

PLANNING COMMITTEE

17 October 2017

Attendance:

Councillors:

Ruffell (Chairman) (P)

Clear (P)

Evans (P)

Gottlieb

Izard (P)

Jeffs (P)

Laming (P)

Read (P)

Tait (P)

Deputy Members:

Councillor Berry (Standing Deputy for Councillor Gottlieb).

Others in attendance who addressed the meeting:

Councillors Cutler, Porter and Warwick.

Others in attendance who did not address the meeting:

Councillor Bell and Brook (Portfolio Holder for Built Environment).

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 21 September 2017 be approved and adopted.

2. **PLANNING APPLICATIONS SCHEDULE**
(Report PDC1096 and Update Sheet refers)

A copy of each planning application decision is available to view on the Council's website under the respective planning application.

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1096.

Councillor Clear made a personal statement in respect of items 4 and 5 as she had made a comment when the applications were formulated but she had not made a final decision on the applications and she spoke and voted on these items.

Applications outside the area of the South Downs National Park (WCC):

Item 1: 1 No. Two bed dwelling to rear of existing property.

- The Croft, 52 Lovedon Lane, Kings Worthy.

Case number: 17/01462/FUL

During public participation, John Fuller and Richard Wheeler spoke in objection to the application and Ian Gordon (Kings Worthy Parish Council) commented that the Parish Council had not originally received representations from neighbours and had no reason to object to the application, but requested a condition that the access track did not become damaged, for example by heavy lorries delivering building supplies. All speakers answered Members' questions thereon.

During public participation, Councillor Porter also spoke on this item as a Ward Member.

In summary, Councillor Porter stated that the site was tucked away, and as mentioned by an objector, the access was tight and adjacent to a fence line on a private gravelled road. There was a sharp right hand bend to Westfield Road and access for construction vehicles would be hard to accommodate due to a hedge (along the access road). There would also be a difficult right hand turn into Lovedon Lane. In addition, a healthy large chestnut tree would be lost in order to make room for the proposed dwelling's amenity space and also previous reasons for refusal relating to the height of a proposed dwelling and access were applicable to this application as they were material planning considerations. If the Committee decided to grant permission, then it was asked that the applicant's contractors act as a good neighbour during the construction period.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report, and subject to the inclusion of an additional condition to include a Construction Management Plan, with the precise wording of the condition delegated to the Head of Development Management in consultation with the Chairman.

Item 2: Proposed new 4 no. bedroom property with associated amenity space, within existing boundary adjacent to an existing bungalow. (AMENDED PLANS RECEIVED 28 JULY 2017).

- Patchings, Legion Lane, Kings Worthy

Case number: 17/00829/FUL

The Head of Development Management referred Members to the Update Sheet which made reference to additional sections on pages 3 and 6 of the Report setting out the comments of the Rights of Way Officer. Additional conditions were also included as follows: Condition 15 relating to the submission of a traffic management system; Condition 16 relating to a walk over condition survey of the local highway network and the access to the site, and Condition 17 relating to the submission of a plan indicating the positions,

design, materials and type of boundary treatment to be erected. Additional informatives were also included on page 11 of the report relating to Hampshire County Council in its role as Highway Authority.

During public participation, Andrew Salter and Ian Gordon (Kings Worthy Parish Council) spoke in objection to the application and Ian Stenning (Applicant) spoke in support of the application and all answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to defer the decision to a meeting of the Planning (Viewing) Sub Committee to be held on Wednesday 1 November 2017 at 10.30am. The Planning (Viewing) Sub Committee would visit the site in order to gain a better appreciation of the proposed dwelling's design in the context of its setting.

Item 3: Demolition of the existing dwelling (Smallwood) and the erection of 2 no. five-bedroom and 1 no. 6 bedroom dwelling houses, with associated access, garages, parking and landscaping.
- Smallwood, Cross Way, Shawford.
Case number: 17/01964/FUL

The Head of Development Management referred Members to the Update Sheet which referred to two additional conditions to be included. The first relating to the prevention of mud on the highway during construction and the second relating to parking during construction; both conditions were included in the interests of highway safety.

During public participation, Anthony Lewis and Bob Jordan (Compton and Shawford Parish Council) spoke in objection to the application and Chris Rees (Agent) spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Warwick also spoke on this item as a Ward Member.

In summary, Councillor Warwick stated that Compton and Shawford Parish Council had objected to the application (and this was confirmed by the Head of Development Management at the meeting). It was the view of the Parish Council and also the South Downs Residents Association that the revised application would further change the dynamics of the area to the detriment of neighbouring properties. The three enlarged new dwellings would be built closer together which would be at odds with the rest of the dwellings in the road. The revised application was against the guidance in High Quality Design Policy CP13 as the application should not have a detrimental impact on neighbours in terms of the overbearing impact and direct overlooking. The proposed three garages would be two storey and the upper storey room could be easily converted into a habitable room which would overlook neighbours gardens with a resultant loss to their amenity. As a result of creating an access drive, two of the dwelling houses would be within three metres of each other and one would be closer to the site boundaries of the neighbouring

properties. The scale and space between each house of the development was at odds with its neighbours and at odds with the Council's policy CP13.

At the conclusion of debate, the Committee agreed to refuse permission for the following reasons: DM16 of the Local Plan Part 2 (responding positively to the boundary) DM17 (adverse impact on adjoining land uses) and CP13 (overdevelopment of the additional built form by reason of accommodation in the garages, which was out of character) and that the proposal did not secure an affordable housing contribution (as no S106 agreement had been completed) with the precise wording of the reasons for refusal delegated to the Head of Development Management in consultation with the Chairman.

Item 4: Reduction in the height of the west boundary wall to St James's Church, Southwick, and the provision of railings on a low retaining wall. - St James's Church, High Street, Southwick.
Case Number: 17/01937/FUL

During public participation, James Watson (Southwick and Widley Parish Council) spoke in objection to the application and answered Members' questions thereon.

During public participation, Councillor Cutler also spoke on this item as a Ward Member.

In summary, Councillor Cutler referred to the possibility of enforcement action stating that 35 metres out of 200 metres of the wall, which represented 16 per cent, had been removed. This part of the wall was different to the rest of the wall as it was ugly and had been removed unlawfully. Planning enforcement action was discretionary and there was no evidence of great harm (that had been done) nor was it not in the public interest. The wall had no historical interest in itself but was part of the curtilage (of a listed building). It was included by Historic England by means of a desktop survey, who had stated that red brick was inappropriate, but red brick was extensively used in the rest of Southwick. The sense of enclosure (of the churchyard) was subjective and was the view of an officer (of Historic England) that had never visited the site and did not reflect the views of those in the village. In terms of a subjective view the village had responded that the proposed railings were inappropriate. The reasons for refusal were on two grounds, the use of red brick, which was not a good reason for refusal, and the second reason of sense of enclosure was subjective. The photographs (displayed at the meeting) had been taken at height to see over the wall towards the church. Before the wall was removed, the church's buttresses, shape and chequer work stone could not be seen and the high wall also made it foreboding. The church was a treasure of the community, which had now been opened up to the community and the application should be refused and further enforcement action need not have to take place.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to the need for and the wording of conditions 1

and 3 being reconsidered and any changes delegated to the Head of Development Management in consultation with the Chairman.

Item 5: Reduction in the height of the west boundary wall to St James's Church, Southwick, and the provision of railings on a low retaining wall.

- St James's Church, High Street, Southwick.

Case Number: 17/01938/LIS

During public participation, James Watson (Southwick and Widley Parish Council) spoke in objection to the application and answered Members' questions thereon.

During public participation, Councillor Cutler also spoke on this item as a Ward Member.

In summary, Councillor Cutler stated that enforcement action was discretionary and the Council was not applying its own policy in this case. The (Historic England) Officer had only assessed the information from aerial photos. An option was not to include the railings and not to take enforcement action over the wall. He urged the Committee to reconsider the decision (on item 4) when applied to this application.

At the conclusion of debate, the Committee agreed to grant listed building consent for the reasons and subject to the conditions and informatives set out in the Report and the Update Sheet, subject to the need for and the wording of conditions 1 and 3 being reconsidered and any changes delegated to the Head of Development Management in consultation with the Chairman.

RESOLVED:

1. That the decisions taken on the Development Control Applications in relation to those applications outside the area of the South Downs National Park be agreed as set out in the decision relating to each item, subject to the following:

(i) That in respect of item 1, an additional condition be agreed relating to a Construction Management Plan, with the precise wording of the condition delegated to the Head of Development Management in consultation with the Chairman.

(ii) That in respect of item 2, the decision be deferred to a meeting of the Planning (Viewing) Sub Committee to be held on Wednesday 1 November 2017 at 10.30am. The Planning (Viewing) Sub Committee would visit the site in order to gain a better appreciation of the proposed dwelling's design in the context of its setting.

(iii) That in respect of item 3, permission be refused for the following reasons: DM16 of the Local Plan Part 2 (responding positively to the boundary) DM17 (adverse impact on adjoining

land uses) and CP13 (overdevelopment of the additional built form by reason of accommodation in the garages, which was out of character) and that the proposal did not secure an affordable housing contribution (as no S106 agreement had been completed) with the precise wording of the reasons for refusal delegated to the Head of Development Management in consultation with the Chairman.

(iv) That in respect of item 4, the need for and the wording of conditions 1 and 3 be reconsidered and any changes delegated to the Head of Development Management in consultation with the Chairman.

(v) That in respect of item 5, the need for and the wording of conditions 1 and 3 be reconsidered and any changes delegated to the Head of Development Management in consultation with the Chairman.

The meeting commenced at 9.30am and concluded at 13.05pm.

Chairman