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Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 11 March 2020 at 9.30 am

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

**In attendance by invitation:**

**Officers present:** Mr O Broadway (Principal Conservation and Design Officer), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr D Price (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)), Mr T Whitty (Divisional Manager for Development Management) and Mr J Saunders (Development Manager (National Park))

## 31 **Chairman's Announcements**

In the absence of the Chairman and Vice-Chairman, Mr Briscoe was proposed as the Chairman for the meeting by Mr Sutton, seconded by Mr Wilding and agreed by all present. Mr Briscoe took the Chairman's seat.

The Chairman welcomed everyone to the meeting, read out the emergency evacuation procedure, and confirmed to all present to be mindful of hygiene during the meeting and breaks, due to the current outbreak of the Covid-19 virus.

Apologies for absence had been received from Mrs Purnell, Rev. Bowden, Mr Barrett and Mrs Fowler.

## 32 **Approval of Minutes**

That the minutes of the meeting held on 5 February 2020 be approved and signed by the Chairman with the following corrections as requested by Miss Golding and Mr Oakley:

That NM/19/00677/FUL – South Mundham Farm, South Mundham Road, South Mundham, PO20 1LU was permitted 'with S106'.

Consideration of late item: 23 Southgate, Chichester (The Vestry) to authorise the Authority's 'Prinicpal' Solicitor, and not 'Senior' Solicitor as recorded.

SI/19/02417/FUL – Chalk Lane Nursery, Chalk Lane, Siddlesham, PO20 7LW, that the name of the speaker from the Parish Council was Mr Harland and not Mr Hadland as recorded.

**33 Urgent Items**

The Chairman reported that there would be no urgent items.

**34 Declarations of Interests**

Mrs Johnson declared a personal interest in respect of planning application SY/19/02962/FUL as a member of Selsey Town Council.

Mr Oakley declared a personal interest in respect of planning applications BI/19/02797/FUL, CH/19/03029/FUL, CH/19/03030/FUL, EWB/19/00431/AGR and SY/19/02962/FUL as a member of West Sussex County Council.

**35 BI/19/02797/FUL - Martins Cottage, Martins Lane, Birdham, PO20 7AU**

Mr Mew introduced the application.

Further information was provided on the agenda update sheet regarding the review of the Local Plan, explaining that consultation on a Preferred Approach Local Plan had taken place and that following consideration of the responses, it was intended that the Council would publish a Submission Local Plan under Regulation 19 early in 2021.

Further information was also provided on the agenda update sheet regarding comments from the CDC Environment Officer in relation to making appropriate provision for bats, reptiles, and nesting birds. Further requirements were listed, pertaining to enhancements to be incorporated into the scheme for replacement of trees, planting of a wildflower meadow and filling gaps in tree lines and hedgerows. A further five letters of objections had also been received from the same parties as previously. Additional conditions were also listed confirming no structure shall be erected or alteration made without the grant of planning permission, and that the implementation of this planning permission would be carried out strictly in accordance with the measures concluded within the Ecological Report. Amended conditions were detailed stating that no works should be carried out above slab level until a scheme for ecological enhancement had been submitted for approval prior to first occupation. Details of the existing and proposed boundary treatments and walled garden shall also be submitted for approval. The building should only be used only for holiday accommodation, and any scheme for external illumination shall also be submitted for written approval.

The following members of the public addressed the Committee:

Mrs Bernice Culley – Objector  
Mr Paul White – Agent

Members expressed concerns that this would be a new structure in an Area of Outstanding Natural Beauty (AONB), and the scale of encroachment. Members sought clarification regarding the lack of hedgerows on the northern and western boundaries, issues of building outside the settlement boundary and whether the surrounding land was owned by the applicant and there may be further similar applications. Members also commented that access facilities for wheelchair users were not cited for the proposed dwelling, and that the greenhouse it was replacing, was significantly smaller. Mr Mew responded that landscaping was listed in the conditions, and the supporting statements included hedging to the southern boundary providing connectivity to the woodland to the west enhancing ecological benefits, and that the northern boundary could be considered further. The blue line on the plan included the field which was owned by the applicant and the red line had been tightly drawn to limit encroachment and control the site within the AONB. Any future applications would have to be determined on their own merits. Policy 30 allowed for tourism units to be located outside the settlement boundary in appropriate locations and no objections had been received from the Chichester Harbour Conservancy (CHC) and this was considered an acceptable site in accordance with the policy.

Mrs Stevens confirmed that the application was for a single unit which would add to the two already on the site. The unit would provide direct employment for the required maintenance of the proposed dwelling, tourism was considered positive within the area and as cited by Mr Mew, policy 30 supported this activity. With regards to the management of disturbance, a financial contribution was being made by way of a mitigation scheme operated by the 'Bird Aware Partnership'. Mrs Stevens further explained that there were no requirements within current policies which required of provision of accessible accommodation, and therefore the application could not be refused on this basis. In terms of landscaping along the northern and western boundary, an informative requiring native hedging would be reasonable to soften the visual impact.

Members sought further clarification regarding whether it was feasible to remove the permitted development rights for the field, in order that this application would be the last development on the site, the meaning within the report of 'No vegetation to be stored on the construction zone', public viewpoint of the site as public footpaths were located to the north, light spillage and controls, the absence of a clear proposal in relation to planting on the northern and western boundaries, and whether it would be possible to stipulate the planting of trees with a subsequent tree preservation orders placed on them to limit further development. Mr Mew responded that a field would not benefit from permitted development rights, there would be an article 4 which restricted camping, and it was proposed to withdraw permitted development rights for the proposed holiday unit. With regards to the statement of 'No vegetation to be stored...' this was to prevent reptiles entering any vegetation from activities such as strimming. The proposed scheme would have rooflights, but a condition had been included for blinds to be used from dusk until dawn. With regards to views within the ANOB, the site was well contained and the CHC had not cited any concerns. The landscaping condition could also be amended to enhance the northern and western boundaries and could include tree planting. Mr Whitty added that that Local Plan was very supportive of tourism, as was the CHC. The viewpoint and the AONB was an important factor, but as explained previously the CHC were not concerned regarding the impact of the development. To the north was a strong

tree belt which separated the site from the harbour and wider landscape, but the Committee could request further screening.

Members sought further clarification regarding limiting permitted development rights, and further commented that if trees were planted, tree preservation orders would not apply unless they were 'fine specimens', and such trees would be newly planted. The Chairman reminded the Committee that they could only deal with what had been currently presented but was inclined to agree with further hedge and tree planting. Mr Whitty advised the Committee to disregard the ownership of whole site in considering this application which related only to the area within the red line and the construction of a building, any further building would require an application, and guarding against mission creep would be by way of scrutiny of any future application and planting was not necessary in order to do so. The landscaping requirement could be strengthened but tree preservation orders could not be applied as trees do not have an amenity value until they have reached a certain age but a condition could require any tree which died within five years to be replanted. With regards to an accessible toilet, Mr Whitty advised this would be covered by Building Regulations and the Disability Discrimination Act and above these requirements, the authority could only state as an informative. Mr Whitty also confirmed that landscaping of the boundaries would form part of the recommendations.

#### **RESOLVED**

Recommendation to **Permit** agreed with additional conditions, informatives and amendments as discussed.

#### **36 CH/19/03029/FUL - Plot C, Pond Farm, Newells Lane, West Ashling, Chichester, PO18 8DF**

Mr Power introduced the application.

Further information was provided on the agenda update sheet regarding the review of the Local Plan, explaining that consultation on a Preferred Approach Local Plan had taken place and that following consideration of the responses, it was intended that the Council would publish a Submission Local Plan under Regulation 19 early in 2021.

Mr Power also confirmed verbally that temporary planning permission for the siting of a caravan on the site had been granted in 2013.

Members sought clarification regarding sewerage and surface water, the impact on wildlife corridors and the chalk stream, whether the parish could be considered to have an area of dominance, impact on public rights of way access, if further ecological enhancement could be required and the definition of 'Gypsies and Travellers'. Members further commented that the district did not currently have sufficient pitches for gypsies and travellers, the site was not within flood zone two or three, and the length of time the family had been on site and become part of the community. Mrs Stevens responded that at the current time limited weight could be given to the emerging Local Plan review in relation to wildlife corridors and the chalk stream, however it was important to limit erosion prior to the adoption of the plan,

but the Environment Officer had made no objections to the application. Mr Power confirmed that the site was within flood zone one, the impact on the bridle paths was not considered an issue by the highways authority, and any damage would be liable to the applicant. The site was not large but there is some scope to the south and to the entrance, for landscape enhancements. With regards to recreational disturbance payments, the agent had confirmed the applicant was willing to make that payment and was in the process of signing a unilateral undertaking. In relation to the definition of 'Gypsies and Travellers', there was a standard condition within the report, used by the authority and the Planning Inspectorate. The foul drainage was processed via a septic tank which was permitted in the 2013 temporary permission, and the Drainage Officer considered that was acceptable. Mr Power further explained that in terms of the effect on the settled community, a similar comment was raised in connection with the Keynor Lane appeal and the Inspector found in that instance, there would not be an over-burden and dominance within the community.

Miss Golding added that the travelling show people site in Priors Leaze Lane, had been mentioned within the debate and advised this was a different and separate group, with different needs and policies, and was not relevant for the determination of this application. Mr Whitty also confirmed that he was unable to advise how long a single family had occupied the site, and noted that information provided from the public gallery (given as since 2006). The site was one of a number permitted temporary permission in 2014/15.

Members sought further clarification regarding electricity supply, whether an electric charging point for a vehicle had been included in the report and if cycle storage had also been included on the site, and whether a condition governing a lighting scheme might be appropriate. Members further commented that the site would require a condition regarding sewerage and drainage. Mr Whitty responded that there was no specific definition regarding an area and its relation to dominance, in past appeals officers have argued it related to immediate dwellings and Inspectors had consistently treated this, with regards to the size of the parish. The supply of electricity was not normally a material consideration, and only in connection with protecting the environment for example that fuels were safeguarded from spillage. Officers would look to further safeguarding ecological features. With regards to cycle storage and light spillage, permission had already been temporarily granted and impact assessed, therefore it would not now be reasonable to include such requirements. Foul sewerage was already established on the site, but a condition could be added for the need to maintain the facility in perpetuity.

Members further queried that a car charging point had been included potentially in response to the new West Sussex County Council guidelines and therefore could a new condition be added regarding light spillage in relation to the impact on wildlife. Mr Whitty confirmed that the County Council had new guidance on car charging which could now be relied upon. With regards to wildlife corridors the authority now had new and emerging scheme with further available evidence, and therefore that also could be included. A condition relating to lighting had been included repeating the condition as previously cited in the temporary permission. Mr Whitty advised that the requirement for covered cycle provision was not previously required and therefore it would now not be unreasonable for it to be a requirement.

**RESOLVED**

Recommendation to **Permit** agreed with additional conditions and amendments as discussed.

Mr Oakley left the room.

37 **CH/19/03030/FUL - Plot F, Pond Farm, Newells Lane, West Ashling, Chichester, PO18 8DF**

Mr Power introduced the application.

Further information was provided on the agenda update sheet regarding the review of the Local Plan, explaining that consultation on a Preferred Approach Local Plan had taken place and that following consideration of the responses, it was intended that the Council would publish a Submission Local Plan under Regulation 19 early in 2021.

Further information was also provided on the agenda update sheet detailing the siting of caravans on the plan.

The following Members of the public addressed the Committee:

Mr Gowlett – Parish Council  
Mr Angus Murdoch – Agent  
Mr Adrian Moss – Chichester District Council

Members sought clarification regarding temporary permission and the related notice period to residents. Mrs Stevens confirmed that temporary permissions were are not advisable and these were generally used for a period of assessment of impacts to occur and to allow work to be completed on the Local Plan or Supplementary Planning Documents the (SPDs) to support the Local Plan. Situations have occurred in which at appeal, Inspector had granted permanent permission, due to SPD not being produced in a sufficiently short timescale. A temporary permission would normally run for three years although some five year temporary permissions had been granted. Mrs Stevens advised that the Committee should be minded that this site would add to the supply, for which there was currently significant unmet need and that this was a reasonable and appropriate site which would contribute to the unmet need.

**RESOLVED**

Recommendation to **Permit** agreed.

The Committee took a ten minute break.

38 **EWB/19/00431/AGR - Hundredsteddle Farm, Hundredsteddle Lane, Birdham, Chichester, PO20 7BL**

Mr Power introduced the application.

Further information was provided on the agenda update sheet regarding the review of the Local Plan, explaining that consultation on a Preferred Approach Local Plan had taken place and that following consideration of the responses, it was intended that the Council would publish a Submission Local Plan under Regulation 19 early in 2021.

Mr Power gave a verbal correction with regards to the location of the application as cited within the report.

Mr Power played a short video which had been requested to be shown by one of the objectors.

The following members of the public addressed the Committee:

Mr Brian Reeves – Parish Council

Mr Graeme Maycock – Objector

Mr Julian Moore – Objector

Dr Jill Sutcliffe – Objector (from Campaign for the Protection of Rural England {Sussex})

Mrs Lesley Pardoe – Supporter

Mrs Rachel Strange – Agent

The Chairman sought clarification regarding 'article 4' and whether it should be invoked as referenced by one of the speakers. Mr Whitty responded he presumed what had been referred to was article 4 of the General Permitted Development Order (GPDO) which allowed local authorities to remove general permitted rights for areas of land where there were good grounds to do so, but that was normally undertaken in advance, required consultation and was a policy-related tool rather than a reactive tool (citing the example of an article 4 for the Chichester Conservation Area which prevented the replacement of windows) which could not be used once the process had been invoked. Miss Golding confirmed that an article 4 direction could be issued provided it was prior to the date of any approval of any prior approval. The complication was that if a prior approval was refused unreasonably, and was subsequently allowed on appeal, and in the meantime had been issued with an article 4 direction, and in this situation it was doubtful that the article 4 direction would stand.

Members commented on the need to support food production which may outweigh landscape concerns, further concerns regarding the differences between officer advice and the information put forward by the parish council and objectors, and the scale of the building and traffic. Members further commented on the considerable public interest in terms of objections, concerns regarding the location on a green site, near to the road and the belief that agricultural buildings were required to be clustered together, and with regards to the GPDO, that it was within 25 metres of the highway.

Members sought clarification between the application and a 'full' application.

Mr Power advised that the proposed building was not within 25 metres of a classified road and confirmed the applicant was not proposing any alterations to the

access. In regards to the scale of the building, policy 45 allowed for agricultural buildings to be located within the countryside, provided size, scale and materials used would have minimum impact. The size and scale of the farm had to be considered including the requirement for the storage of machinery and material from the land and the farm, and that the building was broadly in line with the requirement. With regards to the siting, other locations had been considered, the conservation area was to the north of the site, there were also restrictions on access, and that amendments had been made in accordance with officer recommendation. Mr Power added that GPDO and the Local Plan accepted the principle of building in the countryside.

Members further commented on the interpretation of the definition of the countryside and the need to balance protection of the countryside and need to produce food. Members sought clarification regarding whether this determination could be deferred to obtain further information from the highways authority with regards to the junction or for the Committee to undertake a site visit. Mr Whitty advised and that the difference between the application and a full application was that a full application required all matters to be considered and if that was in front of the Committee there would be grounds to refuse with regards to highway concerns. However the Government had effectively granted outline permission via the GDPO, and that there was a requirement for a building of the proposed size to meet the needs of the farmer. The Committee did not have the power to refuse the application on the grounds of access, only on siting and design. The view of the highway authority was documented, they considered this was potentially an unsafe access, which they may need to address, but the Committee could not consider access. Should the highway authority attend Committee, they may provide further details other than those which had been presented.

Mr Sutton proposed and Mrs Sharp seconded:

To defer the decision for further investigations, and information as to the alternative siting of the building.

#### **RESOLVED**

Recommendation to **defer** the decision agreed.

#### **39 SY/19/02962/FUL - Land West Of Tidewall Cottage, 85 East Street, Selsey, Chichester, PO20 0BU**

Mrs Stevens introduced the application

Further information was provided on the agenda update sheet regarding the review of the Local Plan, explaining that consultation on a Preferred Approach Local Plan had taken place and that following consideration of the responses, it was intended that the Council would publish a Submission Local Plan under Regulation 19 early in 2021.



Further information was also provided on the agenda update sheet stating that the applicant had submitted further information and photographs in support of the application.

The following members of the public addressed the Committee:

Mr Mike Sully – Parish Council  
Mr Derek Garrett – Objector  
Dr Felicia Hughes-Freeland – Objector  
Mr Seymour Baker – Objector  
Mr Neil Kimber- Applicant  
Mr John Elliot – Chichester District Council

Members commented on the issue of the road in which the proposed dwelling would be sited being narrow and difficult for pedestrians with the volume of traffic and that a further smaller piece of pavement could aid this situation, the value of the tide wall in heritage terms, and an awareness that the applicant had retained the material which had broken away from the wall which could be used to rebuild the wall in the new proposed position. Members further commented on the change to the street scene if the proposal was permitted and sought clarification regarding the requirements for rebuilding the wall. Mr Broadway explained that there would be a requirement to reconstruct the wall in an appropriate manner on the grounds of its significance in a conservation area and reminded Members that the current position of the wall was crucially important and should be preserved as a tidewall.

Members sought further clarification regarding access to the site. Mrs Stevens responded that there was no other access to the site, and it was important to consider that the proposals included removing a substantial part of the wall. With regards to the conservation area character appraisal which was a material consideration, the walls made a significant contribution to the conservation area and it was important that they were preserved. One of the recommended actions when the area was designated as a conservation area was that the District Council would continue to protect historic boundary walls from demolition. The proposal included the relocation of a flint wall, in the same design as the adjacent wall with flint panel and brick in-fill. This wall was constructed prior to the area being designated as a conservation area and was considered overly harsh and dominant within the street scene.

Members sought clarification as to whether there was an obligation to rebuild the wall if it fell down. Mr Whitty confirmed there was no requirement to rebuild the wall and that the position within the street scene was favoured for its close-knit appearance.

Members sought further clarification regarding hedging and car charging point and further commented upon the eclectic mix of buildings within the road. Mr Whitty advised that if permission was refused, it was likely that the plot would be sold back to the original owners and returned to being part of their garden. If the wall was removed the hedging would also be removed, some planting had been proposed. The car charging point would be located within the privately created lay-by. If the application was permitted, there would be a requirement to construct a better wall in

terms of appearance than the adjacent wall. Mr Broadway added that the adjacent wall was considered harmful within the conservation area.

## **RESOLVED**

Recommendation to **Refuse** agreed.

The Committee took a thirty minute lunch break.

Mr Wilding left the room.

Mr Oakley returned to the room.

### 40 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters Between 16 January 2020 and 19 February 2020**

Mr Whitty drew the Committees attention to 17/00061/CONENG – Land North of Cowdry Nursery, Sidlesham Lane, Birdham which related to a decision regarding a barn which the authority had allowed to be converted under prior approval, prior to the requirement for the integrity and structure of the building to be taken into account. However, in converting the barn it had been almost demolished and re-built and therefore was not a conversion. At appeal the Inspector agreed it was not a conversion and the appeal was dismissed and as the original barn had been demolished it could not be argued that the applicant had a fallback position of demonstrating it could be converted. Mr Whitty confirmed that full demolition would be required.

Mr Wilding returned to the room.

Mr Whitty drew attention to the update sheet which provided a summary of the appeal which was allowed for SB/18/03145/OUT – Land North of Crooks Lane, Southbourne. This was a disappointing decision which related to 199 dwellings outside the policy area adjacent to Breach Avenue, a site of 34 dwellings which had been allowed by the Inspector. The Council challenged this decision which was Judicially Reviewed, and lost and gone to the Court of Appeal which had also been lost. This application was wrapped around the Breach Avenue site. The Inspector had recognised that the Council had a five-year housing supply, but the appellant had argued that from June 2020, the Council would cease to have this. This matter was noted by the Inspector, although confirmed as not at the forefront of his deliberations. The Inspector took other policies into account including the Local Plan, which suggested that development should not take place in this location, but concluded that was out-weighted by the Governments desire for housing and therefore considered it would boost the five-year housing supply. Mr Whitty confirmed that Counsel's opinion would be sought and that advice would be brought back to the Committee. Should the advice be for a Judicial Review, officers would normally rely upon delegated powers to take that forward, but whether it should be brought to Committee would be dependent upon the outcome, and what was in the interests of ensuring probity. Mr Whitty also confirmed that dependent upon any costs related with that, a Cabinet decision may be required.

41 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters Between 16 January 2020 and 19 February 2020**

Members of the Committee did not require any further information.

42 **National Design Guide**

Mr Price gave a presentation regarding a brief overview of Government position in the value of design in the planning process.

Mrs Sharp left the room and did not return.

Mr Price confirmed the presentation would be sent to all Members via email.

Members sought clarification regarding the matter of carbon-neutrality associated with design. Mr Price confirmed that this information was contained within Building Regulations, and added that it was imperative that the Council moved forward with a robust policy.

Members sought further clarification regarding whether considerable weight should be given to this guide or await further advice. Mr Whitty confirmed that currently the Council should follow its own policies and a consultation would take place in relation to the guide.

Members sought further clarification regarding the scope of the document and whether it referenced design as a place-making function as opposed a sustainability function, as it was limited in relation to energy efficiency. Members further queried the extent to which the guide and national model design code would have weight over and above Neighbourhood Plans and Village Design Statements. Mr Whitty responded it would have the same effect as the National Planning Policy Framework, and any Neighbourhood Plan, Village Design Statement or Local Plan and once the guide was in place would have general conformity. The question would then be what weight would be given, and if this guide came into force after a current Neighbourhood Plan, although that would require further consideration before Members were advised. Mr Whitty added that the core of planning was related to place-making, with other elements such building regulations which must be considered.

Members further commented that the guide was to be welcomed.

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

There were no late items.

44 **Exclusion of the Press and Public**

There was no requirement to exclude the press and public.

The meeting ended at 2.13 pm

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CHAIRMAN

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Date: