



Minutes of the meeting of the **Planning Committee** held Virtually on Wednesday 9 December 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 R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present:

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

172 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

173 **Approval of Minutes**

As noted on the Agenda Update Sheet, that the minutes for 4 November 2020 to be amended as follows:

- Planning Application B1/20/01130/FUL, first paragraph, first and second sentences amended to become a single sentence.
- The Interim Policy Statement for Housing (amended during to the meeting to 'Interim Position Statement for Housing') has the outcome amended to 'Recommendation to endorse (as amended) to 'agreed' Statement'.

and be approved.

That the minutes of 18 November 2020 be approved.

174 **Urgent Items**

There were no urgent items.

175 **Declarations of Interests**

Miss Golding confirmed that the Agenda Update Sheet, listed the personal interests of Mr Plowman as a Member of Chichester City Council and also as a Chichester District Council Representative on Outside Organisation and Membership of Public Bodies, as a Representative on Chichester Conservation Area Advisory Committee.

Miss Golding also confirmed that the Chairman Mrs Purnell would not take part in the debate for planning application SY/20/01574/DOM due to knowledge of the applicant, and the potential for a perception of predetermination. Mrs Johnson also would not take part in the debate for the same application due to knowledge of the applicant and predetermination. Rev Bowden as Vice-Chairman of the Committee, would therefore take the chair for this item.

Mr Barrett declared a personal interest in respect of planning application NM/20/01686FUL as Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mrs Johnson declared a personal interest in respect of planning application SY/20/01574/DOM as a Member of Selsey Town Council.

Mr Oakley declared a personal interest in respect of planning applications NM/20/01686FUL, SI/20/01331/FUL and SI/20/01330/FUL as a Member of West Sussex County Council.

Mrs Purnell declared a personal interest in respect of planning applications NM/20/01686FUL, SI/20/01331/FUL and SI/20/01330/FUL as a Member of West Sussex County Council, and SY/20/01574/DOM as a Member of Selsey Town Council.

176 **NM/20/01686/FUL - Former Lowlands Nursery, Lagness Road, North Mundham PO20 1EP**

Mr McAra left the meeting.

Miss Bell presented the item to Members and drew attention to information provided in the Agenda Update Sheet which cited a new application on land immediately to the south of the site, for 66 dwellings, an amended Condition 19 regarding access to the site and conformity with the requirements of the Transport Statement, and an additional Condition in relation to a bollard for emergency access.

The Committee received the following speaker:

David Neame – Agent

Officers responded to Members' comments and questions:

Miss Bell explained with regards to the cycle link to Alywins Place, discussions were taking place with the relevant Housing Association to explore whether this could be delivered and Miss Bell confirmed this could be supported via a condition to ensure

this would not allow vehicle access. Miss Bell also confirmed that on the matter of a Traffic Regulation Order (TRO) adjacent to the development to ensure a 40mph speed limit, the applicant was proposing to make an application which could be added to the 'Heads of Terms'. West Sussex County Council as the highways authority would need to undertake a consultation for a TRO, for which there would be associated costs. Miss Bell added that officers did not consider this was necessary, but would support this matter. Miss Bell clarified that the applicant had proposed to clear part of the hedge on the east side to ensure sufficient pavement space.

On the matter of the ditch, Miss Bell responded the Council's drainage officer had confirmed that this was in private ownership and the owner was responsible for maintenance. Miss Bell further explained that the outfalls would be similar to green-field run-off rates, and therefore similar to the existing situation, due to slowing down via the Sustainable Drainage Systems and associated attenuation. Miss Bell confirmed officers were satisfied with the proposals which could be a requirement of the section 106 agreement.

In relation to the emerging Local Plan, Miss Bell confirmed the development would form part of the required housing numbers, and the indicative number for the location was 50 dwellings. Miss Bell added that North Mundham Parish Council was undertaking a Neighbourhood Plan and was supportive of the location as suitable for development to meet their housing need.

With regards to the Hunston boundary, Miss Bell confirmed it was close to the western boundary of the site but the settlement boundary of Hunston was, separated by field gaps. On the matter of the Local Area of Play (LAP), Miss Bell explained that there was not a requirement for play equipment but for an open space for play. The LAP was adjacent to the SUDS ponds, but the gradients were shallow and therefore did not require fencing.

Miss Bell drew Member's attention to the section of the report regarding 'Foul Water' which explained that foul water from the site would be pumped to the foul sewer outfall in Alywin Place, which would drain to Pagham Waste Water Treatment Works. Southern Water had confirmed sufficient capacity, and that it would not be released into the harbour and therefore nitrate mitigation would not be required.

Miss Bell confirmed that in relation to renewal energy resource, the applicant had exceeded policy expectations, fitting photovoltaic panels where they were not intrusive and providing air source heat pumps for the dwellings. The proposals therefore meet both policy 40, and went beyond the Interim Position Statement (IPS) requirements. With regards to the potential for the applicant to offer off-plan buyers an opportunity to purchase photovoltaic panels, Mr Whitty confirmed it would be requested, but the applicant could not be compelled to do so.

Miss Bell confirmed that five metres would be dug out to lay cables, but any hedgerow removed would be replanted.

With regards to the traffic impact of turning right into Lagness Road from Hunston Road Mr Shaw responded that only an assessment of the impact of this

development could be undertaken. The applicant's modelling had predicted figures of 24 trips during the am peak and 19 trips during the pm peak, which were considered by officers to be low and that there would be no significant volume of traffic caused by this development. There was a guidance threshold that junction improvements should only be considered at the trigger of 32 trips during peak hours. Mr Shaw clarified that officers would not support a 30mph speed limit as it would not be in accordance with West Sussex speed limit policy, due to existing speeds, lack of frontage access, and further that the police looked to support TROs which were self-enforcing speed limits and not limits which would largely be disregarded. With regards to a 40mph speed limit, Mr Shaw advised that it could not be insisted upon as it was not a requirement of planning permission however, should an alternative view be held by the Committee, it could potentially be included within the section 106 agreement.

On the matter of the potential for parking on the road outside plots 6 and 7, Mr Shaw confirmed both dwellings would have two parking spaces with two visitor spaces on the opposite side of the road, and he could not envisaged a scenario in this part of the site which would cause an issue or encourage pavement parking and there was sufficient parking across the site. With regards to the Southern Link Road, Mr Shaw responded that would not be assessed as part of this application, but on its own merits taking into account other developments at that point in time. Mr Shaw responded to the matter of wider links via sustainable travel improvements; due to Community Infrastructure Levy (CIL) having been adopted by the Council, only specific mitigations could be requested which were necessary to make the site acceptable in planning terms, which Mr Shaw believed had been achieved. The use of section 106 would therefore be considered as double-counting.

Mr Whitty confirmed that the applicant could be requested to seek a TRO, but as this would be subject to a separate assessment process by WSCC, implementation could not be required as part of the planning application. With regards to the further application south of the site, the cumulative impact of both sites would be considered in due course, as part of that application.

Miss Bell advised that the Management Company requirement would be included in the section 106 agreement with the standard text used for this purpose. The Council would be informed of which Management Company would be engaged, and if it was altered at a future date. The matter of the management company would also link to the maintenance of the SUDS, as the preferred option for drainage.

Mr McAra returned to the meeting.

Mr Shaw responded to the matter of the alignment of the B2166 and bend, and concluded that there would be sufficient stopping distance to the rear of any queue. Whilst the applicant was not required to do so, as Mr Shaw had explained, the applicant had modelled the junction and the resultant information demonstrated that there was unlikely to be any significant queues. A future forecast had also been included which similarly did not lead to concern regarding right turns into the site.

On the matter of the road width, Mr Shaw confirmed that 5 metres was acceptable and advised that two cars could pass within a width of 4.1 metres. Wider roads could result in increasing their speed, and it was important to create a safe

environment for residents. Mr Shaw also responded to discussion regarding the connection to Alywin Place and confirmed that West Sussex County Council as the highway authority wished to create a permeable network, but part of the land adjacent to the site was in private ownership and therefore this would not be possible in this instance.

The Chairman confirmed that numbers of TRO annual requests were not limited for developers, where they would take responsibility for the funding. The Chairman confirmed a condition for the path to the west of the site, an additional informative for buyers to have the opportunity to purchase photovoltaic panels off-plan, the potential for a TRO to be added to the section 106 agreement would be considered, and access to Alywin Place would be protected from unauthorised access by way of a link fence or vegetation as appropriate.

In a vote Members agreed the recommendation to defer for Section 106 and then permit.

Recommendation to **Permit** agreed.

Members took a ten minute break.

177 SY/20/01574/DOM - Park Cottage, Park Road, Selsey, PO20 0PR

The Chairman, Mrs Purnell stood down for this item due to declaring an interest, and this item was therefore chaired by the Vice-Chairman Rev. Bowden. Mrs Johnson also stood down for this item due to declaring an interest.

Mr Mew presented the item to Members and drew attention to information provided in the Agenda Update Sheet regarding a further third party comment citing the application would constitute an overdevelopment of the site. Mr Mew also gave a verbal update explaining that a letter had been received from the applicant's agent providing some justification in terms of comments regarding over development, stating that the overall floor space increase in relation to the extension and outbuildings with reference to the 50% increase which would typically applied to permitted development, was 105 square metres less. The applicant has also provided photographs of the site which were incorporated into the presentation.

The Committee received the following speakers:

Peter Gibbs – Objector (statement read)
Glenda Baum – Objector
Donna Johnson – Objector
Tim Johnson – Ward Councillor (statement read)

Officers responded to Members' comments and questions.

Mr Mew explained that the Permitted Development Rights had been withdrawn when planning permission for the development was originally granted to provide the Council with future control. With regards to further construction/building without prior planning permission being granted, Mr Mew advised that each case was considered on its own merits. Mr Mew confirmed that on the matter of the land

levelling which had taken place, the Council's drainage officer was content. Mr Mew explained that the 25 degree rule regarding loss of light as cited in some representations, was not part of the adopted planning policy. Officers usually made a subjective assessment of loss of light based on the impact of the proposal in terms of effect on outlook and day light. In this case, taking a 25 degree line from the horizontal point of the neighbouring windows, and the fence line, the proposed extension would comply with the 25 degree guidance, and could be increased by a metre and continue to comply. Mr Mew added that the rule usually only applied to properties which were due south and this property was north east. Mr Mew also advised that the boundary treatment had a limited impact and caused insufficient harm to warrant refusal.

With regards to the hedgerow Mr Whitty explained that as a planning authority it may control hedges from a minimum of two metres in height, but it was a matter of judgement if a complaint was received and officers effectively were required to act as arbiters to determine the impact on neighbouring properties and conclude what the height of a hedge should be.

Mr Whitty also responded to the matter of the permitted development removal and explained that this did not have any bearing on the decision. The removal had taken place by appeal decision and Inspectors were not required to give reasons for such a decision. Mr Whitty suggested that removal was likely to have been due to the close proximity of the properties and that the land may have originally been the rear gardens of the two properties, so it had seemed reasonable to remove permitted development rights to provide the planning authority with control.

With regards to overdevelopment Mr Whitty explained that the proposed development would not be visible from the road, three buildings within a garden was not unusual and the Committee was required to consider what was the harm on the street scene.

Mr Mew also confirmed that there were two hard-standing spaces for vehicle parking at the front of the building and that the applicant was seeking permission for the outbuilding to be used as sleeping accommodation, as ancillary to the main house and not as a separate dwelling.

In a vote Members **refused** the application against officer recommendation.

The Vice-Chairman requested proposals for reason for refusal, and Miss Golding advised that Members could alternatively request a deferral for further information or for a site visit. Mr Whitty confirmed that officers could investigate how a site visit could be conducted during the current Covid-19 restrictions.

Members suggested that reasons for refusal could include over-development of the site, that the development could be considered as 'unneighbourly' and that there would be a negative impact on the street scene when viewed between other properties. Mr Whitty responded that over-development could provide a reason for refusal as having an impact on the public realm, although very little of the proposed development would be seen from the street. 'Unneighbourly' may provide greater scope for argument although officers considered this was not an issue. Mr Whitty

also responded that the loss of light may also be concluded as a reason, as the development could be considered as over-bearing within the limited space. Mr Plowman proposed that the two reasons were in relation to the over-bearing nature of the development due to size and bulk, and that this issue resulted in an unneighbourly development, which was seconded by Mr Barrett.

In a vote Members **agreed** the proposed reasons for the refusal of the application.

178 **SI/20/01331/FUL, Melita Nursery, Chalk Lane, Sidlesham, Chichester, West Sussex, PO20 7LW**

Mrs Purnell returned as Chairman for the remainder of the meeting.

Mrs Stevens presented the item to Members and drew attention to information provided in the Agenda Update Sheet regarding an addendum to the report on the matter of 'Recreational Disturbance' and a verbal update regarding additional conditions.

The Committee received the following speakers:

Angus Murdoch – Agent

Mrs Stevens responded to Members' comments and questions.

Mrs Stevens confirmed that this site did not currently have an appeal in progress. Mrs Stevens advised that conditioning that waste could not be burnt, was not reasonable and that other legislation managed such matters. With regards to the boundary treatment outlined within Condition 17, Mrs Stevens responded that she agreed that it should relate broadly to the site in general and that the condition would be amended. Mrs Stevens also advised that with regards to the site only being occupied by gypsies and travellers from the local area, would also not be reasonable considering the lack of local supply of such sites. With regards to the previous use of the site as a nursery and related vehicle movements Mrs Stevens explained that she did not have any figures for this but would consider the number of vehicle movements was likely to be less for the current occupation of the site, and the highways authority had not commented on this matter, and added that the access for caravans was sufficient. The majority of the trees would be retained, most of the trees along the boundary with Chalk Lane had Tree Preservation Orders (TPOs), but five of the trees with TPOs would be felled due to their condition and replacements for these trees was required.

With regards to landscaping Mrs Stevens confirmed an informative could be added relating to landscaping on the northern and western boundary and advised that Condition 16 included the hedging, but not the trees due to their TPO status. Mrs Stevens also advised that it would not be reasonable to condition the number of vehicles on site but a condition had been included to prevent commercial use of the site.

Mrs Sharp left the meeting.

In a vote Members agreed the recommendation to defer for Section 106 and then permit.

Recommendation to **Permit** agreed.

179 **SI/20/01330/FUL - Land Adjacent To Melita Nursery, Chalk Lane, Sidlesham, Chichester, West Sussex, PO20 7LW**

Mrs Stevens presented the item to Members and drew attention to information provided in the Agenda Update Sheet regarding an addendum to the report on the matter of 'Recreational Disturbance' and a verbal update regarding conditions.

The Committee received the following speakers:

Angus Murdoch – Agent

Officers responded to Members' comments and questions.

Mr Whitty responded to the matter of community cohesion advising that planning could only have a limited impact for example by ensuring that sites had a softer, more open appearance.

The Chairman commented that both officers and the agent had worked hard to ensure the environment would provide a positive experience for those living within it.

With regards to planning history, Mrs Stevens confirmed that an appeal in 2006 granted permission for the whole site which had four pitches. Since 2006, the site had been divided into two or three separate ownerships and the same agent was working on behalf of the two applicants being considered by the Committee at today's meeting. The other area was is separate ownership and the Council would be strongly defending the appeals lodged for seven and three units.

Mrs Stevens agreed that a condition could be added with regards to the landscaping. Mrs Stevens further advised that the close boarded fencing provided privacy and on balance was not considered harmful. Mrs Stevens also confirmed that the adjacent land was not within the site and would remain as currently existing.

In a vote Members agreed the recommendation to defer for Section 106 and then permit.

Recommendation to **Permit** agreed.

Rev. Bowden, Mr McAra and Mrs Fowler left the meeting and did not return.

180 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 14 October 2020 and 18 November 2020**

Mrs Stevens drew Members attention to a number of appeals within the report and on the Agenda Update Sheet.

- 19/02365/FUL - Land to the West of Hangar Drive, Tangmere. Erection of 6 no. flats with associated parking, bin and cycle store, landscaping and open space. Referred to as: Land north east of Tangmere Military Aviation Terrace, Tangmere, PO20 2ES in appeal decision.

Mrs Stevens explained that the Inspector had taken into consideration what was currently existing, and the importance of open space for the quality of life. Mrs Stevens commented that this was a good decision and one which could be utilised by the Majors Team to ensure appropriate open-space on new developments.

- 18/02708/DOM – Dolphins, Rookwood Lane, West Wittering. Proposed steps down through garden to a 1.5 long tunnel beneath public footpath rising through to another set of steps to the foreshore garden.

Mrs Stevens explained that the Inspector had found that no harm would be caused to the Area of Outstanding Natural Beauty (AONB) and the visual impact would be minimal.

With regards to the application for costs, these were refused as the Inspector recognised that the Committee's alternative view as a judgement and did not find it to be unreasonable.

- 20/00128/FUL – Lower Hone Farm, Lower Hone Lane, Bosham. Change of use of storage barn to 1 no. dwelling house and associated works, including natural swimming pond and landscaping.

Mrs Stevens explained that officers were concerned with regards to the harm to the AONB in relation to Local Plan Policy 46, and how that balanced with extensions and alterations to existing buildings. The Inspector had agreed, and there was no award of costs. There had been some procedural issues with the late sending of a questionnaire and consultation to the Planning Inspectorate, which the Inspector had found unreasonable, but found this did not result in further costs for the appellant. Mrs Stevens confirmed that the planning administration team had now revised their processes.

- 19/03008/FUL – 23 Lavant Road, Chichester – Erection of 5 no. flats and parking, landscaping and associated works.

Mrs Stevens explained that the Inspector had concluded that there was a need for mitigation for nitrates to ensure that the integrity of the Special Protection Area (SPA) was safeguarded and had dismissed the appeal. However the Inspector had also concluded that the arts and crafts appearance of the development would suitably integrate within the neighbourhood. Mr Whitty added that once the applicant had resolved the issue of nitrates mitigation, there would not be grounds on which to refuse the application.

- 19/01622/FUL – Subitonia, 45 Howard Avenue, West Wittering. Demolition of an existing bungalow with garage and erection of 2 no. replacement two storey dwellings with separate access and parking.

Mrs Stevens explained that the Inspector concluded although the eaves compared to some others would be higher, as the buildings would be set back that would provide an open appearance to the site frontage, and that the hard surfacing to the front was not unusual, around the appeal site. The appeal was therefore allowed.

181 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 14 October 2020 and 18 November 2020**

Members agreed to note this item.

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

There were no late items.

183 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.38 am

CHAIRMAN

Date: