



Minutes of the meeting of the **Planning Committee** held Virtually on Wednesday 6 January 2021 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), Mr D Price (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

184 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

185 **Approval of Minutes**

That the minutes of 9 December 2020 be approved.

186 **Urgent Items**

There were no urgent items.

187 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of WI/20/01986/FUL as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mrs Johnson declared a personal interest in respect of SY/20/01821/FUL as a Member of Selsey Town Council.

Mr Oakley declared a personal interest in respect of planning applications LX/20/01977/FUL, NM/20/01465/FUL, and WI/20/01986/FUL as a Member of West Sussex County Council.

Mrs Purnell declared a personal interest in respect of planning applications LX/20/01977/FUL, NM/20/01465/FUL, and WI/20/01986/FUL as a Member of West Sussex County Council, and SY/20/01821/FUL as a Member of Selsey Town Council.

188 **LX/20/01977/FUL - Land West Of Guildford Road, Loxwood, West Sussex**

Miss Bell presented the item to Members and drew attention to information provided in the Agenda Update Sheet which included a number of amendments to various conditions. The conditions included the protection of trees, shrubs and natural features, and the requirement for a professional inspection of any trees prior to any felling. That a schedule of materials, finishes and samples must be approved in writing, prior to building above slab level. That the details of Electric Vehicles charging point facilities are provided and how they will accord with West Sussex County Council: Guidance on Parking at New Developments (September 2020). That no residential dwelling/unit shall be first occupied until covered and secure cycle parking spaces have been provided for that dwelling/unit, and approved in writing. That before first occupation of each phase of the development details of any external lighting for that phase should be submitted and approved in writing. That no part of the development (retail or residential) shall be first occupied until a scheme for the long-term management and maintenance of the hard and soft landscaped areas, had been approved in writing. That the development hereby permitted should not be carried out other than in full accordance with the mitigation measures set out in the Reptile Mitigation Strategy (10 September 2020). That there shall be no storage of goods, pallets, packaging or waste outside the Retail Unit other than within the area marked as 'service yard' and no goods, pallets, packaging or waste shall be stacked, stored or deposited above 2m in height.

Condition 10 would be deleted and as now combined with condition 36. An additional condition would be added that no development shall commence, until a Phasing Plan has been approved in writing. Thereafter the development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing

A comment had also been received from the Environmental Health Officer expressing no concern with regards to the proposed Public Right of Way Diversion and an additional informative included that the applicant was advised that an application would be required for the diversion of the Public Right of Way under S257 of the Town and Country Planning Act 1990.

Miss Bell also gave a verbal update in respect of a revision to Condition 6 which referenced foul drainage. This revision stated that no development should commence:

*'unless and until a Foul Water Sewerage Scheme for the proposed means of on-site foul water sewerage disposal has been submitted to and been approved in writing by the Local Planning Authority, acting reasonably in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved on-site Foul Water Sewerage Scheme. Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required. No occupation of any part of the*

*development shall take place until one or both of the following actions have been undertaken;*

*i) The completion of necessary off-site foul sewage infrastructure upgrades, in accordance with details first submitted in writing and approved by the Local Planning Authority; or*

*ii) Implementation in full of detailed interim measures for the disposal of foul water sewerage (which may include partial connection to the existing network where capacity can be demonstrated), which shall have first been agreed in writing by the Local Planning Authority, in consultation with Southern Water.'*

The reason provided was 'to ensure that adequate waste water network capacity is available to adequately drain the development.'

The Committee received the following speakers:

Tony Colling – Parish Council  
Keith Woods – Supporter  
David Hollingsworth – Supporter  
Jane Powell – Supporter  
Karen Tipper – Agent

Mr McAra arrived at the meeting.

Officers responded to Members' comments and questions:

Miss Bell confirmed that with regards to parking spaces for the retail premises, the provision was similar to what was extant, which was therefore a material consideration. To meet the maximum requirement for the premises, seventeen spaces would have to be available, and there were currently ten spaces on site at the rear and a layby in the estate road opposite (the layby to the front of the premises would be reserved for loading and unloading). There was also further provision within the Nursery Green Estate. A traffic regulation for double-yellow lines would ensure parking safety. Miss Bell added that there was the expectation that this would be a local retail facility and therefore many patrons would walk or cycle, and on balance officers considered that the parking facilities were sufficient.

Miss Bell advised that the proposed improvements to the Public Right of Way, to prevent it crossing the site, and the widening and resurfacing had ensured it was acceptable, and that it would retain a rural aspect.

On the matter of drainage arrangements Miss Bell explained that the Council's drainage engineer had visited the site and given detailed consideration to facilities. There were two parallel drainage ditches with a number of links between them, which joined to the north and south. The drainage engineer had recommended some work to the drainage system and clearing of one of the links between the two ditches, which the applicant had agreed to undertake. The drainage engineer was confident that the drainage would have the necessary capacity for the site. With regards to the wider maintenance, it was the responsibility of third parties and

therefore it was difficult to place a condition on the application in relation to this matter, although an informative maybe possible which refers to the wider maintenance. Miss Bell added that she did not have information with regards to the block paving, and its capacity for it to allow water to drain, but a pre-commencement (Condition 5) which required the particulars of this matter to be agreed, and an informative could be added to clarify expectation of the detail required. With regards to the interim position for the foul water, and whether that would involve removal by tanker, Miss Bell confirmed that the scheme had yet to be designed with Southern Water. Miss Bell added as the site would need to withstand the weight of a refuse vehicle, it would also be possible for the site to withstand the weight of a tanker, if necessary.

On the matter of signage and advertising on the retail premises, Miss Bell advised that a separate application would be required and the applicant was aware of this.

On the suggestion of a recommendation for mandatory foul drainage to be in place prior to occupation, Miss Bell advised that the community were keen for the shop to be established and Southern Water had confirmed that it was appropriate to have an interim solution. A similar arrangement had been made at the Thakeham homes development, north of Loxwood and therefore it would be difficult to require such a recommendation. However, Miss Bell confirmed she would ensure it was clear that any interim arrangement did not become permanent. Mr Whitty added that he appreciated that Members concerns regarding ensuring foul disposal provision was in place prior to occupation, but advised that the consented permission for the shop and ten residential units was extant. Mr Whitty further explained that in accordance with the Interim Position Statement (IPS), the Council required the applicant to progress as soon as possible and implement within two years, and there was a demonstrated desire from the community for the shop to be in operation. Mr Whitty also confirmed that officers would oversee the details of the foul disposal solution.

With regards to the Design Officer's comments, Miss Bell, confirmed these had been addressed, and included within the conditions, with the exception of those relating to the Public Rights of Way, and the proposed improvements had made this pathway acceptable. On the matter of the lighting condition, Miss Bell advised that the applicant's proposals had not yet been submitted for approval, and should Members require a restriction on street lighting as had been requested by Loxwood Parish Council, this could be supported by officers, but lighting would be required for the car park and security lighting. Miss Bell confirmed that there was a condition requiring cycle rack provision which was shown on the plan. With regards to larger affordable units Miss Bell advised that when the proposed development was for thirty units, a larger three-bedroom unit at affordable reduced market value had been included but this had been removed as the number of units had been reduced. Miss Bell added that housing officer had considered the provision alongside other local sites and considered collectively that there was appropriate provision and that the smaller units on this application were necessary within the area. With regards to solar panels, Miss Bell confirmed that the fabric first approach was delivering 19% and renewables were proving a further 25% above the level, although Miss Bell did not have the specific details from the applicant's agent but the requirements were included within a condition. This provision met the requirements of the Interim Position Statement but the applicant could be asked to offer the purchase of solar

panels to prospective purchasers. Miss Bell confirmed that air source heat pumps had not been proposed and these were not currently part of policy but environmental efficiency requirements would be met via fabric first improvements. Miss Bell advised that broadband provision and ecological enhancements were also included within the conditions. Miss Bell explained an additional informative could be included to refer to the drainage from the public rights of way. Miss Bell also confirmed a condition would be added to ensure the block paving was of a suitable weight, and a further condition regarding the appropriate disposal of litter from the construction site.

On the matter of the pumping station, this was shown in the plans on the southern boundary, adjacent to the existing bridle way and Mr Whitty confirmed that there was a condition which required submission of the details of pumping station and that it was an appropriate distance from the residential dwellings.

Miss Bell added that a condition regarding phasing had been included.

On the matter of lighting, the Chairman confirmed that this would be the minimum that was necessary for security and that the Dark Skies Policy would be taken into account.

Mr Whitty detailed the additional informatives and conditions:

- Amend the relevant condition to require detail of the block paving and its abilities to withstand the weight of a refuse vehicle
- Amend condition regarding the disposal of litter associated with construction
- An additional informative which requested that the developer offer the purchase of solar panels off plan
- Inclusion of additional wording to condition 6 requiring submission of details regarding the location of the pumping station to ensure it is suitable
- Inclusion of additional wording to condition 5 to clarify the requirement for drainage details for the diverted public rights of way to be submitted

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.

189 **KD/20/00906/FUL - Idolsfold Barn, Staples Hill To Plaistow Road, Kirdford, RH14 0JJ**

Mr Price presented the item to Members.

Officers responded to Members' comments and questions:

Mr Price confirmed that Condition 4 ensured that the building would be retained for agricultural storage and that it was not eligible for Class Q. On the matter of security, the building would be located in close proximity to and in view of the main dwelling. There was no requirement for change of use with regards to the access which would cross the garden, as access was already in place and was to be reinforced with Geoweb. With regards to eco-system requirements, Mr Price confirmed that this was a South Downs National Park Authority policy related to applicants' responsibilities for stewardship of the land and maintenance for the future, and not a Chichester District Council policy.

Mr Whitty confirmed that on the matter of removal of general permitted development rights, the recommended wording had been included within Condition 4, although this was not strictly necessary as these rights do not apply to buildings constructed after May 2019. Therefore, should the applicant wish to convert the building to a dwelling, a planning application would be required.

With regards to the requirement for the provision of bat and bird boxes on new developments, Mr Whitty confirmed that this was related to the level of disturbance and it could not be justified for this application.

In a vote Members agreed the recommendation to permit.

Recommendation to **Permit** agreed.

190 **NM/20/01465/FUL - Land Adjacent To The Spinney Lagness, Road Runcton, West Sussex, PO20 1LD**

Mr Mew presented the item to Members and drew attention to information provided in the Agenda Update Sheet which included that the applicant had agreed that the extant permission can be revoked, to ensure it was not constructed alongside the proposed development.

The Committee received the following speakers:

Tim Russell – Parish Council  
Kerry Simmons – Agent

Officers responded to Members' comments and questions:

With regards to the estate road Mr Mew advised that the applicant had confirmed agreement to use appropriate materials to withstand the weight of a refuse vehicle and the wording of the relevant condition could be altered to reflect this requirement. In relation to the air source heat pumps Mr Mew confirmed that a condition was included which required the details of technical specification and locations to be submitted. With regards to the ownership of the highway land, Mr Mew advised that the road would be built to an adoptable standard and the intention was for it to be adopted. Should the road not be adopted, a management company will be engaged for maintenance, but the area inside and outside the visibility splay would be adopted regardless to provide the highways authority with control of this area. Mr

Mew confirmed that a condition was included regarding the access on to Mill lane, which would be retained for pedestrian access and where it crossed third party land this would be secured via Section106.

With regards to the density Mr Mew provided a wider plan which showed sparser development along Lagness Road, with properties sitting in closer proximity in locations adjacent to the site, and therefore indicated that this proposal was not out of character for the area. Mr Mew further explained that a recent 'Interim Position' scheme for North Mundham provided 32 dwellings per hectare and this development provided 36 dwellings per hectare, adding that the orientation of the site reduced the perception of coalescence. The development also benefitted residents in Mill Lane by creating a footpath link and easier crossing point.

With regards to the weight afforded to coalescence, Mr Whitty explained that it was a material consideration, but this should be viewed against whether it outweighed the benefit of providing housing. An Inspector would not just examine a map, but also consider the other factors such as how apparent it was from the road, whether there were other properties between the proposed development and the neighbouring settlement, and how well screened it was. Mr Whitty advised that officers had taken these matters into consideration and did not believe that this would gain favour in an appeal, as it would not outweigh the benefits of providing housing.

Mr Whitty further advised that the retention of landscaping could not be required in perpetuity, as confirmed by case law. A limit of five years had been set but given the importance of the perception of coalescence that could be extended to ten years and the use of it in perpetuity as a landscape buffer.

With regards to solar panels, Mr Mew confirmed that they were not included within the scheme. Mr Whitty added that there was a requirement to put forward a suite of measures related to energy efficiency which had been included.

On the matter of the lack of a five year land supply, Mr Whitty responded that the proposal was located beyond the settlement boundary, but was adjacent and therefore in principle was likely to be acceptable to an Inspector. With regards to coalescence, an Inspector would consider the number of nine houses against the lack of five year supply and this was likely to be significant factor alongside the potential for coalescence to be mitigated by landscaping.

Rev. Bowden made a proposal to refuse the application on the grounds of cumulative perceived coalescence of settlements contrary to the Interim Position Statement, which was seconded by Mr Oakley with the addition of the issue regarding inappropriate density which exacerbated the perception of cumulative perceived coalescence.

In a vote Members agreed the proposal to refuse the application due the cumulative perceived coalescence of settlements reinforced by the density of the development.

Recommendation to **Refuse** against officer recommendation agreed.

Members took a ten minute break

191 **SY/20/01821/FUL - 153 High Street, Selsey, Chichester, West Sussex, PO20 0QB**

Mr Mew presented the item to Members and drew attention to information provided in the Agenda Update Sheet. This included additional information from the Council's licensing team that a Premises Licence was held as granted under the Licensing Act 2003 since 2019. A condition of the licence stated 'The outside area shall be clearly delineated by wind breaks or a barrier or fencing' as requested by Sussex Police 'to ensure patrons are aware of the extent of the premises and .....to prevent patrons spilling out across the pavement.'. The Licensing team had concluded that from a compliance perspective, a removable barrier or permanent solution would be in accordance with the condition. Third party comments had also been received regarding the positive aspects of the fence.

The Committee received the following speakers:

Edward Sye – Applicant

Tim Johnson – Ward Councillor (statement read)

The Chairman summarised that Members comments had reflected their inclination to support approval of the application, and therefore invited a proposal to be made. Rev. Bowden made a proposal to permit the application which was seconded by Mr Barrett.

Mr Whitty responded to Members' comments and questions:

Mr Whitty confirmed that if Members were satisfied with a weathered rather than painted appearance for the fence there would not requirement for that to be included within a condition, but the Committee must be aware that their decision must accord with the statutory duty to conserve and enhance a conservation area. Mr Whitty expressed disappointment with regards the height of the gate and its impact on the interaction of the property with the street. Miss Golding reminded Members that the reasons for the decision must be clear.

On the matter of whether a condition could be imposed that the fence was linked with the use of the property and should that change, the fence must be removed, Mr Whitty advised it would be difficult to do so as the impact would be the same and it could also be argued that the fence was in place for a number of reasons, so the condition would be unlikely to meet the test of necessity.

Mr Whitty advised that paragraph 196 of the National Planning Policy Framework set out where there is less than substantial harm, the public benefit test could be used and further advised against a requirement for the fence to be painted.

In a vote Members agreed the proposal to permit the application as the perceived harm to the conservation area was outweighed by the public benefit.

Recommendation to **Permit** against officer recommendation agreed.

Mr Wilding left the meeting and did not return

192 **WI/20/01986/FUL - Pheasant Cottage And Owl Cottages, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7DA**

Mrs Stevens presented the item to Members and drew attention to information provided in the Agenda Update Sheet. This included additional supporting information from the applicant regarding reference to a High Court case, that comments from Economic Development and Estates were inaccurate, that Chichester Harbour Conservancy had objected to the application although had previously supported it and that there was a need for housing and the cottages would be unoccupied.

The Committee received the following speakers:

Sarah Billingshurst – Supporter

Albert Plumb – Applicant (statement read)

Tim Johnson – Ward Councillor (statement read)

The Chairman Mrs Purnell left the meeting and did not return.

Rev Bowden took the role of Chairman for the remainder of the meeting.

With regards to other properties along the lane, Mrs Stevens responded that she believed that they were residential properties and was not aware if any were rented out or were 'Airbnbs'. On the matter of the personal circumstance of the applicant, Mrs Stevens advised that substantial evidence had not been submitted with the application which set out their personal needs or details regarding their current property. Mrs Stevens drew attention to the question of the need for this particular building, or the whole of the two cottages which would provide a total six bedrooms.

Mr Whitty advised that the decisions must be made based on planning policy and arguments related to sympathy for the applicant were not material considerations. There was however a policy to maintain the tourism industry within the peninsula. Since the last appeal, the price of the properties had not been reduced, and the marketing of the properties required the applicant to consider all potential methods for renting the properties, or if they wish to sell the properties, to review the sale price.

Mrs Fowler left the meeting and did not return.

In a vote Members agreed the recommendation to refuse the application.

Recommendation to **Refuse** agreed.

Members took a ten minute break.

Mr McAra left the meeting and did not return.

193 **The Ministry for Housing, Communities and Local Government (MHCLG) - Consultation on Supporting housing delivery and public service infrastructure**

Mrs Stevens presented the item to Members and drew attention to information provided in the Agenda Update Sheet. This included an addendum to the Appendix which provided the consultation questions and responses.

In respect of the response to 17.1 it should read:

*'Yes. It is considered that public service infrastructure proposals should embed sustainable design, and this should include measures to promote sustainable modes of transport via the provision of cycle routes, secure cycle parking and electric car charging points within the proposed permitted developments.'*

Mrs Stevens clarified that the recommendation in the report requested that the Committee 'note' the contents of the consultation, however the recommendation should be as per paragraph 5.1 of the report; to note the consultation, and to endorse and provide comments on the proposed response. Mrs Stevens further clarified that the report set out the broad proposals and appendix 1 detailed the proposed response to the consultation. Mrs Stevens added that she intended to utilise the response to question 22, to clarify concerns regarding broadening permitted development rights primarily in relation to the changes of use of business units to residential units.

Officers responded to Members' comments and questions:

Mrs Stevens confirmed that Community Infrastructure Levy (CIL) was not generally payable where new homes were permitted under prior approval, Mrs Stevens clarified that CIL was payable on conversions but a vacant building credit could be used to off-set the payment, which was under review. With regards to waste drainage this is not a matter which could be considered under prior approval, but in circumstances in which there was an issue with this going to a designated site and into the harbour, where that was likely to have a significant effect, the permitted development rules would not apply. This was similar with recreational disturbance, as that also may have a significant impact on a designated site. With regards to the fourteen days for consultation, Mrs Stevens confirmed that she agreed that this was a short period of time, but had given a positive response as it was acceptable in terms of officers having to meet the timeframe for determining the application, the consultation was clear that it would only apply where pre-application discussions had taken place. In relation to education, Mrs Stevens agreed that changes had taken place with provision in regards to the number of academies, which may result in further planning applications or permitted development but was not likely to increase matters significantly. With regards to facilities for well-being, Mrs Stevens advised that school sports fields were afforded protection, but having a Neighbourhood Plan would not ensure the protection of other facilities. In relation to the cumulative impact of planning, Mrs Stevens confirmed that this would be included with the responses. With regards to the loss of GP surgeries, Mrs Stevens advised that these now fell into Class E and unless there was a condition which limited the use for premises only to be used as a doctors surgery, the use could be

altered under the proposed measures, which was a concern related to the loss of community facilities. Mrs Stevens confirmed that she did not know if the permitted development rights would apply in areas of outstanding natural beauty, but research on this matter would be required and that those landscapes should not be subjected to the proposed permitted rights changes could be added to the responses. In terms of housing mix, or the provision of affordable houses, Mrs Stevens confirmed that there would be no control on this matter as a result of the prior approvals. On the loss of employment buildings and increase of residential dwellings leading to the necessity for residents to commute, Mrs Stevens agreed this may be a consequence and may further result in having to provide more employment in other locations, and this would be emphasised within the response. With regards to building regulations, Mrs Stevens confirmed they were separate to planning and highlighted that there was a new proposal to introduce the consideration of fire risks within prior approvals. The Government had made this amendment as a condition of general permitted development rights for some of the existing permitted rights. However, planning officers would not have the expertise to consider this matter and would need to revert to building control for support. Mrs Stevens added that previously there had been no consideration for the structural ability of buildings to withstand extra storeys for example, which was reliant on building regulations, and it would be similar for changing office blocks to residential accommodation. Mrs Stevens added that the onus would be on the developer to demonstrate the safety of building in terms of fire risk.

Mr Whitty advised that the proposals may become law in April or May 2021. Mr Witty also confirmed that any permitted development rights would negate the consideration of any policy or Neighbourhood Plan and would have an impact on how the Local Plan was taken forward for example in relation to the provision of employment land. Mr Whitty further confirmed that the comments of the Committee could be summarised following the meeting into the response to the consultation, which was also confirmed by Mrs Stevens. Mr Whitty added that a draft would be prepared and forwarded to Members for further comment, with the final draft delegated to officers prior to submission. Mr Whitty advised against submitting a comment regarding the limit of fourteen days consultation period for applications, which was agreed.

Following a vote by show of hands, Miss Golding confirmed that Members had **agreed** the recommendation at 5.1 of the report, subject to the revision process outlined by Mr. Whitty above, with final revision delegated to Officers.

194 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 19 November 2020 and 15 December 2020**

Miss Golding provided Members with an update regarding the injunction proceedings for Land West of Birdham Farm, Birdham and explained that the occupiers should have moved from the land by 31 December 2020 and were required to remove all structures by 31 January 2021. The occupiers gave notice on Christmas Eve that they wished to make an application to the courts to defer the two compliance periods for three months and made an application on 29 December 2020 for an urgent hearing which was not granted before 31 December 2020, and a hearing date was now awaited.

With regards to the Land adjacent to Melita Nursery, Chalk Lane, Sidlesham, Mrs Stevens responded that this was a site for which an application had been considered and the applicant had confirmed they would withdraw the appeal, but the applicant did not submit the information required for this to become a valid appeal, which was the reason for no further action being required.

Mrs Johnson left the meeting and did not return.

With regards to Flintwalls, The Street, Boxgrove, Mr Whitty advised that if a fence replaced a wall which was not listed, the planning authority could not require that the wall was reinstated and only that the fence must be removed. Mr Whitty confirmed that this matter would be included on the next meeting's agenda.

With regards to Land North West of Premier Business Park Miss Golding confirmed that repeated appeals against proceedings by an occupier was permitted. On this particular application the occupier had made an application which had been refused, but the court might consider the current application based on different circumstances related to the Covid-19 situation. Miss Golding explained that the court would take each application on its own merits, and further information could be provided following the meeting if required.

Mr Potter left the meeting and did not return.

**195 South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 19 November 2020 and 15 December 2020**

Mr Whitty responded to Members' comments question:

Mr Whitty explained that of two appeals related to the erection of masts, with one appeal dismissed and one allowed, the reason for the different decisions lay with the proximity of the mast to the building, with the closer of the two allowed as more appropriate.

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

There were no late items.

**197 Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.56 pm

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CHAIRMAN

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Date: