



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 17 October 2018 at 9.30 am

Members Present: Mrs C Purnell (Vice-Chairman), Mr R Hayes (Chairman), Mr G Barrett, Mrs J Duncton, 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

Members not present: Mr M Dunn

In attendance by invitation: Mr Turner (Environment Agency)
Mr Thompson (Environment Agency)

Officers present: Mrs S Archer (Enforcement Manager), Miss N Golding (Principal Solicitor), Miss K Davis (Member Services Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Development Manager (Applications)), Mr T Whitty (Divisional Manager for Development Management), Mr R Sims (Principal Planning Officer), Ms L Rogers (Environment Officer) and Mr T Day (Environmental Coordinator)

219 **Chairman's Announcements**

The chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure.

Apologies were received from Mr Dunn and Mr Elliott.

220 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 19 September 2018 be approved and signed by the Chairman subject to the following amendments:

Minute 212 - Paragraph 4:

- *Bullet point 9: Second sentence: "New Condition 5, as reported in the agenda update sheet,..."*
- *Bullet point 12 - First sentence: "...Condition 5, as reported on the agenda, ..."*

Minute 215 - Paragraph 3 - Final sentence: "Stock fencing was located on the west side of the proposed boundary."

221 **Urgent Items**

The Chairman reported that an urgent item would be considered under agenda item 11(b) to consider planning application CC/18/02538/FUL – Priory Park, Priory Lane, Chichester, PO19 1BL.

222 **Declarations of Interests**

Mr Barratt declared a personal interest in planning applications BO/17/02114/FUL and BI/18/02049/ADV as a Chichester District Council appointed member of the Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in planning applications CH/18/00810/FUL, BO/17/02114/FUL, SDNP/17/03764/FUL and CC/18/02538/FUL as a member of West Sussex County Council.

Mrs Duncton declared a personal interest in planning application SDNP/17/03764/FUL as a West Sussex County Council appointed member of South Downs National Park Authority.

Mr Hixson declared a personal interest in planning application CC/18/02538/FUL as a member of Chichester City Council.

Mrs Kilby declared a personal interest in planning application CC/18/02538/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in planning applications CH/18/00810/FUL, BO/17/02114/FUL, SDNP/17/03764/FUL and CC/18/02538/FUL as a member of West Sussex County Council.

Mrs Purnell declared a personal interest in planning applications CH/18/00810/FUL, BO/17/02114/FUL, SDNP/17/03764/FUL and CC/18/02538/FUL as a member of West Sussex County Council.

Mr Plowman declared a prejudicial interest in respect of planning application CC/18/02538/FUL as he was the Chairman of the Friends of Priory Park.

Planning Applications

The Committee considered the planning applications together with an agenda update sheet and supplementary agenda update sheet at the meeting detailing the observations and amendments that had arisen subsequent to the dispatch of the Agenda.

During the presentations by officers of the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screens.

RESOLVED

That the Planning Committee makes the following decisions subject to the observations and amendments below:

223 **CH/18/00810/FUL - The Nest, 13 The Avenue, Hambrook, Chichester, West Sussex, PO18 8TZ**

This application was the subject of a member site visit on Tuesday 9 October 2018.

Additional information was reported on the agenda update sheet relating to further information provided by the agent and one additional condition (access road).

The following member of the public addressed the Committee:

- Mr A Collins – Parish representative; and
- Mr G Tomlinson - Objector

During the discussion members requested the following:

- The additional condition relating to the access road should be amended to require hatching of the refuse vehicle turning head;
- Inclusion of plus 1 in 100 year storm surge plus 40% in condition 4;
- The removal of reference to the landscaping plan from condition 2 as this conflicted with the requirements of condition 19 that required access to the watercourse to be maintained for maintenance;
- Condition 8 to include requirement for maintenance of the ditch; and
- An additional informative advising minimal pruning to hedge along the Eastern boundary.

The Committee considered this proposal for a reduction in the proposed dwellings from six to four to be an improvement on the previously refused scheme. Members also noted that the planning inspectorate's ruling did not advise that any development on this site would be out of keeping with the character of the area.

Defer for a **Section 106 agreement** then **Permit** with one additional condition (access road), amended conditions 2, 4 and 8, and one additional informative (hedge maintenance) agreed

224 **BO/17/02114/FUL - Hove To Smugglers Lane, Bosham, PO18 8QP**

Additional information was reported on the agenda update sheet relating to further consultee comments received (Bosham Parish Council, Chichester Harbour Conservancy and Bosham Association), additional conditions 14 (ancillary accommodation) and 15 (no building, structure or other alteration).

The following members of public addressed the Committee:

- Mr A Chapman – Parish representative; and
- Mr G Fox - Agent

Mr Whitty responded to a comment made by one of the public speakers that the agenda site plan on page 29 was incorrect. He acknowledged the error and advised that the application plans showed the site location correctly.

Officers responded to members' questions and comments. The proposal would be located further away from flood zone 2. With regard to the design of the building, there were other examples of contemporary design in Smugglers Lane and advised that the proposal sought to subtly incorporate local materials. A condition could be added to ensure the demolition of the ancillary building. With regard to the use of flint materials, condition 4 requested details and samples of materials to be submitted.

The Committee favoured a site visit to view how the proposed development would sit in relation to other dwellings in the street scene and how it would be viewed from the harbour.

Defer for a member **Site Visit**.

225 **BI/18/02049/ADV - Birdham Pool, The Causeway, Birdham, Chichester, West Sussex, PO20 7BG**

The following member of the public addressed the Committee:

- Mr M Braidley - Applicant

The majority of members supported this retrospective planning application. However, a comment was made that the sign would have been more aesthetically better placed to the side of the tree.

Recommendation to **Permit** agreed

226 **SDNP/17/03764/FUL - 1 Barnetts Cottage, Fitzlea Wood Road, East Lavington, GU28 0QN**

This application was the subject of a member site visit on Tuesday 9 October 2018.

Additional information was reported on the agenda update sheet relating to two additional letters of support (reported verbally at the previous meeting), further consultee response received from WSCC Public Rights of Way (PROW), correspondence from Sussex Wildlife Trust to applicant, correspondence between the British Horse Society and Sussex Police officer comment relating to the bridleway diversion application, and further correspondence between the applicant and officers.

Mr Saunders drew attention to the reply received from WSCC Public Rights of Way, in response to members' previous comments concerning the additional footpath to the south of the site the landowners had agreed to dedicate and its gradient, that they considered no steps would be required and at the most a hand rail.

Mr Day addressed the Committee and advised that since the previous meeting an updated ecology report had been received. However, there were still a number of issues outstanding, with regard to the likelihood of Great Crested Newts on the site

and assessing if there would be any impact on bats whose habitat may include the oak trees due to be removed, before officers could assess if mitigation was required.

The following members of the public addressed the Committee:

- Mr D Jones/Mr J Fox – Applicant/On applicant's behalf

A number of members considered that the proposed diverted bridleway would provide better visibility in terms of highway safety at its junction with Fitzlea Wood Road. Some members indicated that they felt that with appropriate mitigation in place, concerning the outstanding ecological matters, the proposal was acceptable.

However the majority of the members concurred with the officer recommendation to refuse the planning application due to there still being insufficient information concerning the effect on the ecology of the area and the lack of mitigation in place to protect a number of protected species, and the intrusive nature of the proposed engineering works.

Recommendation to **Refuse** agreed

227 **Schedule of Planning Appeals, Court and Policy Matters**

The Committee considered and noted the schedule of outstanding planning appeals, court and policy matters that had been circulated with the agenda.

Additional information was reported on the agenda update sheet relating to River Farm and Breach Avenue under 6. Court and Policy matters.

Mr Whitty drew attention to an incorrect address on page 77 attributed to appeal decision SDNP/17/02779/FUL. This decision would be reported back to the next meeting with the correct address.

228 **Schedule of Outstanding Contraventions**

The Committee considered and noted the schedule of outstanding contraventions, circulated with the agenda, which was presented by Mrs Archer.

229 **CC/18/02538/FUL - Priory Park, Priory Lane, Chichester, PO19 1BL**

Mr Plowman withdrew from the meeting table during the consideration of this item.

Additional information was reported on the agenda update sheet relating to further consultation responses (Chichester Conservation Area Advisory Committee, WSCC Highways, Chichester District Council Conservation and Design, Chichester District Council Parks and Gardens, Chichester District Council Environmental Protection and Chichester District Council Sport and Leisure), 14 third party letters of objection, 3 additional third party comment, further officer assessment and two additional conditions (music noise level) and (noise complaint system) and confirmation of the recommendation.

Mr Whitty reported that this item was being considered today as a late item as a red card had been submitted bringing this application to the Committee but the consultation period was not due to end until 1 November 2018 and it was felt important for the Committee to debate the proposal and decide whether to delegate the determination of the application to the officers following the expiry of the publication period as otherwise it would be too late to hold the Christmas ice rink event this year.

The following members of the public addressed the Committee:

- Mr S Ellis – Objector;
- Mrs M Campbell-Culver – Objector;
- Mr G Knight – Objector;
- Mr R Plowman – Objector;
- Mr C Hicks – Supporter;
- Mr E White – Applicant; and
- Mr A Moss – Chichester District Council Member.

In response to members' questions and comments, Mr Whitty confirmed that currently officers had some concerns regarding noise impact as the Council's Environmental Health Officers had indicated they would require night-time background noise level to be a maximum of L_{90} of 30 to 35 dB(A). He advised that the Committee was being asked to agree that officers take forward the outstanding technical measures and consider all of the representations when received and to permit the proposal if acceptable and to refuse the proposal if unacceptable. The provision of public conveniences, litter and anti-social behaviour were not material considerations. The effect of the proposal on the condition of the grassed ground was not significant. He provided information about the reasons why officers felt that Priory Park was an appropriate location for the proposal in respect of there being economic benefits. The Council's Economic Development Service supported the proposal and felt that its closeness to the Chichester City centre would encourage foot fall visitors to the ice rink to visit the shopping areas nearby.

Whilst members supported the principle of a Christmas ice rink some members had concerns about its proposed location due to the damage that would occur to the ground and the length of time that this area of the Park would not be available for use whilst the grass recovered, as well as being concerned with the noise and impact upon the amenity of neighbouring residential properties.

During the debate members noted the proposed mitigation measures required by the Council's Environmental Health Officer concerning noise level controls, the measures that would be taken by the applicant to reduce damage to the ground and the requirement in suggested condition 3, and the economic benefit to the City centre.

Prior to the vote being taken, Mr Whitty clarified the meaning of the recommendation. He explained that, if carried, following the expiry of the consultation/publicity period, the officers would take into account all of the representations received, together with all other material considerations, and would proceed to determine the application as they considered appropriate. However, the

application would be returned to the Committee to determine if an objection was received from Historic England and/or if any new significant material considerations came to light which had not been presented to the Committee.

Recommendation to **delegate to officers** to determine following the expiry of the consultation period on 1 November 2018; subject to objection being received from Historic England and/or new significant material considerations being raised (in such events the application would be returned to the Committee to determine).

230 **Planning Enforcement Report - Crouchland Farm, Rickman's Lane, Kirdford, Billingshurst, West Sussex, RH14 0LE**

The Committee considered the above report circulated with the agenda.

Mr Turner and Mr Thompson from the Environment Agency were in attendance and addressed the Committee. In their view the scale of the operation in respect of the environmental risks associated with the decommissioning of the anaerobic digestion plant, the controls imposed by the environmental permits and the enforcement notice compliance dates made it unlikely that all the controls would be in place by May 2018. The Planning Inspector had not taken the environmental risks into consideration at the appeal as the hazards within the lagoon were unknown until works had commenced, which had led to serious concerns about how to remove the materials containing contaminants such as glass and plastic and harmful gas. Another issue was that the digestate produced could only be spread on land during the summer months to reduce run off into watercourses. Extensive compliance with the enforcement notices had already taken place.

The following members of the public addressed the Committee:

- Mrs S Burrell – Parish representative; and
- Mr D Jordon – Objector

Officers responded to members' questions and comments as follows:

Mrs Archer reported that an extension would provide the administrators of the site with a degree of certainty when managing the decommissioning process to enable them to get all the safeguarding measures and contractors in place.

With regard to reassurance that the administrators would carry out the required works, Miss Golding advised that assurances had been received but the Council did not have any powers for those assurances to be enforced. The Council could carry out the works by default but would involve expenditure and time that it would not be able to reclaim.

Mr Turner explained that the Environmental Agency's role was to regulate the permit for the anaerobic digestion plant. Permits could be ceased but that would result in the Agency losing control of the decommissioning of the site.

The Committee were of the opinion that it was reasonable for the Council to extend the periods specified in the enforcement notices. They noted that from the photographs shown it could be seen that works on the other aspects of the clearance of the site were progressing.

1. That the Council use its planning powers under Section 173A of the Town and Country Planning Act 1990 to extend the period specified in Enforcement Notices PS/54 and PS/55 from 21 May 2019 to 21 May 2021; and
2. To extend the period of compliance specified in Enforcement Notices PS/62 , PS/63 and PS/64 from 12 December 2018 to 21 May 2021

The Committee took a lunch break.

231 Exclusion of the Press and Public

RESOLVED

That in accordance with Section 100A of the Local Government Act 1972 the public and the press be excluded from the meeting during consideration of the following item on the Agenda for the reason that it was likely in view of the nature of the business to be transacted that there would be disclosure to the public of “exempt information” being information of the nature described in Paragraph 7 (Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

232 Planning Enforcement Report 2

The Committee considered a confidential report relating to land north of Premier Motor Homes, Main Road, Birdham: continued use of land as a Gypsy Encampment.

Mrs Archer introduced this report and outlined the planning enforcement action taken to date and the next steps to securing compliance with the enforcement notices upheld at Appeal.

RESOLVED

1. That the Council seeks a Status Quo Injunction under Section 187b of the Town and Country Planning Act 1990 (as amended) in accordance with Option B as outlined in section 7 below to:
 - a) Stop Persons Unknown from bringing onto the land caravans and mobile homes for the purpose of occupation;
 - b) Stop existing occupiers from allowing or permitting the bringing onto the land of further mobile homes or caravans for the purpose of human occupation;
 - c) Stop persons from carrying out any operational development.
2. That the matter is reported back to the Planning Committee in respect of the case for a Mandatory Injunction once investigations into the personal circumstances of the occupiers have been completed

The meeting ended at 2.40 pm

CHAIRMAN

Date: