



Minutes of the meeting of the **Planning Committee** held virtually on Wednesday 3 March 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 and Mrs S Sharp

**Members not present:** Mr P Wilding

**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), Mr I Gledhill (Planner - County Highways West Sussex County Council), Mr S Harris (Principal Planning Officer), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)), Mr C Thomas (Senior Planning Officer) and Mr T Whitty (Divisional Manager for Development Management)

## 1 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

Apologies for absence had been received from Mr Wilding.

## 2 **Approval of Minutes**

With the following amendments:

O/20/02087/FUL, Colworth Manor Farm, Colworth Lane, Colworth, Chichester

On the first main paragraph, line 11, 'hedges' to be replaced with 'hedging plants', and on line 17, 'With regards to the coalescence and landscaping views and gaps in the hedgerow....' to be replaced with 'With regards to cumulative coalescence and wider landscape impacts of polytunnel development in area on the Countryside Gap between Chichester and Bognor Regis.....'

the minutes of 3 February 2021 be approved as a correct record.

## 3 **Urgent Items**

There were no urgent items.

#### 4 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of CH/20/01826/FUL, and BO/20/02707/DOM and BO/20/02708/LBC as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in respect of CH/20/01826/FUL, CC/20/0473/REM, WW/20/02932/FUL and CC/20/03226/FUL as a Member of West Sussex County Council, and BO/20/02707/DOM and BO/20/02708/LBC as a distance relative of the applicant.

Mr Plowman declared a personal interest in respect of CC/20/02473/REM and CC/20/03226/FUL as a Member of Chichester City Council.

Mr Potter declared a personal interest in respect of CH/20/01826/FUL as a Chichester District Council appointed Member of South Downs National Park Authority.

Mrs Purnell declared a personal interest in respect of CH/20/01826/FUL, CC/20/0473/REM, WW/20/02932/FUL and CC/20/03226/FUL as a Member of West Sussex County Council.

Mrs Sharp declared a personal interest in respect of CC/20/02473/REM and CC/20/03226/FUL as a Member of Chichester City Council.

#### 5 **CH/20/01826/FUL - Land Adjoining A27, Scant Road West, Hambrook, Chidham**

Due to the necessity to resolve technical issues,  
Members took a 15 minute break

Mr Bushell presented the item to Members and drew Members' attention to the Agenda Update Sheet which provided further third party objections and information from the applicant regarding receipt of written confirmation of the interest in taking responsibility for the convenience store, and the equipping of the Resource Hub and how it would be operated. A revised Travel Plan had also been submitted in which the applicant iterated commitment to pursue a change to the speed limit on Broad Road from 40mph to 30mph in the vicinity of the new site access. An update to the policy position regarding the revision to Local Development Scheme 2021-2024 was also provided outlining key milestones.

The Committee received the following Speakers:

Jane Towers – Parish Council  
Andrew Wild – Objector  
Alan Green – Objector  
Geoff Tomlinson – Objector  
Ben Ballie – Agent

Adrian Moss – CDC Ward Member

Officers responded to Member's comments and questions:

With regards to the absence of a footway from the new access southwards to the junction with Scant Road, Mr Bushell explained that a shared cycle and footway was being provided within the site to enable residents to avoid having to cross Broad Road and would allow safe and continuous onwards access to the A259. On the matter of the speed limit, Mr Bushell confirmed that the developer was keen to have 30mph moved further to the north, which was how the application was originally submitted, but was changed to accord with the current speed restriction and following comments from WSCC Highways. Therefore the access to the site had been designed for a 40mph which was confirmed as safe. Mr Bushell added that a 30mph limit was deemed as unnecessary to make the current development acceptable in highways terms, and consequently, there would potentially be an issue with requiring the developer to now pursue the lower limit. On the matter of site not being sustainable from a transport perspective, Mr Bushell drew Members' attention to the report which referred to the previous appeal scheme for a similar number of dwellings, in which the Inspector considered it was a sustainable location, and cited the proximity to Nutbourne Railway Station. With regards to subsidised bus services, Mr Bushell advised that this would have to be necessary, which had not been highlighted by the highways authority, and may be a matter which could be brought forward as part of Community Infrastructure Levy (CIL) funds, but could not be insisted upon. With regards to the Interim Position Statement for housing and the reference to low density, the application was landscape-led specifically to address issues raised by the previous planning Inspector, hence the developer had aimed to assimilate the proposed development into the environment and include 5.63 hectares of green space, which was considered by officers to be appropriate. On the matter of nitrates, this would be dealt with by way of a Section 106 agreement and the landowner would be required to be a party to the agreement with the land kept in perpetuity without any nitrogen input to ensure it achieved nitrate neutrality. Although Natural England had a preference for woodland planting on the nitrate mitigation land, this was not a requirement providing the land delivered the necessary nitrate neutrality. With regards to the piling condition and danger to the underlying aquifer, Mr Bushell confirmed consultation would take place with the Environment Agency.

Mr Bushell confirmed that the site was included in the Housing and Economic Land Availability Assessment (HELAA) as appropriate for 110 dwellings. With regards to the convenience store and the probability of it being successfully introduced and established, Mr Bushell conceded that previously proposed stores within the vicinity had not materialised, and this site would need to be robustly marketed. Premier Local had shown interest and discussions were taking place. The Section 106 agreement would provide the best possible opportunity for this undertaking. Mr Bushell added that the use of the store would be specifically conditioned as a convenience store and the Council would require planning permission for any other proposals. On the matter of nitrate mitigation, Mr Bushell confirmed that the location of the nitrate mitigation land was within the same flow catchment area as the application site, and therefore Natural England was content with that. With regards to the loss of grade 2 agricultural land, Mr Bushell responded that this was an

inevitable consequence of the necessity to build houses and manage the issue of nitrates, but biodiversity improvements on the identified land would be gained. Mr Bushell explained he could not confirm how long it would take for nitrogen neutrality to be achieved, and it was necessary to accept that Natural England had given this matter due consideration. With regards to 'in perpetuity' this was assessed as a period of 125 years, to equate with the lifespan of the development, and be secured via the Section 106. On the matter of the noise generated by the A27, Mr Bushell responded that the ten dwellings in the north-east corner, were designed to mitigate noise-impact via appropriate glazing, the gardens of these properties were positioned furthest from the road, there was an existing well-wooded embankment, and the Environmental Health officer was content. Mr Bushell also explained that Highways England required a fence to ensure the A27 could not be accessed on foot and the relevant condition would be expanded to state approval would be required from Highways England with regards to the detail of the fence.

On the matter of sustainability, Mr Whitty responded that this elicited a number of interpretations but in relation to this development it referred to potential modes of transport. The difficulty of citing this at an appeal was that the previous Inspector's decision confirmed the location as sustainable, which was a material consideration. The site was within the HEELA albeit for 110 dwellings, Chidham and Hambrook had a Railway Station within close proximity and there were potentially a further four housing sites for consideration within the parish with a total requirement within the parish for a further 300 to 400 houses. Mr Whitty added that whilst piecemeal development might appear more appropriate, this approach required considerable land and the benefit of cumulative development would be lost. Mr Whitty concluded therefore that sustainability could not be defended in an appeal situation. With regards to the nitrates, Mr Whitty agreed that there may be a need for the Council to develop its own policy but currently there was no such policy and both the Department for Environment, and Rural Affairs and Natural England had provided a recognised approach to off-set nitrates which also secured ecological benefits. With regards to when this would provide a positive impact, and occupation of the dwellings, a judgement would have to be made, and Natural England undertook a high level of scrutiny on these matters. Mr Whitty continued that currently the Council did not have a five year housing land supply which was a considerable factor, which must be taken in account, and an Inspector would expect the Committee to have done so. The previous appeal on this site was won in a different context. This was a full application which would result in a site being established quickly, and would add to the five year supply. It should further be taken into consideration that the more sites found that were less flawed than others, the easier it would be to defend those sites which were found to be more harmful. Mr Whitty added that should the Committee decide to vote against the officer recommendation, robust reasons which could be evidenced would be required, to defend the decision at appeal or effectively this would result in procrastination for inevitable development of the site and the ensuing accompanying costs. On the matter of the Traffic Regulation Order (TRO) for a 30mph speed limit, Mr Whitty advised that although this had been deemed as unnecessary for the site, the Committee could require that this was pursued by the applicant, particularly as the applicant had confirmed that they were willing to do so. Mr Gledhill advised that a TRO was subject to its own statutory process and therefore the applicant could not be conditioned to implement the 30mph speed limit but only required to fund the process.

With regards to delivery vehicles and the service yard for the proposed convenience store, Mr Bushell responded that he believed the swept path analysis had been confirmed by the highways authority to be of an appropriate standard, and a bin storage condition could be added. Mr Bushell also added that a condition could be included (rather than an informative) to ensure the roadway could take the weight of refuse vehicles. The installation of bollards could also be included within the conditions to ensure no unauthorised access to the cycle and pedestrian paths. With regards to the Neighbourhood Plan and its reference to the development of housing, Mr Bushell advised that as the housing policies in the development plan which included both the Local Plan and Neighbourhood Plan were out of date, little weight could be afforded to them.

With regards to the policy on agricultural land, Mr Whitty advised that there was a policy within the Local Plan which sought to protect it and to restrict development boundaries, but planning was a balancing exercise particularly with the lack of five year housing land supply, and it would be difficult to secure an argument based on the loss of agricultural land. On the matter of services, Mr Whitty explained that they tended to follow development. Services which required public funding such as schools needed to be secured as part of the development and those services which were commercial were driven by market demands. Mr Whitty also explained that an A1 conditioned premises, permitted a wide range of possible occupiers, whilst on this development the condition was specifically for a convenience store with robust marketing for such required. In relation to the cycle way, Mr Whitty confirmed that was the remit of Community Infrastructure Levy (CIL) funding.

With regards to the 30mph speed limit, Miss Golding clarified that such a condition would need to be a 'Grampian' pre-commencement condition as it is outside the control of the applicant. Mr Whitty confirmed that officers would be content to add that matter to the conditions, and this would not require the 30mph speed limit to be secured prior to occupation, but that the applicant made provision for the application.

On a point of clarification, Mr Bushell explained that the whole Neighbourhood Plan was not out of date but only the specific housing policy within it. Mr Whitty also confirmed that all Waste Water Treatment Works screen limited nitrates only, which was the reason for the necessity to provide other methods to do so which in this case, was the nitrates mitigation land.

With regards to the provision of a link to the South Downs National Park, Mr Whitty confirmed that off-site highway improvements works such as upgrading the road bridge, would be the remit of CIL funding.

On the matter of the north-west corner of the site, Mr Bushell explained that there was a change of levels and therefore unauthorised vehicular access from this point would be difficult and unlikely. On the western side of Broad Road, Mr Bushell confirmed that was an established continuous pedestrian connection to the National Park.

With regards to the access to the proposed convenience store, Mr Gledhill explained that it may be appropriate to include a Service Management Plan within the condition, to allow consideration of the servicing requirements of the store when in operation, which would ensure plans were based on factual information. Mr Bushell confirmed that this could be added to the conditions.

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

Rev. Bowden proposed that the application was refused, on the grounds of cumulative loss of agricultural land (both the application site and the nitrates mitigation land), and non-integration of the site into the village, which was seconded by Mr Potter.

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

Members took a ten minute break

6 **CC/20/02473/REM - Land West Of Centurion Way And West Of Old Broyle Road**

Mr Harris presented the item to Members and drew Member's attention to the information provided in the Agenda Update Sheet which gave details of two further reserved matters which had been submitted relating to the Strategic Development Location's Local Centre.

The Committee received the following speaker:

Nicholas Billington – Agent (statement read)

Mr Harris responded to Members' comments and questions:

With regards to the crossing point to the open space located in the adjacent parcel, Mr Harris confirmed that the expectation was for the area not to have traffic travelling at speed and ramps were positioned on the adjacent roads. Pavers would also be used to provide a sense of a low-speed pedestrian environment, and the highway authority was satisfied with the crossing in this location. The break in the landscaping into the park area would also encourage pedestrians to cross at this point. On the matter of the area withstanding freight vehicles, the highway authority was also content and maintenance of un-adopted shared areas would be undertaken by a management company.

On the matter of design of the adjacent spine road junction, Mr Harris confirmed that this had been already approved under the 'infrastructure' reserved matters application. On the question of the design of the buildings, Mr Harris responded that this matter was subjective and confirmed that officers had worked hard to secure improvements. The applicants had agreed changes and improvements in line with those secured on earlier parcels, and this part of the development accorded with the design strategy previously approved by the Committee. With regards to the ability of paved areas to withstand the turning of refuse vehicles, a condition requiring the agreement of the technical specification of such areas had not been imposed on

previous parcels, but could be added as a condition and Mr Harris confirmed that the details that had been submitted initially indicated that the surface would be sufficiently robust for such vehicles.

With regards to the cycle route around the southern part of the parcel, Mr Harris confirmed that changes had been made since the original plan. Both the Council and the highways authority agreed the revisions provided a more coherent route enhanced with linking sections. Bollards and hedging would also ensure the route would not be used by unauthorised vehicles and a further benefit was that the tarmac path would not encroach into the landscaped area. Mr Harris further advised that the revisions ensured that cyclists would have an easier route towards the spine road and onwards.

In a vote Members agreed the application.

Recommendation to **Permit** agreed.

**7 WW/20/02932/FUL - 11A Marine Drive West, West Wittering**

Mr Thomas presented the item to Members and drew Members' attention to the information in the Agenda Update Sheet which confirmed that West Wittering Parish Council had withdrawn their objection to the application.

Mrs Stevens responded Members' comment and questions:

With regards to a requirement for bin storage, Mrs Stevens advised that it would not be reasonable to include a condition in respect of this matter.

In a vote Members agreed the application.

Recommendation to **Permit** with S106 agreed.

Members took a ten minute break.

**8 CC/20/03226/FUL - 23 Lavant Road, Chichester, PO19 5RA**

Mr Mew presented the item to Members and drew Members' attention to the information provided in the Agenda Update Sheet which listed further details from the applicant's agent regarding the size and location of the mitigation land within the Donnington Manor Farm estate which connected directly to a ditch network in Chichester Harbour and further confirmed the planting of ten trees. The Agenda Update Sheet also provided information that the applicant had forwarded a letter to the Committee in response to the City Council's objection to the application, and clarified the context of the nitrate mitigation proposals.

The Committee received that following speakers:

Keith Bartlett – Objector

John Halliday – Objector

Peter Doust – Objector (statement read)

Paul White – Agent

Officers responded to Member's comments and questions:

With regards to the land selected for nitrate mitigation, Mr Mew explained that it was not necessary for it to have been in continuous agricultural use, Natural England reviewed land over a ten year period, and there was evidence of the land having been ploughed during that time. With regards to the development over-looking the neighbouring property to the north and loss of light, Mr Mew responded that the window on the northern elevation of the proposed development would have obscured glass and be fixed shut below 1.8 metres in height, and a condition could be added to secure this matter. The balconies had screening along the boundaries, which could also be secured by condition to ensure the retention of screening, and Mr Mew added that some over-looking of the rear of the gardens would be expected within a residential area. Mr Mew reminded Members that the impact on neighbouring properties was not raised in the previous submission and therefore the Inspector did not make any comments in this regard. On the matter of the sub-division of land for nitrate mitigation use, Mr Mew explained that this was acceptable and land for this use was likely be secured in small parcels.

Members were reminded that the Council did not currently have a five year land supply for housing, and this development would add to the supply. With regards to the loss of dwellings and cumulative impact along Lavant Road, this was not a conservation area and therefore only a prior-approval application was required if buildings and structures were to be demolished. Mr Mew also explained that the Inspector did not just consider other apartment blocks in the road but would also review the locality, the street pattern and space between plots.

On the matter of loss of light, Mr Mew advised that this was contained in guidance and the 25 degree rule was not part of planning policy. In this location there was an access track which gave separation to the north to No. 23A and screening along the boundary. Mr Mew added that the landscaping condition could be enhanced.

Mr Whitty advised that it would not be acceptable for a determination to be delayed in order to await other applications within the vicinity coming forward. Mr Whitty further explained that there was an Inspector's decision, which was a material consideration. It would be unreasonable to question the Inspector's decision, as it was not done at the time, and as recognised by the Inspector, the Council did not have a policy to protect the character of the area. Mr Whitty advised that a move away from the character of an area is not necessarily an issue, but the quality of the development that is constructed in its place, and that if the Committee chose to refuse the application on that basis it would result in grounds for an award of costs at appeal. Mr Whitty added that the Inspector was not questioning the principle of the nitrate mitigation, but commented that there was no mechanism to the secure the land.

With regards to the loss of trees, Mr Mew confirmed that this would include twelve trees, four shrubs and two hedges which were not classed as grade A. The

Inspector had been satisfied, but a condition could be added to require a two for one replacement.

Mr Whitty added that with regards to climate change, part of the proposed mitigation scheme included the planting of trees, and also advised that highlighting the matter of neighbours being over-looked had not been raised by the Committee on the previous application and therefore, it was unreasonable to raise it at this time. Mr Whitty confirmed that an informative in relation to tree planting could be added. The tree planting would be secured through a S106 agreement and this would also afford protection to land to prevent future farming within the location of the allocated area.

In a vote Members agreed the recommendation to defer for Section 106 then, Permit, subject to no objection from Natural England regarding an appropriate assessment.

Recommendation to **Permit** agreed.

9 **BO/20/02707/DOM & BO/20/02708/LBC - Church Cottage, High Street, Bosham, PO18 8LX**

Mr Mew presented the item to Members.

The Committee received the following speakers:

Gail Power – Parish Council (statement read)

Bob Dalton – Agent

Penny Plant – Chichester District Council (statement read)

Officers responded to Members' comments and questions:

With regards to light spillage and the Dark Skies policy, Mr Mew confirmed that a condition had been included which required the installation of dusk-dawn screen blinds which were to be closed during those times. Mr Mew also explained that a further condition had been included which required that in relation to connection to the wall, construction was undertaken in accordance with a methodology and section plan. Mr Mew advised that the thermal efficiency of the structure would be controlled by building regulations and further confirmed that pre-application advice had been provided by the Principal Conservation and Design officer. Each application of this type was considered individually and in regards to this application, a contemporary approach had been viewed as most appropriate. Mr Whitty added that where an extension was integrated into a building, similar materials were used however, the linking of two buildings required a light-weight approach to retain the ability to view the two distinct separate buildings.

On the matter of whether the extension could be viewed from the road, footpath and churchyard, Mr Mew explained that there would be limited views from some positions and none from others.

With regards to the demolition of the outbuilding, Mr Mew confirmed that the Principal Conservation and Design officer was content. Mr Mew also confirmed that the applicants could position their bins as they wished. Mr Whitty added that there was sufficient space for bins to be out of sight of the public realm. With regards to the powdered coated aluminium and zinc roof, Mr Whitty advised that would provide a high quality finish.

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

Recommendation to **Permit** agreed.

10 **Ministry of Housing, Communities and Local Government consultation on National Planning Policy Framework and National Model Design Code (12.35 approximate start time)**

The Chairman requested that Members forward their suggestions regarding the consultation to Mrs Stevens which would either be incorporated into the response or Mrs Stevens would provide advice explaining the grounds for not incorporating suggestions. Mrs Stevens confirmed that any suggestions would be required by 10 March 2021.

11 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 13 January 2021 and 9 February 2021**

Members agreed to note this item.

12 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 13 January 2021 and 9 February 2021**

Members agreed to note this item.

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

There were no late items.

14 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.51 pm

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CHAIRMAN

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Date: