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Minutes of the meeting of the **Planning Committee** held Virtually on Wednesday 9 September 2020 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 J Bell (Development Manager (Majors and Business)), Mr J Bushell (Principal Planning Officer), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr D Price (Principal Planning Officer), Mr S Shaw (County Highways (Development Management) Team Manager), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

## 118 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

## 119 **Approval of Minutes**

RESOLVED

That the minutes of 12 August 2020 be approved.

## 120 **Urgent Items**

There were no urgent items.

## 121 **Declarations of Interests**

Rev Bowden declared a personal interest in respect of planning applications CC/20/01046/REM and CC/20/01256/ADV as a Member of Chichester City Council.

Mr Barrett declared a personal interest in respect of The Local List as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in respect of planning applications LX/20/0161/OUT, CC/20/01046/REM, CC/20/01256/ADV, SDNP/20/01727/FUL and The Local List as a Member of West Sussex County Council.

Mr Potter declared a personal interest in respect of planning application SDNP/20/01727/FUL as a Chichester District Council appointed Member of South Downs National Park Authority.

Mrs Purnell declared a personal interest in respect of planning applications LX/20/0161/OUT, CC/20/01046/REM, CC/20/01256/ADV, SDNP/20/01727/FUL and The Local List as a Member of West Sussex County Council.

Mrs Sharp declared a personal interest in respect of planning applications CC/20/01046/REM and CC/20/01256/ADV as a Member of Chichester City Council.

122 **LX/20/01617/OUT - Land South Of Loxwood Farm Place, High Street, Loxwood, West Sussex (item start time approximately 9.35am)**

Mr Bushell presented the item to Members and drew attention to the information provided on the update sheet.

The Committee received the following speakers:

Chris Agar – Parish Council  
Stuart Holmes – Objector  
David Neame – Agent  
Gareth Evans – District Council (statement read)

Mr Bushell responded to Members' comments and questions. With regards to the weight which could be afforded to progress being made revising the Neighbourhood Plan (NP), Mr Bushell confirmed that the NP was in its very early stages looking at potential housing sites and was not yet sufficiently advanced to carry weight in terms of decision making. The previous application for 22 units was currently the subject of an appeal and had been refused on the basis that the Council at that time was able to demonstrate that it had a 5 year supply of housing land and that its housing policies which resisted new housing outside of settlement boundaries were up to date.. As of 15<sup>th</sup> July 2020, the housing policies in the Development Plan which for planning purposes in Loxwood comprises the adopted Local Plan (LP) and the made NP were now out of date and the Council had now introduced its Interim Policy Statement to manage the determination of new applications for housing outside of settlement boundaries. With regards to the three metre landscape buffer zone as opposed to five metres, Mr Bushell explained that it was necessary to balance the wildlife and screening benefits of the buffer whilst ensuring an effective use of the land for delivering housing and that three metres was considered sufficient for both the planting of vegetation and protection of tree roots and allowing an acceptable density of development. On the matter of the carriageway widths, the internal layout of the site was a reserved matter which would be assessed as part of the subsequent reserved matters application.

With regard to foul water drainage, Mr Bushell confirmed that there was an on-going dialogue with Southern Water which was looking to improve infrastructure going forward but that on this application Southern Water had raised no objection.

Rev Bowden made a proposal to defer the decision pending a report regarding the progress of the revised NP and further consultations with Southern Water. The Chairman advised this would result in a delay and therefore a potential appeal against non-determination of the application. Mr Whitty confirmed that with an appeal currently in progress on the previous application for 22 dwellings a timely decision would be required by the Committee, and added that Southern Water were responsible for providing appropriate services, and a prematurity argument for regarding the proposals running ahead of the NP would not be a sufficient reason for a deferral and therefore he would counsel against such a proposal.

On the matter of the original outline application on the site in 2014 for 25 dwellings which was refused and dismissed on appeal, Mr Bushell explained that this had been refused by Secretary of State as it had been found contrary to the then up to date housing policies in both the newly made NP and adopted LP.

With regards to the access to the proposed development and a question regarding the swept path analysis plan and Vehicle Activated Speed (VAS) sign and specifically its maintenance, Mr Bushell confirmed that the swept path drawing had been supplied within the Transport Statement, and Mr Shaw confirmed that the VAS devices once installed would be adopted by the highway authority for future maintenance.

Following further debate Mr Whitty confirmed that one of the reasons for refusal in the current appeal was in relation to the housing density (22 units) being too low. This had been increased to 24 in the current application and was now considered acceptable. Mr Whitty advised that the planning Inspector was now likely to approve the appeal given that the Council could no longer demonstrate it had the required 5 year housing supply. To pursue the appeal under such circumstances was likely to result in an application for an award of costs against the Council. He also confirmed that refusing the application could be considered as unreasonable behaviour, and also advised that other agencies were responsible for drainage, highway infrastructure, and provision of school places.

In a vote Members did not accept the officer recommendation to permit the application subject to completion of a S.106 agreement.

The Chairman requested that the reasons for the refusal of the application would be required. Cllr Wilding proposed that the application be refused on the grounds that work to revise the NP in light of the draft housing allocation in the Local Plan Review had not yet been completed, that an appeal was currently on-going and the outcome of this should be awaited and that Southern Water had not yet provided a commitment to improve the drainage infrastructure in Loxwood. This proposal was seconded by Cllr Potter. Following comment that these suggestions were not sufficiently robust to justify refusing the application, Mr Whitty confirmed that they would have no basis in planning policy, and on the matter of the prematurity of the NP, the harm must be identified in policy context.

Miss Golding advised that Members must take responsibility for their decision not to permit the application and a vote on the same recommendation could not be repeated. The recommendation must be altered for a further vote to take place, and she suggested in this regard that a recommendation to defer may be an appropriate way forward.

Following further debate Mr Whitty advised that a deferral could be voted upon seeking further information in relation to the swept path analysis plan, confirmation of proposed foul drainage infrastructure improvements from Southern Water and the availability of school places from West Sussex County Council as the education authority. These matters were then formerly proposed by Cllr Wilding and seconded by Cllr Briscoe.

In a vote Members agreed to defer the decision.

The reasons for deferment would be to gain further information regarding the swept path analysis plan to ensure that the local highway authority considered access to and from the site from the B2133 High Street for larger vehicles such as the Council's refuse lorries was both safe and reasonable, further assurance from Southern Water that the development could be accommodated within the foul drainage network, and confirmation from the local education authority that local schools could provide sufficient school places for the development.

Members took a five minute break

Cllr Sutton joined the meeting and Cllr McAra left the meeting

123 **CC/20/01046/REM - Land On The West Side Of Broyle Road, Chichester, West Sussex (item start time approximately 10.40am)**

Miss Bell presented the item to Members and drew attention to the information provided on the update sheet.

The Committee received the following speaker:

Nick Billington – Agent (statement read)

Miss Bell responded to Members' comments and questions. Miss Bell confirmed the affordable housing split was being monitored, with both developers Miller Homes, and Linden Homes having an equal requirement to provide a 70/30 split. Miss Bell confirmed that the matter of the transition from green space to urban street scene, this had been carefully considered as part of the design strategy. The location in question which was close to the block of flats was a short section of landscaping. Amendments had been sought which gave further consideration to how the landscaping appeared in conjunction with the spine road. On the matter of litter bins, the management company could install bins. Miss Bell confirmed that there would be a condition requiring the developer to replace any vegetation or trees which died within five years, and this would be a the responsibility of either the developers or the management company, depending on ownership of the land at the time.

Miss Bell clarified that the shared cycle/footpath on the western side, and pedestrian/cycle path along the spine road would lead into the local centre, the proposed health centre was not being pursued currently, and with regards to the desire for tree lined streets, it was important to ensure the appropriate number of homes were built on the development and the parcel in question was potentially the most urbanised street. Miss Bell confirmed officers had worked upon improving this situation with additional vegetation, deeper front gardens, and further vegetation on the street frontage.

Miss Bell explained that with regards to the density, the site complied with the approved parameter plan and a higher level of density was considered more appropriate in the parcel close to the local centre. On the matter of the ability to ensure vehicles could not access the green open spaces, Miss Bell confirmed that officers were satisfied, and tree planting would limit access. Mr Whitty added that the matter of bins would be raised with the developers, and Members further commented that officers should also discuss the matters of access for unauthorised vehicles.

In a vote Members agreed the recommendation.

Recommendation to **Permit**.

Cllr McAra and Cllr Wilding left the meeting

124 **CC/20/01256/ADV - Land On The West Side Of Broyle Road, Chichester, PO19 3PH (item start time approximately 11.40am)**

Miss Bell presented the item to Members.

Mr Whitty responded to Members' comments and questions. With regards to the matters which could be taken into consideration in making a decision, Mr Whitty confirmed these would be in relation to the amenity of the location and public safety.

With regards to the positioning of the flags allowing sufficient space for pedestrians, and size and colour of the flags relating to safety, Miss Bell confirmed that the flags were set-back allowing space for pedestrians and cyclists, the highways authority had agreed the flags complied with their policies, and officers were satisfied with the proposals. Miss Bell also confirmed, that the number of flags had been reduced via negotiation with the applicants, and that environmental health officers were also satisfied with that the flags would not produce any significant noise.

In a vote Members **Refused** against officer recommendation.

The Chairman requested that the reasons for the refusal of the application would be required. Cllr Briscoe proposed that the application was refused on the grounds of the flags having a negative impact on the rural character of the location and also a negative visual impact on an important approach to the city of Chichester, which was seconded by Rev Bowden.

Members took a ten minute break

Mr McAra and Mr Wilding returned to the meeting.

125 **SDNP/20/01727/FUL - Zurs, London Road, Hill Brow, Rogate, Liss, West Sussex, GU33 7PB (item start time approximately 12.05pm)**

Mr Price presented the item to the Members.

The Committee received the following speaker:

Elena McCloskey – Parish Council  
Adrian Collins – Objector  
John Pike – Agent (statement read)

Mr Price responded to Members' comments and questions. With regards to general permitted development rights, Mr Price confirmed that these rights would not apply as the application was not a dwelling house, but that a condition could be imposed that the buildings would retain C2 use.

With regards to the wall constructed of sleepers, and whether the application was in part retrospective, Mr Price advised that the wall was of robust construction as it was a retaining wall as there was a significant change in level and the garden was terraced, and the wall and some parking spaces were retrospective. Fencing around the huts at the rear of the main buildings, were for the provision of security, and health and safety for the residents. Mr Price added that there were also plans for additional planting and water saving measures.

With regards to notices not being visible due to the Covid-19 pandemic as cited by the Parish Council speaker, Mr Price confirmed that greater flexibility had been afforded with regards to timescales for the submission of comments. The Chairman added that full information was provided on the Council website regarding applications and Mr Whitty confirmed that all statutory obligations had been fulfilled, and the option to request receipt of notification was available.

In a vote Members agreed the recommendation.

Recommendation to **Permit**.

126 **The Local List - Information required to support a valid planning application**

Mrs Stevens presented the items to Members.

Mrs Stevens responded to Members' comments and questions. With regards to the absence of Medmerry as a location from the list as a Special Area of Conservation or Special Protection Area, Miss Stevens confirmed at the time the list was drawn up, Medmerry had not been designated as such, but the relevant list could be amended to include this area once this change had taken place, and Mrs Stevens further advised that recommendation included the ability for officers to update information.

On the matter of Goodwood Estate Mrs Stevens confirmed that there was no obligation to have specific requirements in The Local List with regards to flight paths, and in relation to noise from Goodwood airfield or motor circuit, that would be considered by noise assessment. Mrs Stevens drew the Committees attention to the relevant section relating to noise sensitive use, which cited aerodrome use. Mrs Stevens confirmed she would discuss whether the motor circuit should be included with environmental health officers. In terms of flood risk, Mrs Stevens explained that consultation comments had not been received from the Environment Agency, but the Council's policy team had referenced the likely future risk of flooding, and one hundred year events going forward, details of which were being utilised for making the Local Plan, and therefore Mrs Stevens would be reviewing this matter for consistency.

With regards to bat surveys, Mrs Stevens confirmed that surveys had to be carried out prior to the submission of a planning application, which was highlighted within the pre-application planning process, to ensure appropriate timings for bat surveys were taken into account.

In relation to foul sewerage Mrs Stevens explained that the issue of nitrates was covered under the off-site ecological impacts section, and the headspace and ability to take the volume of waste water, was included in a separate section, as these were two distinct matters.

In a vote Members agreed the recommendation.

Recommendation to **Endorse**.

127 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

Members agreed to note this item.

128 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters**

Members agreed to note this item.

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

There were no late items.

130 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 13:13.

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CHAIRMAN

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Date: