

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 16 August 2017 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, 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, Mrs P Tull and Mr D Wakeham

SUPPLEMENT TO AGENDA

15 **Agenda Update Sheet** (Pages 1 - 6)



Agenda Update Sheet

Planning Committee
Wednesday 16 August 2017

ITEM: 6

APPLICATION NO: SY/17/00951/FUL

FURTHER INFORMATION RECEIVED

The agent has provided the following additional supporting information regarding the storage and removal of food waste from the premises:

[The applicant] will be requesting a reciprocal arrangement [with Chichester District Council] for refuse/waste collection for 53 High Street, Selsey... [Waste is to be stored within] an internally located secure storage area under the stairs at ground floor. On collection day the bin will be rolled out along the paved footpath and left for collection at the front of the premises.

AMENDMENTS TO REPORT

In light of further information received above, substitute paragraph 8.10 to read:

The applicant has provided information regarding the specification and maintenance of the flue as well as the arrangements for the storage and disposal of food waste. The submitted information provides clarification that food waste is to be stored internally within an enclosed storage area located toward the rear of the application property and removed from the premises on a weekly basis. With regards to potential cooking odours an extraction system is proposed which, subject to regular maintenance, should adequately mitigate these odours. In support of this a schedule for the regular maintenance of the extraction system, such as to maintain its effectiveness, has also been submitted. The opening hours of the premises will be controlled by condition.

AMENDED CONDITIONS

The extract duct and ventilation system hereby permitted shall constructed in accordance with the details contained within the submitted Vent and Extraction Details document prior to the first operation of the use hereby approved and shall be fully maintained in accordance with the approved Maintenance and Management Scheme at all times thereafter.

Reason: To ensure the development complies with the planning permission.

Delete condition 5 as no longer necessary having regard to amendments to condition 3, above.

ITEM: 7

APPLICATION NO: SB/17/00951/FUL

FURTHER INFORMATION RECEIVED

Additional Information has been provided by the agent, in support of the proposed use.

- *I can confirm that the proposal does not affect the use of the existing barn so there is no need to change the description. B1 permission was implemented in 2006 and Council Tax for B1 has been collect by CDC ever since. The existing art studio falls within class B1, as confirmed in the Land Use gazetteer.*
- *In regard to usage of the proposal the applicant estimates to have an average of 10 staff coming to site each day (including work placements).*
- *There may be a maximum of 1 delivery per day and 2 collections per month. It is possible that we will have perhaps 24 mini bus visits per annum bringing school kids and students on site visits.*
- *The applicant hopes to open the gallery a few days each month for pre-booked visits for up to 40 persons, the majority of whom will share cars or use mini buses depending on attendees.*
- *In a year the applicant may organise approximately 6 events with an anticipated attendance of 50+ people, who again will typically share travel arrangements. These would typically be held between 10:00 and 20:00 hours.*
- *The entire site is private and visitation will be through prior bookings.*
- *Regarding the visiting artist and technician accommodation, this will be by invitation only and no rent will be charged.*
- *By staying on site these individuals (and the applicants) will not contribute to traffic generation and this arrangement strongly adds to the success of the project/creative process.*

The applicant also anticipates that there might be 2 artists per annum making work in the workshops and staying for a period of 2-3 months. Technicians will again be by invitation only staying for perhaps a week at a time, supplying expertise that might not be available locally. There might be approximately 10 technician stays per annum on an as and when basis.

FURTHER CONSULTATION RESPONSES

Economic Development

Economic Development supports this application. This development fits in with one of the aims Chichester District Councils Corporate Policy – Promote the District as a visitor and cultural destination. This includes supporting the development of arts and heritage venues within the district.

In Chichester District, tourism and leisure generates significant direct expenditure and is the largest private sector employer. According to Visit England data, tourism produces the following in Chichester District:

- 5.2 million day trips each year generating a spend of £144million

- 405,000 'staying' trips each year, equating to 1.3 million 'bed nights', and generating a spend of £75million
- c. 7,500 jobs in tourism and leisure, plus numerous 'support' jobs

The proposed venue will support the District's tourism offer.

ITEM: 8

APPLICATION NO: SB/16/03751/FUL

AMENDED DESCRIPTION

Change of use of existing storage building to a 2 bed holiday let, including associated operational development.

AMENDED CONDITIONS

Recognising the minor nature of the operational development proposed the following changes are proposed to condition 3 of the recommendation.

Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for the fenestration of the building and the making good of any proposed openings in external walls of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

ITEM: 9

APPLICATION NO: FU/17/00535/FUL

AMENDMENTS TO REPORT

Substitute paragraph 8.5 to read:

The application site is adjacent to the established main equestrian use (on the other side of Scant Road East) and the operation and its customers would rely upon the facilities at the main site. The agents supporting information is that a similar operation is currently taking place at the existing main equestrian site. This benefited from planning permission 10/02565/FUL for two equestrian/residential tuition lets. The agent advises this has an occupancy rate of 85%, which fluctuates when there are events in the area. Whilst the use would be reliant on the motor car to visit the site, many journeys would be done directly

from the site on horseback once arrived. It is likely that occupiers would be reliant on the car for journeys further afield, however due to the niche market and that the proposal is for a diversification of an existing equestrian use, the low levels of traffic to and from the site by car would be acceptable for a use associated with the existing business. It is proposed that conditions are attached ensuring the building would be for a tourism use that remains in connection with Rookmore Riding School.

ITEM: 10

APPLICATION NO: FB/16/03464/FUL

AMENDMENTS TO REPORT

Update to paragraphs 6.3 and 6.4 to include number of representations

9 Third Party Objections on original plans

- i) Overdevelopment
- ii) Incorrect plans
- iii) Contrary to policies

1 Other comment on original plans

- i) Covenant on the property restricting development

1 Third Party Objection on substitute plans

- i) Fence and hedge not in accurate locations on plan
 - ii) Overdevelopment
 - iii) Loss of tree
 - iv) Impact on parking
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SCHEDULE OF PLANNING APPEALS, COURT AND POLICY MATTERS

Decision Update:

BI/15/00139/CONSH PI (S Archer) Decision Issued	Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – appeal against an enforcement notice re access track, hardstanding and fencing. Linked to BI/15/01288/FUL and BI/15/00194/CONTRV
BI/15/00194/CONTRV PI (S Archer) Decision Issued	Land North West of Premier Business Park Birdham Road Birdham, West Sussex – appeal against an enforcement notice re Use of land as a Traveller Site. Linked to BI/15/01288/FUL and BI/15/00139/CONSH
BI/15/01288/FUL PI (S Archer) Awaiting decision Decision Issued	Land north west of Premier Business Park, Birdham Road Birdham, West Sussex PO20 7BU - Proposed single pitch site including the provision of a utility building for settled gypsy accommodation together with existing stables. Linked to BI/15/00194/CONTRV and BI/15/00139/CONSH

The Appeal decision on the above matters was published on 2 August 2017.

The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. The main requirements of the decision are:

- i. Cease the use of the land as a residential caravan site and for the storage of caravans.
- ii. Remove from the land all the residential caravans, ancillary structures and stored caravans.
- iii. Remove from the land, the hardcore forming the access track and hardstandings, including the black membrane sheeting laid under the hardcore.
- iv. Remove the gates, close boarded fences, sheds and field shelter buildings from the land, and
- v. Following compliance with (i), (ii), (iii) and (iv) above, remove all resulting debris, level the land and reseed with grass.

The inspector considered that the families' circumstances justify a period of 12 months to comply with item (i) above and a further three months to carry out the operational works i.e. restoration of the land. The period for compliance runs from the appeal decision date. The 66 page decision letter is detailed and covers all the salient points. The Inspector found in favour of protecting the AONB and the scarce hinterland of the Chichester Channel between the A286 and Birdham Pool.

Please note that a full update will be provided in the agenda for next committee

COURT AND OTHER MATTERS

INJUNCTIONS

Birdham Farm

Breach of Enforcement Notices and Stop Notices

There is no Injunction covering the appeal Site. Undertakings were given to the Court by parties in occupation of the land not to carry out certain works and these undertakings are binding until trial or further Order of the Court.

In light of the appeal decision it is not considered expedient to take further court action at this time pending compliance with the appeal decision and the extant notices.

This matter will therefore be removed from the Court list

Land at Newells Lane, Funtington

Application for *Injunction Without Notice* for apprehended/anticipated breach of Planning legislation

The matter was heard on 10 August 2017 at Chichester County Court:

The Council's application for an Interim Injunction under s.187B of the TCPA 1990 was granted against the Second Defendant Mr Frederick Bath.

A return date will be fixed by the court (within 21 days) to hear the matter in full unless Mr Bath applies to the court for a hearing before then. At the return date: the Injunction will be discharged; confirmed or substituted with an Undertaking by Mr Bath, as the case may be.

Terms of the Interim Injunction: Mr Bath is forbidden, whether by himself or by instructing or encouraging or permitting any other person, from:

- (i) the carrying out of building, engineering, or other operations on, on, over or under the property, or the part thereof which he has agreed to purchase from the substituted 1st Defendant, as more particularly defined in the undated and unfiled "Transfer of Part" executed by the substituted 1st and 2nd Defendants ("the purchased part"), or any part thereof, without the requisite planning permission, pursuant to the Town and Country Planning Act 1990 (as amended);
- (ii) allowing or permitting anybody to reside on any part of the purchased part.

The Court also sealed an Undertaking by the first Defendant Mrs Della Kay Sullivan.