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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 12 October 2016 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mr M Cullen, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mrs P Tull

SUPPLEMENT TO AGENDA

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Agenda Update Sheet

**Planning Committee
Wednesday 12.10.2016**

ITEM: 5

APPLICATION NO: WW/16/02212/FUL

AMENDMENT TO DESCRIPTION

Reference to a variation of condition is superfluous. The description is therefore amended to read;

Change of use to allow storage of materials by weed control/salt spreading and artificial lawn installation business (B8)

FURTHER SUPPORTING INFORMATION FROM APPLICANT

Dealing firstly with the goods to be stored and in particular the chemical products, these have to be stored in an approved lockable container about 3m x 2m. This will stand just outside the rear of the building, as has been inspected by all the relevant authorities including BASIS. The products are an all-purpose weedkiller called 'Roundup', a 'selective' weedkiller, and any special products that have to be purchased for particular jobs. They are bought in 20 litres or smaller containers from specialist suppliers such as Bartholomew's, and are often purchased direct and used up on the job so that only surplus quantities are taken back to the container to be used for future jobs. Fertilisers are in 20kg bags and the most that would be stored would be 40 bags.

FURTHER CONSULTATION RESPONSES

Chichester District Council Environmental Management

Given the method of storage of the chemicals i.e. lockable container separate from the shed we are happy with the proposals. In addition, if the applicant would like further specialist advice about storage of chemicals or other safety matters there is an email which can be used to obtain advice as below: businessfiresafety@westsussex.gov.uk.

I am sure the applicant is aware if he wishes to significantly increase the volumes of fertilizer or other chemical stored, additional legislation would become relevant.

AMENDMENTS TO CONDITIONS

Condition 4 is amended as follows;

Within three months beginning from the date of occupation of the buildings under the use hereby permitted, a scheme of landscaping shall be submitted to by the Local Planning Authority, for approval, in writing. The scheme of landscaping shall include details of the arrangement and treatment of all ground surfaces including access ways, footpaths and parking areas.

Reason: To ensure the amenity of the environment.

Condition 9, relating to outside storage, is amended as follows;

Notwithstanding the external chemical storage, to be approved under discharge of condition 5, there shall be no outside storage of any items, goods, materials, plant or machinery on the area defined by the approved red line plan.

Reason: To ensure the amenity of the environment.

An additional condition is proposed relating to the provision of outside chemical storage;

Prior to the provision of outside chemical storage, details of the storage unit shall be submitted to, and approved by, the Local Planning Authority, in writing. The details submitted shall include elevational plans, materials, external finishing and the location of the storage unit. The storage unit shall be no larger than 3m x 2m in size. The provision of the storage unit shall be undertaken in accordance with the details agreed and retained as such at all times thereafter.

Reason: To conserve the natural beauty and character of the Chichester Harbour AONB.

ITEM: 7

APPLICATION NO: SY/16/02444/FUL

CORRECTIONS

Paragraphs 6.1 and 6.2 of the report are not attributable to this application and should be replaced by the following;

6.1 Town Council

Selsey Town Council objects to this application as the change of glass from obscure to clear would result in a loss of privacy for neighbouring properties.

6.2 1 x Third party objection

Objection to the clear glazing that would result in a loss of privacy

6.3 Agent's additional information

The agent has submitted the following correspondence;

'...can it be noted to Members that if there is any concern then a new condition can be attached to the permission requiring obscure glazing up to a height of 1.7m? I'm sure that all involved would like to see this matter closed at the Committee meeting on Weds.

Suggestion:

Prior to the first use of the premises, the glazing on the rear bedroom window to be obscured to at least Level 3 on the Pilkington Scale to a minimum of 1.7m in height measured from the internal finished floor surface and permanently retained as such thereafter'.

Amended plan; an amended floor plan has been submitted to reflect the internal arrangement as built

The conditions have been updated to reflect those relevant and subsequent to the original permission and the Discharge of Condition application.

ITEM: 8

APPLICATION NO: CC/15/04201/FUL

FURTHER SUPPORTING INFORMATION FROM APPLICANT/AGENT

Additional, supporting comments from the Agent and Applicant have been received. Both letters and appendices are available on Chichester District Councils' website. The principle concerns may be summarised as;

- Lack of professional balance in recommendation to refuse;
- Additional information, amendments and specialist reports have not been specifically referred to in the report;
- That a number of the representations are from the same individuals
- Time taken to determine the application
- That a bat mitigation strategy has been submitted negating reason for refusal no. 4
- Officers have concluded that the provision of refuse collection is inadequate
- The summary of representations in support of the proposal does not adequately detail the relevant points
- There are a number of errors in the Officer's report to the Planning Committee

Officer commentary

The officer's report within the Committee Agenda seeks to make an objective and professional recommendation to the Planning Committee. It is not the purpose of the Officer's report to rehearse every particular element of the application which is set out publically on the Councils website, but to give an informed assessment of the merits of the application, particularly those in contention or of particular importance. Both District Councillors and members of the public have full access to the Councils Website whereby the full application documentation and representations may be reviewed. Officers consider that the Committee Report provides an accurate and balanced view of the pertinent issues.

The applicant has also raised concern regarding the length of time taken to determine the application. However, officers were in a position to determine the application in May 2016, but upon the applicant's request, afforded further significant periods of time for the applicant's agent to submit a sequential (flood risk) test (as required by the NPPF) and sufficient evidence of marketing of the site (as required by Policy 26 of the Local Plan), neither of which were forthcoming.

Whilst the applicant has agreed to enter into a unilateral undertaking to pay the contribution for the Special Protection Area (SPA) Recreational Disturbance, no contribution has yet been received. It is clear from correspondence that the applicant is willing to mitigate the impact on the SPA through the relevant contribution and upon receipt of that contribution reason for refusal 5 would fall away and not be contested by the LPA at any future appeal.

CORRECTIONS

It is acknowledged that there are a number of minor errors contained within the report which have been highlighted by the applicant's agent. The corrections are outlined below:

Applicant's name should read Mr J Clemens, not Mr J Clements.

Para 3.2 is amended to read *"The development proposes 3 no. three bed dwellings and 1 no. one bedroom dwelling. All dwellings are detached and two-storey in height. Plots 2 and 3 have been amended, removing an additional room with associated dormer in the roof space."*

Para 8.31 is amended as follows; *"Based on the above, it is considered the proposal is not in accordance with Chichester Local Plan Policies 1, 26, 33, 42, 49 and 50 and National Planning Policy Framework paragraphs 14, 17, 100 – 104, 109, 118, 158. Therefore, the application is recommended for **refusal**".*

Human Rights

Para 8.32 is amended as follows; *"In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to **refuse** is justified and proportionate."*

AMENDMENTS TO REASONS FOR REFUSAL

Further comments have been received from the Council's Environment Officer who now raises no objection subject to The Mitigation Plan for Bats including the provision of a soft strip methodology for the removal of roofing and hanging tiles with an appropriately licenced and qualified bat ecologist being present throughout the implementation of the removal of roofing and/or hanging tiles.

Reason for refusal no. 4 is therefore withdrawn from the Officer's recommendation.

ITEM: 9

APPLICATION NO: BO/16/02667/DOM

CORRECTIONS

Paragraphs 2.1, 8.8 and 8.23 are amended to reflect Condition 3, requiring materials to match those of the existing property.

ITEM: 10

APPLICATION NO: BI/16/01809/FUL

CORRECTION

Clarification of Applicant's details:

The applicant is Sarah Poulter *on behalf of* Martlett Homes Ltd.

Page 52 para 3.1. The first sentence should read 'The application is submitted under Section 73 of the Town and Country Planning Act and is to vary the following conditions: 3, 5, **6**, 8, 13, 20, 21 attached to planning permission 13/01391/FUL.....'

FURTHER REPRESENTATIONS

2 Further Third Party Objections

1. Planning opinion (by Sigma Planning) submitted on behalf of Birdham Residents Association:

- applicant is attempting to contrive a situation whereby a material start can be made on the development before the permission expires in November.
- applicant has had ample opportunity to discharge conditions since permission was given nearly 3 years ago but has failed to do so.
- the proper procedure is that they should apply to renew their planning consent.
- if the Council allow the changes to the pre-commencement conditions, some of which are their standard conditions, they will have to accept these changes for all future planning consents granted across the district.

- CDC are aware of the drainage problems in the area. The fact that the applicant hasn't carried out winter groundwater monitoring is their own fault. They should not be allowed to escape their responsibilities by default at this late stage.
- the triggers for pre-commencement conditions were and are still appropriate and reasonable. It is not clear why an exception should be made in this case.

Officer commentary

Contrary to the objection from Birdham Village Residents Association the applicants are not being allowed to 'escape their responsibilities' as alleged in terms of the surface water drainage requirements on this site. Other than the changes applied for in the application in respect of varying condition 6 i.e. the erection of boundary fencing or the pegging out of any road or part of a road shown on the application drawing, the development still cannot be begun until a scheme of surface water disposal based on winter groundwater monitoring of the site has been carried out with the results submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority therefore maintains full control over the development ensuring that the surface water drainage proposals are properly carried out. In recommending the variation to the wording of the planning condition the Authority is demonstrating the type of flexibility in the approach to imposing planning conditions which the government is encouraging in order to prevent planned sustainable development from stalling.

2. Headteacher Birdham School

- Unless the track is turned into a proper road as the first item of construction there is the likelihood of serious safety issues arising on Crooked Lane because of the proximity of the school entrance.
- a bottleneck for traffic right outside our gate with vehicles of all sizes possibly reversing out into the road at busy times is not only unsafe but potentially very dangerous.
- pattern of traffic at the school has significantly changed since the original planning hearing because now, within our grounds is a nursery and pre-school. This has resulted in additional traffic at school peak times but crucially this now spans much more of the day as parents drop off and pick up toddlers outside normal school hours.
- cannot see how such a development can have anything other than a profound negative impact on the safe ingress and egress of our young children from our school.

4 Third Party Support

- Birdham has a real need for these homes, I have friends and family that I know are waiting for an opportunity to come back to Birdham. I know of many in the village still living with parents that would love to stay in the village that they work and live in. I understand that the Council will still have control of the site and the flooding I'm sure will be addressed.
- support local homes for local people
- there are no houses available to buy in the Birdham area for below the national average house price (correct of 3.10.16). A sustained increase in house prices within

the village and surrounding areas has forced many local people, particularly those with young families, to move out of their community.

- Birdham has the infrastructure to accommodate 15 additional homes with a highly regarded primary school within easy reach of the site, transport links, active and supportive community groups, local shop and local trades who would benefit from new families living in the area.

- the benefits outweigh the negatives and will help the village to develop further.

AMENDMENTS TO CONDITIONS

Amendment to Condition 6 Surface Water Drainage (page 54)

Before the development hereby permitted is begun, **other than the erection of site boundary perimeter fencing, or the pegging out of any road or part of a road shown on application drawing 381415-CO-01**, a scheme showing the proposed method of surface water disposal from roads, paved areas and roofs, including all necessary on-site and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on Sustainable Urban Drainage principles and, unless otherwise agreed by the Local Planning Authority, shall be informed by winter groundwater monitoring of the site. In the event that the scheme involves discharge to the local ditch network, it shall be demonstrated to the Local Planning Authority's satisfaction that the rate of that discharge does not exceed pre-development values and that the ditches are in an acceptable condition to accept such discharge. Before the development hereby permitted is occupied the approved scheme shall be carried out and completed in full accordance with the details shown in the scheme. The responsibility for securing all necessary agreements and permits from the landowner or other party shall rest with the developer.

Reason: To ensure that the proposed development is satisfactorily drained.

Amendment to Condition 8 Landscaping (page 54)

The trigger for proposed condition 8 is amended (see bold type) to reflect that of condition 3 and will now read:

No development comprising the access road (save for the pegging out of a road or part of a road shown on application drawing 381415-CO-01) and the construction of the superstructure of any building hereby permitted shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site including the provision of bat and bird boxes and log piles on the site. The scheme shall be designed to achieve levels of shelter/windbreak,

shade and drought resistance to accord with the expected climate changes during the design life of the development.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006 and to accord with the Council's Interim Statement on Climate Change.

Amendment to Condition 13 Walls/Fencing (page 55)

With the exception of the erection of site boundary perimeter fencing the development hereby permitted shall not be occupied unless and until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the walls/fences erected accordingly. Once erected, they should be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

ITEM: 11

APPLICATION NO: BX/16/01196/FUL

FURTHER SUPPORTING INFORMATION FROM AGENT

In summary;

- The development will deliver much needed tourist accommodation and employment opportunities - a more personal and welcoming introduction to the area if they stay within a living, working environment; rather than impersonal serviced units.
- The layout and design of the proposal has been informed by a study of characteristic, historic farmsteads within the wider area. An unattractive, polluting use could be replaced by a development that enhances the appearance and character of the village
- The coal yard use is neither viable nor does it confer benefits to the local economy through jobs or services. Its location at the edge of the village is a historic survival that no longer relates to contemporary needs
- Coal business has employed two part-time people for mornings only. The proposed tourist lets will support a greater number of more regular employment opportunities
- NPPF, which states that "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."
- Evidence has not been provided to demonstrate that "the site is no longer required and is unlikely to be re-used or redeveloped for employment uses" as the tourist let business represents an employment use.
- The justification within the Committee Report for resisting the inclusion of a residential unit within the development is unnecessarily obstructive and convoluted.

- The Committee Report does not consider that the tourist let business requires an on-site presence.
- The report recognises that the site is designated for mixed residential and employment uses in the Boxgrove Parish Neighbourhood Plan. It should therefore be accepted that a refusal at this stage would only delay the inevitable resubmission of the same application when the plan has been adopted.
- It is recommended to refuse planning permission due to "No tourism need/no dwelling need." This is contrary to the adopted Local Plan
- The application is supported by the Parish Council and local community as a sensible and appropriate use for the site. There are no letters of objection. To refuse this application would represent an overly negative and restrictive interpretation of planning policy


Item 12

Application No: SDNP/16/03667/FUL

CORRECTIONS

The location plan within the committee report has been updated to represent the application site correctly;



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