



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 8 December 2021 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mr R Briscoe

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 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)

145 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and read out the emergency evacuation procedure.

Apologies were received from Roy Briscoe.

146 **Approval of Minutes**

The minutes of the meeting held on 3 November 2021 were agreed as a true and accurate record.

147 **Urgent Items**

There were no urgent items.

148 **Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as the Chichester District Council external appointment to Chichester Harbour Conservancy
- Agenda Item 9 – BO/20/03326/FUL – as the Chichester District Council external appointment to Chichester Harbour Conservancy

Rev. John-Henry Bowden

- Agenda Item 10 - CC/21/00841/FUL – as the Chichester District Council external appointment to the Goodwood Aerodrome Committee

Mrs Johnson declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of West Sussex County Council and a member of Selsey Town Council
- Agenda Item 9 – BO/20/03326/FUL – as a member of West Sussex County Council
- Agenda item 11 – KD/20/00457/COU – as a member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of West Sussex County Council
- Agenda Item 9 – BO/20/03326/FUL – as a member of West Sussex County Council
- Agenda item 11 – KD/20/00457/COU – as a member of West Sussex County Council

Mrs Purnell declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of Selsey Town Council

Mrs Sharp declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of West Sussex County Council
- Agenda Item 9 – BO/20/03326/FUL – as a member of West Sussex County Council
- Agenda item 11 – KD/20/00457/COU – as a member of West Sussex County Council

149 **Housing Land Supply Update Report**

Mr Ayling and Miss Stevens presented the report to the Committee. Miss Stevens introduced the report, she explained that the previous land supply position concluded, that as of April 2020 the Council had a 4.3 year housing supply. In response the Council brought forward an Interim Position Statement that was approved by the Planning Committee in June 2020.

Mis Stevens explained that West Sussex County Council undertake the monitoring of housing development for Chichester District Council (and other West Sussex authorities). The data provided by WSCC has been used as the basis for the latest land supply position.

Miss Stevens informed the Committee that Lambert Smith Hamilton had been appointed to undertake a Critical Friend Review of the 5YHLS report, and to review the evidence in respect of the windfall allowance; as well as the lead-on and build-

out rates of residential development sites. She drew their attention to Appendix 1 of the report which set out the full review.

Based on the most recent data, Miss Stevens informed the Committee that the Council, as of 1 April 2021, is able to demonstrate at least 5.3 years of housing land supply.

Mr Ayling took the Committee through section 6 of the report. He explained that the findings to be tested at appeal and Members will be kept informed of the outcome of the examinations and how they impact upon the five-year housing land supply.

Mr Ayling drew Member's attention to paragraph 6.4 of the report, he highlighted that although there is a current five-year housing land supply (5YHLS) it is important that to maintain this position going forward with planning applications considered if the benefits indicate it should be permitted. The five-year housing land supply statement has immediate effect and will apply to current appeals, it means the tilted balance no longer applies.

Mr Ayling informed the Committee that there was a typo in the recommendation which should read as follows '*...set out in para 6.4 of the report*'.

The Committee received representations from;
Cllr Tony Colling – Loxwood Parish Council

In response to comments made in the public representation; Mr Ayling acknowledged that the Loxwood Neighbourhood Plan had being stalled by the water neutrality issue affecting the area. However, he reminded the Committee the same issue also applied to all planning applications and other Neighbourhood Plans within the area. He clarified that the Development Plan is the basis for all planning applications and referred to paragraph 6.3 of the report. In addition, Mr Whitty advised that whilst the Committee do not have to apply the tilted balance in their consideration, they should remain mindful to the future and maintaining a five-year housing land supply.

On behalf of the Committee Mrs Purnell thanked all officers for their work on the Five-Year Housing Land Supply Statement.

With regards to the A27 and the number of new homes that can be supported in the future; Mr Ayling explained that the 5YHLS is assessed through the Standard Method. A different figure to the 5YHLS will be put forward as part of the Local Plan, however, this figure would not be applicable until the Local Plan has been fully adopted.

On the issue of the windfall allowance included within the statement; Mr Ayling informed the Committee that part of the work LSH had undertaken in the Critical Friend Review, was to assess the methodology the Council had used in calculating the statement and how that information was presented. From this work they advised that there were a number of elements the Council should consider amending, including;

- Windfall allowance; Mr Ayling explained that these are unplanned sites that come forward, the Council has always included an allowance for small windfall sites (10 dwellings or less), however, following the work undertaken by LSH they have concluded that there is sufficient evidence for allow a larger allowance to be included. As a result, the windfall element included within the statement is larger than in previous statements.
- Rate of delivery and lead in times; Mr Ayling explained that there was no significant difference in the figures calculated, however the work undertaken by LSH meant that they were better evidenced.

In addition, Mr Ayling informed the Committee, that planning decisions taken over the previous year had also been considered, including the Tangmere development which had been approved by the Committee at a meeting on 21 March 2021.

On the matter of lead in times, Mr Ayling clarified that this means the time from when an application receives full permission (either a full application or an Outline and then Reserved Matters) and the permission is then issued along with the signed S106 agreement.

With regards to delivery rates on sites; Mr Ayling clarified that delivery rates are considered as a whole, therefore larger sites such as Whitehouse Farm where there a number of developers, will have a higher delivery rate, when compared to smaller sites.

On the matter of how much weight can be attached to Loxwood Neighbourhood Plan; Mr Whitty informed the Committee that it was currently at 'Reg 14' which means officers are unable to apply any significant weight to the policies currently contained within the Neighbourhood Plan. He reassured members that officers do not see the Interim Position Statement (IPS) as a 'green light' to development, it is a useful a tool for assessing the benefits which might be brought forward by development.

On the issue of whether the 5YHLS has any implications to the Duty to Cooperate; Mr Ayling informed the Committee that officers had sought legal opinion regarding this and received very clear advice that the Duty to Cooperate and the 5YHLS are very separate matters until the time when the figure for the Local Plan is agreed.

In a vote the Committee agreed to the report recommendation to **note the housing land supply update and the approach to housing applications as set out in para. 6.4 of the report.**

Recommendation; **That the Committee notes the housing land supply update and the approach to housing applications as set out in para. 6.4 of the report.**

Mr Bushell presented the report to the Committee. He drew their attention to the Agenda Update Sheet which included additional comments from; Birdham Parish Council, Selsey Town Council, and a further third-party comment; as well as a further reason for refusal.

Mr Bushell explained that the application had been deferred at the Planning Committee on 8 September 2021 for the five reasons recorded within the minutes of the meeting and set out within the report (page 64). With regards to the attendance of a representative from WSCC Highways Mr Bushell explained that unfortunately the WSCC representative had to offer apologies.

Mr Bushell outlined the current policy context and explained that the Council has now moved to a Plan-led approach when considering applications. He explained that since the last Committee Meeting the Council had published its new Five-Year Housing Land Supply (5YHLS) Statement and could demonstrate a 5.3-year supply. As a result, the officer recommendation has changed from permit (at the September Committee) to refuse, full reasons for the change in the recommendation was detailed in full within the report. In summary, because the Council can demonstrate a 5YHLS the application of the Tilted Balance in favour of development is no longer required and the planning balance is tilted towards a plan-led approach. Mr Bushell informed the Committee that this approach had been adopted by the Planning Inspector when they had dismissed a previous appeal on same site in 2018.

Mr Bushell highlighted the site location to the Committee and explained that the site adjoined the Birdham settlement boundary and was 150m north of the Somerley conservation site. He informed the Committee that the entire site was located within Floodzone 1.

Mr Bushell outlined the three land parcels located within the development site, as well as the proposed access arrangements. He informed the Committee that the proposal was for a mix of 73 houses, flats, and some bungalows, which gives a net density of around 27 dwellings per hectare, along with an employment building and retail unit. There will be a foul water pumping station, which will have a holding tank facility for up to 48 hours.

Mr Bushell confirmed that since September Committee the applicant has included the 3m maintenance buffer required for drainage ditches on the north, west and south boundaries. However, as detailed in the Agenda Update Sheet, it has not been clarified whether the buffer does achieve the required level space for maintenance purposes. The Drainage Engineer has been consulted and due to the lack of clarity on this issue does mean that it is not possible to confirm whether the overall quantum of development can be accommodated on the site and as such is included as a further reason for refusal of the application.

Mr Bushell informed the Committee that foul water from the site would drain to the Sidlesham Waste Water Treatment works, via the Pigs Lane pumping station. Since September the report has been updated to provide further information on foul drainage, Mr Bushell drew the Committee's attention to paragraph 8.20 of the report and introduced Mrs Mayall from Southern Water who was in attendance to help answer any questions regarding foul water.

In summary Mr Bushell concluded that due to the Council now having a 5.3 year housing land supply, 11d of the NPPF no longer applied. The loss of Bellfield was considered contrary to the Birdham Neighbourhood Plan Policy 23. In revaluating the application officers have no reason to reach a different decision to the Appeal Inspector and therefore recommendation is to refuse.

The Committee received representations from;
Cllr Timothy Firmston – Birdham Parish Council
Cllr Pieter Montyn – West Sussex County Council Member
Dr Carolyn Cobbold – Objector (statement read by Mrs Fiona Baker)
Dr Jill Sutcliffe – Objector (statement read by Mrs Fiona Baker)
Mr Paul Knappett – Applicant

Officers along with Mr Kevin Bown and Mr David Bowie from National Highways, and Mrs Charlotte Mayall from Southern Water responded to Members comments and questions as follows;

On the issue of infiltration into the sewage network; Mrs Mayall acknowledged the comments made. She confirmed that the infiltration was a recognised issue within the catchment and referred to the response provided as part of the Environmental Information request within the Committee report, which confirmed that an electroscan survey is due to be carried out on the network in January (subject to groundwater conditions). The investigation work in January will look at 6.5km of pipework in Birdham and a further 5km of pipe with the Itchenor catchment area.

Mrs Mayall informed the Committee of the sources of infiltration and, explained how it was affected seasonally by high groundwater within the winter months, as well as surface water after rainfall.

Mrs Mayall informed the Committee how planning applications are assessed at Southern Water and explained that applications are assessed by a team of Hydraulic Modellers who indicate in the response to the planning application whether there is available capacity within the network for the proposed development. With regards to this application, Mrs Mayall told the Committee that there was not currently capacity within the network.

Mrs Mayall explained that the Hydraulic Modelling does not consider infiltration when assessing applications, this is because the matters are separate issues that are not caused by development.

On the matter of surface water; Mrs Mayall agreed that this was a major issue, not just in Birdham but within many of Southern Water's catchment area. She explained that it had been calculated that is surface water could be removed from the foul network then there would be a reduction of around 40% in pollution incidents, for example through CSO spills. Sustainable drainage is the most effective way forward to help mitigate the issue of surface water entering the network.

On the matter of capacity on the A27 and a developing a mitigating scheme; Mr Bown informed Committee that several schemes had been designed and costed,

with developer contributions being collected, these had been brought forward through the Adopted Local Plan. He confirmed that from the work undertaken on the emerging Local Plan, National Highways were content to seek developer contributions towards the originally planned schemes.

With regards to the Roads Investment Strategy (RIS) Pipeline Study; Mr Bown confirmed that National Highways, CDC and WSCC were engaged in the study and providing feedback as to what should be looked at and what needs should be considered. Mr Bown cautioned that there is a balance between the expectations set in the emerging Local Plan and what is brought forward through RIS. However, he assured the Committee that as with both RIS 1 and RIS 2 if a more suitable scheme is brought forward through RIS 3 then developer contributions could be used towards that scheme.

Mr Bown informed the Committee that National Highways, at this time, are content to continue following the current SPD, which applies to all sites over 10.

With regards to when mitigation measures may be required, Mr Bown, explained that from the evidence gathered to date the junctions at Bognor and Fishbourne will require improvements by 2026.

On the issue of highway safety on the A27; Mr Bowie acknowledged that development will increase congestion on the network, however, this does not mean that there will be an adverse impact in terms of safety. He explained monitor the impact to safety on the network by reviewing historical evidence being reviewed and undertaking annual checks. Mr Bowie referred to the Stockbridge Roundabout (which this development would impact), he informed the Committee that as a roundabout it had a very good safety record, particularly when compared to the Stockbridge or Fishbourne roundabouts. Presently, there are approximately two personal injury accidents a year occurring at Stockbridge roundabout, and it is unlikely that the proposed development will impact the junction enough to change the safety risk.

On the matter of how much assurance can be given to drainage works being completed; Mr Whitty advised the Committee that they had received information from Southern Water, who as the statutory provider had confirmed that they were aware of the issue and were undertaking works to try and resolve the matter.

On the issue of Clappers Lane and how it differed from this application; Mr Whitty explained the main difference was that Southern Water at the time had not developed a project plan to deal with the issue of infiltration and were unable to advise when they would be in a position to address the problem, therefore there was a much greater level of uncertainty (which was supported by Southern Water) and as a consequence it was included as a reason for refusal in the Clappers Lane application.

On the matter of the surface water drainage ditches; Mr Bushell advised the Committee that given there is an ongoing issue with high ground water levels in the area, any permission granted would need to safeguard access to the ditches to

ensure they could be suitably maintained. From the information received officers felt there was not enough detail to provide the necessary assurance.

With regards to the width of the buffer; Mr Bushell explained that the 3m measurement was taken from the rear of the fence (from the proposed dwellings) to the top edge of the ditch. The width is essential as it must be able to accommodate the type of vehicle required to maintain the ditches. In addition, the provision of the 3m buffer will have an impact upon the quantum of development and the proposed number of dwellings would need to be reduced to accommodate the buffer.

With regards to landscaping, Mr Bushell explained that the site was already well screened, particularly on the south and west boundaries and would provide satisfactory screening to the site (as acknowledged by the Planning Inspector at the Appeal).

On the matter of how much of the perimeter landscaping was in the applicants control; Mr Bushell reminded the Committee that landscaping was Reserved Matter and did not form part of the consideration for this application.

On the matter of local highways, Mr Bushell drew the Committee's attention to paragraph 6.11 (page 74 of the report) which set out the additional comments received from WSCC Highways following the September Committee Meeting.

On the issue of the investigation work being undertaken by Southern Water; Mrs Mayall clarified that the electroscanning was the starting point and would provide a picture of what is going on underground. From that a plan will be developed, Mrs Mayall stressed that Southern Water were committed to addressing the issues within the area, however, she was unable to say how long any remedial work would take.

With regards to developer contributions collected by National Highways, Mr Bown informed the Committee that the Council's SPD does allow for developer contributions to be taken on all developments over 10. He explained that if this application were to be permitted it would generate a contribution of around £230,000.

With regards to the impact on capacity, Mr Bown explained that designs are developed with a theoretical impact on capacity, considering the requirements of the Local Plan, as well as headroom to accommodate potential windfall sites.

On the issue of accident investigation, Mr Bowie informed the Committee that National Highways are required to investigate all accidents that occur on their network. These are reviewed and fed into a prioritisation programme.

On the matter of a response to the education concerns; Mr Bushell drew the Committee's attention to paragraph 6.14 (page 75) which confirmed that there was capacity to accommodate any required school places if the development were permitted.

On the issue of biodiversity loss being included as a reason for refusal; Mr Bushell advised that this would not be possible as the Environment Bill only received Royal Assent on 9 November, the required legislation for Biodiversity Net Gain is not expected to be an issue that the Council need to consider until winter 2023.

With regards to other issues being considered by National Highways; Mr Bown assured the Committee that National Highways do take inconsideration factors such as congestion alongside safety. Current evidence demonstrates that congestion along the A27 does not require any immediate action, however, should the situation change measures such as Grampion conditions can be applied.

Following the debate Mr Barrett proposed the following reasons for inclusion within the Committee refusal;

- 1) The Committee is concerned that it does not have enough information at this time to understand the available capacity in the waste water network.
- 2) The Committee are concerned that with this application the known employment is being reduced for a potential employment. As a point of note, Mr Whitty advised the Committee against this proposal due to lack of evidence.

On the advice of Ms Golding, the proposals were voted on separately.

The Committee moved to vote on the second of Mr Barrett's proposals, this did not receive a seconder and was dismissed.

The Committee moved to vote on the first of Mr Barrett's proposals, Mr Oakley seconded this proposal. Following a vote the committee agreed to include the additional reason for refusal;

- 1) The Committee is concerned that it does not have enough information at this time to understand the available capacity in the waste water network.

In a vote the Committee agreed to the report recommendation to **refuse**.

Recommendation; **refuse** for the reasons listed in the report plus the additional reasons listed below and agreed by the Committee.

**Members took a ten minute break*

**Mr McAra left the meeting at 12pm.*

151 **LX/21/02054/FUL - Land South West Of Guildford Road Loxwood West Sussex**

Mr Bushell presented the report to the Committee. He drew their attention to the Agenda Update sheet which included a correction to paragraph 8.9.

Mr Bushell explained that the application was to vary the wording of Condition 6 of planning application LX/20/01481/FUL, the principle of development for 50 dwellings was already established. The variation related to the disposal of foul water from the development site.

Mr Bushell highlighted the site location and approved layout.

He explained that the reason for the variation request is in relation to the first part of Condition 6. The applicant considers that it is unreasonable for the Council to impose a condition that prevents any commencement on site, when the foul drainage issue only becomes a material consideration upon completion of the first dwelling, also the requirement for the off site drainage improvements is dependant on the statutory provider (Southern Water) and not within the control of the developer.

Mr Bushell informed the Committee that officers have reviewed the Condition and are concerned that it may be unlawful or 'ultra vires', as it depends on a development being carried out to the satisfaction of a third party when the decision is the Planning Authority's. Officers have consulted with Southern Water and it is proposed that the condition is varied as set out in the report.

Mr Bushell explained that the variation allows is for general construction work, unrelated to the drainage works, to commence on site; the trigger point for provision of the offsite foul drainage system to service moves from pre commencement to preoccupation. If the Statutory Provider has not completed the required works by detailed interim measures will be required for submission, Mr Bushell confirmed that Southern Water has no objection to the variation.

The Committee received representations from;
Cllr Tony Colling – Loxwood Parish Council
Mrs Katie Martin – Agent

Officers responded to Members comments and questions as follows;

With regards to how long interim measures might be in place; Mr Bushell explained the purpose of the condition is to ensure, that following first occupation, interim measures are in place whilst Southern Water undertake their necessary offsite works. In addition, Mrs Mayall informed the Committee that the interim measure included within the condition as a backstop to enable development to go ahead. If housing is delivered before the agreed 24-month period the developer will take responsibility for managing interim measures. Mrs Mayall informed the Committee of the Loxwood growth scheme, funding for the scheme has been secured to identify the preferred solution for growth within the catchment and engineers were currently working a design. Mrs Mayall was unable to provide a timetable for works.

On the issue of the layby; Mr Bushell confirmed that there was a layby already onsite, if the layby were to require any further work for it to accommodate a tanker then officers would need to consider if this were a material matter or not.

On the issue of whether the current condition is illegal; Mr Whitty confirmed that the Condition was not illegal.

In a vote the Committee agreed the report recommendation to **permit**.

Recommendation; **permit** subject to the conditions and informatives set out in the report.

152 **LX/21/02477/ADV - Land South West Of Guildford Road Loxwood West Sussex**

Mr Mew presented the report to the Committee. He drew their attention to the Update Sheet which set out an addendum to the report, clarifying that the applicant should read Stonewater.

Mr Mew highlighted the location of where the proposed sign would be located.

He informed the Committee that in response to the Parish Council's objection the wording on the sign has been amended to say '50 houses including Affordable Homes ...'

The Committee received the following representations;
Cllr Tony Colling – Loxwood Parish Council
Mrs Katie Martin – Agent

Officers responded to members comments and questions as follows;

On the matter of whether planning permission was required for further housing to be provided as affordable than set out in the S106; Mr Whitty explained that all housing falls within the same use class (C3). Through the S106, the planning permission can only ensure that the minimum requirements of the local plan are secured. Should further permitted housing be provided as affordable, this was not a matter that the permission would, or should, have control.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit** subject to the following conditions and informatives.

**Members took an 30 minute lunch break*

153 **BO/20/03326/FUL - Five Elms Stumps Lane Bosham PO18 8QJ**

Mr Mew presented the report to the Committee. He drew their attention to the Agenda Update Sheet which included; an addendum to the plan on page 125, an addendum to the report at paragraphs 2.1 and 2.2 and an amendment to Condition 11.

Mr Mew outlined the site location and explained that the application site was located within the settlement boundary of Bosham and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

He explained that there was an extant permission for a replacement dwelling and garage already on the site (BO/18/00806/FUL). This application seeks planning permission to demolish the existing property and replace it with a two storey house and integrated garage.

Mr Mew outlined the proposed elevations and highlighted to the Committee that it was important to note that this application would be 5cm taller than the extant scheme.

The Committee received representations from;

Mr Jeremy Button – Objector

Mr Mark Hayman – Applicant

Cllr Adrian Moss – Ward Member

Cllr Penny Plant – Ward Member (statement read out by Cllr Adrian Moss)

Officers responded to members comments and questions as follows;

With regards to concerns raised regarding potential surface water run off into the neighbouring pumping station; Mr Mew explained that there were a number of measures included within the application to mitigate run off and reduce the risk of flooding to the property including a green roof. He informed the Committee that the Drainage Engineer had reviewed the application and found the mitigation measures to be acceptable. Condition 4 of the report is included to ensure appropriate drainage measures are in place.

With regards to the difference in height that the structure needs to be raised in comparison to the extant permission; Mr Mew explained that the existing permission had a finished floor level of 4.4m AOD, this application has a finished floor level of 4.5m AOD, so there would be a 10cm difference. In addition, Mr Whitty explained that the mass of the building would be greater than the extant permission, however it is a contemporary design.

On the matter of the roof terrace and potential overlooking; Mr Mew confirmed that this issue was secured through Condition 12 of the report.

With regards to light spillage into neighbouring properties; Mr Mew informed the Committee that Condition 24 of the report addressed this issue and stated that no external illumination shall be provided other than what has been approved. He explained that this was to protect both wildlife and the character of the area.

On the matter of retrofitting the property as oppose to redeveloping; Mr Mew explained that due to the location of the property and the flood risk at the site it was more appropriate to redevelop. He drew the Committee's attention to paragraph 8.30 (p.142) of the report which detailed the Sustainable Design and Construction approach being applied at the site.

On the matter of window heights and the overlooking onto neighbouring properties: Mr Mew informed the Committee that this was secured through a condition withdrawing permitted development rights. The nearest property is 10.8m away and it is not felt that there would be an unacceptable relationship with neighbouring properties.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit** subject to the conditions and informatives set out in the report.

**Members took a ten minute break.*

154 **CC/21/00841/FUL - Telecommunications Site 1498802, Whitehouse Farm, Old Broyle Farm, Chichester, West Broyle PO19 3PH**

Mr Mew presented the report to the Committee. He explained that the site was an existing telecommunications site located within the Whitehouse Farm development site. The impact from the site is mitigated by an existing mature tree line and whilst it is currently sited in a rural location, Mr Mew reminded members that there was an extant permission on the surrounding farm land as part of the Whitehouse Farm development.

He acknowledged that there had been concerns from the City Council in their response regarding the height of the mast and confirmed that there would be minimal increase in the height. However, he did explain that there would be an increase in the massing of the bulk of the antenna which would have a diameter of 2.65m. He confirmed that there was room within the enclosure to accommodate the new mast.

The Committee received representations from;

Mr Michael Doyle – Agent (statement read by Mrs Fiona Baker)

On the matter of possible health implications resulting from the mast; Mr Whitty acknowledged members concerns, however, he explained that health effects from such development are not a material planning consideration. Applicants for such a development are required to submit an assurance document, which Mr Whitty confirmed the applicant had done and did meet the required guidelines.

With regards to provision being made for this type within the GDPO; Ms Stevens confirmed that new provisions had been made, however, the fallback position was that there was a telecommunications mast already on site.

Following a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit**; subject to the conditions and informatives set out in the report.

**Members took a five minute break*
**Mrs Fowler left the meeting at 1.15pm*
**Mr Oakley left the meeting at 2pm*

155 **KD/20/00457/COU - Herons Farm Village Road Kirdford RH14 0ND**

Mr Price introduced the report to the Committee. He outlined the site location and explained that property was accessed by a single-track lane which was shared by the Foresters Pub and six other dwellings. He explained that the application sought permission for a change of use for the applicant to develop a Wellness Centre in the Sussex Barn on a part-time basis, as well as permission for Bed and Breakfast accommodation to be provided in association with that use. He confirmed that there would be no physical changes to either building.

Mr Price drew the Committee's attention to the Agenda update sheet which included an addendum to the plan on page 163; an addendum to the report at paragraph 8.13; further Officer Comment in respect of paragraph 8.13 and an addendum to the recommendation on page 175; which should read as '**Delegate to Officers**' and an amendment to Condition 6.

Representations were received from;

Cllr Tony Piedade – Kirdford Parish Council
Mr Anthony Brooks – Objector (statement read by Mrs Fiona Baker)
Mrs Meanock – Supporter
Cllr Adrian Moss – speaking on behalf of Ward Member Gareth Evans
Ms Lucy Connor - applicant

Officers responded to Members comments and questions;

On the issue of permitting the application on a temporary basis; Mr Price confirmed that this was a feasible option but advised that if the Committee were minded to accept the application on a temporary basis then they should defer the application and bring it back to Committee. In addition, Mr Whitty advised that if the Committee were minded impose a temporary condition this must be reasonable as the authority may face costs if an unreasonable impact is caused to the applicant.

On the issue of the property being used as an Airbnb property; Mr Whitty confirmed that so long as the property was being occupied as a single dwelling it can be advertised for Airbnb.

On the matter of water neutrality, Mr Whitty confirmed that the correct approach had been taken by officers when considering the application. He explained that it was not felt the application has any material impact as the potential water use at the property and associated buildings is already established and could be significant.

With regards to how water usage is monitored; Mr Whitty explained that Natural England prepare the methodology that predicts water demand, however, it cannot be fixed to individual usage.

On the matter of electric car charging points; Mr Price confirmed that there were electric vehicle charging points on site, he was unaware of any further ecological enhancements.

Following a vote the Committee dismissed the report recommendation to Permit.

Mr Barrett proposed that the application be deferred, so that officers can negotiate a temporary application with the applicant, and to seek greater clarity on the access lane and water usage at the site. The proposal was seconded by Mr Potter.

In a vote the Committee agreed to **defer**; the application for the reasons set out by Mr Barrett in his proposal.

Recommendation; **defer**; to allow officers to negotiate a temporary application with the applicant, and to seek greater clarity on the access lane and water usage at the site.

**Mrs Sharp left the meeting at 3.20pm*

156 **WI/21/02059/DOM - Mulberry Cottage Shipton Green Lane West Itchenor PO20 7BZ**

Ms Stevens presented the report to the Committee. She drew the Committee's attention to the Agenda Update which included additional information from the client, as well as a further officer comment.

Ms Stevens outlined the site location and highlighted where the proposed development was sited. She explained that the site was located outside a settlement boundary in but was within the AONB area of Chichester Harbour. As a point of for the Committee Ms Stevens clarified that whilst reference had been made to the development being in a 'dark sky' area, unlike the South Downs National Park, this was not a designated dark sky area.

Ms Stevens highlighted the proposed elevations of the development and informed the Committee that timberboarding would be used in the construction of the development.

Ms Stevens informed the Committee that there had been a previous appeal on the site, however this was very old, having taken place in 2004. She explained that apart from the appeal being considered when Planning Policy was different, the appeal was for a separate residential dwelling, whereas this application is for an ancillary building to the main dwelling.

She informed the Committee that officers considered the relationship with neighbouring to be acceptable, with a minimum distance of 10m between the proposed development and neighbouring property.

The Committee received representations from;

Cllr Alastair Spencer – West Itchenor Parish Council
Mr Roger Jackson – Objector
Mr Brett Moor – Agent
Cllr Elizabeth Hamilton – CDC Ward Member

Officers' responded to Members questions and comments as follows;

On the matter of further comments from the Harbour Conservancy regarding their holding objection; Ms Stevens explained that they had not been reconsulted following the negotiations with the applicant to reduce the depth of the development.

With regards to vehicular access to the garage; Ms Stevens confirmed that the access would be created over what was currently lawn. She agreed that a condition could be included within the permission which required that the new access be constructed from a permeable material to mitigate any adverse impact from surface water.

With regards to the retention of the beech hedge referenced within the Harbour Conservancy representation; Ms Stevens confirmed that a condition could be included to secure the retention of the beech hedge.

On the matter of the location of the property; Ms Stevens confirmed that the development location was as shown in the presentation and would be set back from the main dwelling.

With regards to any potential disruption to natural light at neighbouring properties; Ms Stevens informed the Committee that officers had considered the issue and believed that the development would not cause an unacceptable relationship with the neighbouring properties.

With regards to the height of the proposed development and the impact on the street scene; Ms Stevens clarified that the maximum height of the building would be 5.9m (2.4m at eaves), it is not felt that the development will have a significant impact on the local area. In addition she explained that even if the trees behind the development were not there the development would still be unlikely to cause a material impact to the street scene.

Ms Stevens explained the streetscene shows the height of the proposal to be 5.9m however officers cannot guarantee that the streetscene is a surveyed plan, and reliance should be placed on the elevations and block plan rather than the streetscene.

On the matter of the property being used for 'Airbnb'; Ms Stevens confirmed that this was not a material consideration.

Mr Whitty advised given officers cannot verify that the streetscene is a surveyed streetscene that members base decision on the elevations and photos they have seen.

In a vote the Committee agreed to the report recommendation to **permit**, with the inclusion of the additional conditions to retain the beech hedge and construct the new driveway from a permeable surface.

Recommendation; **permit** subject to the conditions and informatives set out in the report plus the additional conditions agreed.

**Mr Oakley rejoined the meeting at 3.22pm.*

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

Ms Golding drew the Committee's attention to the Agenda Update Sheet, which provided a High Court update on the site of Land at Bethwines Farm and South of Ivy Lodge.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

160 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 4.06 pm

CHAIRMAN

Date: