered the relationship with neighbours would be improved as the new development would be further away from neighbouring properties in comparison with the current building, although there would clearly be some impact on the amenity of neighbouring gardens.

Members further debated parking standards associated with C2 use, the proximity to the A27, the ownership of the tree belt, potential impact of ventilation units on neighbours, and the financial viability of operating such a home related to the number of beds required for sustainability. Mr Whitty responded that the case being made by the applicant was related to the necessary size of the proposed home for financial sustainability. The tree belt was in the ownership of the highway authority, protection measures for the trees was required during construction, but the trees may be impacted upon depend on future A27 development, and the development was considered acceptable with or without the trees. A condition provided the requirements for the general ventilation, and the ventilation required during cooking activities, could be added to the conditions.

Members further discussed the mitigation of any noise generated, controls on the deliveries to the site and whether officers could provide a plan relating to the A27 and the existing trees. Mr Whitty confirmed that such a plan was not available, and there may or may not be impact on the trees, although it was acceptable for the trees to be removed.

Members further discussed traffic generated by the free-school, egress to and from the site, and whether bollards were required at the entrance to prevent motorcycles, and planting of two trees for each one which might be removed. Mr Whitty confirmed that with regards to deliveries, there was not evidence of harm that would support a restriction to be outside school delivery and collection times, and that it was more usual to condition the request not have deliveries during unsociable hours. The planting of two trees for one removed, was a minimum as appropriate and bollards would not be installed due concerns from neighbours to the north, and there was unlikely to be issues with motorcycles. Mr Whitty further confirmed that significant negotiation had taken place over a long period of time with the applicant.

Recommendation to **Permit** agreed with following new and amended conditions;

1. Amendment to condition 8 to include submission of details of the siting of and noise transference mitigation details of ventilation for cooking facilities and for attenuated mechanical ventilation of rooms due to the requirement to keep windows fixed shut.
2. New condition (30) requiring operational delivery times to be restricted (to ensure protection for neighbours during antisocial hours)

Mr McAra left the meeting.

45 **BI/19/02122/FUL - Broomer Farm, Lock Lane, Birdham, PO20 7AX**

Mrs Stevens introduced the application.

Additional information was provided on the agenda update sheet relating to an amended condition that there would be no external illumination permitted other than in accordance with a lighting scheme having been submitted and approved. A verbal update was provided stating a condition requiring no external storage and removal of existing containers is recommended.

The following member of the public addressed the Committee:

Mr Gordon Churchill – Parish Council

Members sought clarification regarding the area of the site, which Mrs Stevens confirmed as 0.2 hectares. Mrs Stevens confirmed that permitted development rights would be removed by condition to prevent conversion of the proposed building to a residential dwelling. Members sought further clarification regarding whether the land was of sufficient size for the keeping of horses, and Mrs Stevens responded that the land was of sufficient size for this purpose.

Recommendation to **Permit** agreed with an additional condition restricting external storage, and requiring removal of existing storage containers.

Mr McAra returned to the meeting.

46 **Parking Guidance Report**

Mr Whitty introduced the guidance document and also provided a map at the meeting, which illustrated the location of the five types of zone across the district.

Members sought clarification on whether division of a property into separate dwellings would require an increased number of parking spaces. Mr Whitty responded that an increased number would be required, but if for example a householder extended their property, the guidance would not apply.

Members commented that old ward boundaries were being used with the map and sought clarification as to how charging points for vehicles would be charged financially, which was confirmed would potentially be via a phone app. Mr Whitty added that with regards to charging points for public parking spaces on a

development, this matter would be overseen in accordance with a management plan.

Members sought further clarification regarding the map, and why there were different coloured zones within the city of Chichester. Mr Whitty responded that the map had been provided by West Sussex County Council, and the differing Chichester city zones may relate to the proximity to public transport, but he would need to seek further information. Council Members who were also County Council Members confirmed that the work on the guidance had been based upon the 2011 census car ownership figures and other historical evidence, which was less current, and with regards to larger developments the guidance may have to be revised. Mr Whitty commented that cars could be parked in the road and the Council could take a view on the impact on the amenity. With regards to the area within the National Park, Mr Whitty responded that he did not yet know what their reaction to the guidance had been. Mr Whitty further confirmed he would forward the link to the guidance on the County Council website for Members of the Committee.

The document was **Noted**.

47 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters, Between 17-Oct-2019 and 19-Nov-2019**

Members of the Committee did not require any further information.

48 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters, Between 17-Oct-2019 and 19-Nov-2019**

Members of the Committee did not require any further information.

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

There were no late items.

50 **Exclusion of the Press and Public**

There was no requirement to exclude the press and public.

The meeting ended at 2.45 pm

CHAIRMAN

Date: