



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 19 December 2018 at 9.30 am

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

Members not present: Mr M Dunn and Mr J F Elliott

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss C Boddy (Senior Planning Officer), Mr J Bushell (Principal Planning Officer), Mr A Frost (Director of Planning and Environment), Miss N Golding (Principal Solicitor), Miss K Davis (Member Services Officer), Mrs N Langford (Senior Planning Officer), Mrs F Stevens (Development Manager (Applications)), Mr S Harris (Senior Planning Officer) and Mrs V Owen (Principal Planning Policy Officer)

245 **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.

The Chairman wished everyone present a Merry Christmas and a Happy New Year. He thanked the officers for their hard work during the year, which was endorsed by the Committee.

He welcomed Miss Bell back to the Committee.

246 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 14 November 2018 be approved and signed by the Chairman as a correct record.

247 **Urgent Items**

There were no urgent items.

248 **Declarations of Interests**

Mr Barrett declared a personal interest in planning applications EWB/18/00753/OUT and BO/17/03148/FUL as a Chichester District Council appointed member of the Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in planning applications EWB/18/00753/OUT, BO/17/03148/FUL, NM/18/00776/FUL, EWB/18/02393/FUL, EWB/17/03043/FUL, E/18/02665/FUL, E/18/02530/FUL and CC/18/02619/ADV as a member of West Sussex County Council.

Mr Hixson declared a personal interest in planning applications CC/18/02619/ADV, CC/18/01747/DOM and CC/18/01884/LBC as a member of Chichester City Council.

Mrs Kilby declared a personal interest in planning applications CC/18/02619/ADV, CC/18/01747/DOM and CC/18/01884/LBC as a member of Chichester City Council.

Mr Plowman declared a personal interest in planning applications CC/18/02619/ADV, CC/18/01747/DOM and CC/18/01884/LBC as a member of Chichester City Council.

Mr Plowman declared a personal interest in planning applications CC/18/01747/DOM and CC/18/01884/LBC as a Chichester District Council appointed member of the Chichester Conservation Area Advisory Committee.

Mr Oakley declared a personal interest in planning applications EWB/18/00753/OUT, BO/17/03148/FUL, NM/18/00776/FUL, EWB/18/02393/FUL, EWB/17/03043/FUL, E/18/02665/FUL, E/18/02530/FUL and CC/18/02619/ADV as a member of West Sussex County Council.

Mrs Purnell declared a personal interest in planning applications EWB/18/00753/OUT, BO/17/03148/FUL, NM/18/00776/FUL, EWB/18/02393/FUL, EWB/17/03043/FUL, E/18/02665/FUL, E/18/02530/FUL and CC/18/02619/ADV as a member of West Sussex County Council.

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:

249 **EWB/18/00753/OUT - South Downs Holiday Village Bracklesham Lane Bracklesham Bay**

This application was deferred for negotiations, at the meeting held on 14 November Committee, relating to a reduction in the total number of dwellings, removal of any direct vehicular accesses for dwellings onto Clappers Lane, a reduction in the scale of the buildings at the junction of Bracklesham Lane with Clappers Lane to 2 storey and ensuring any dwellings fronting Bracklesham Lane were set back from the road.

Additional information was reported on the agenda update sheet relating to a correction to condition 3.

The following members of the public addressed the Committee:

- Mrs S Simpson – Earnley Parish Council
- Mr J O'Sullivan – East Wittering and Bracklesham Parish Council
- Mr S Culpitt – Applicant

Mr Bushell presented the item and responded to members' questions and comments. With regard to the recent planning appeal at Koolbergen, Kelly's Nursery and Bellfield Nursery, Birdham (16/00933/OUT) and the planning inspector's reasons for it being dismissed, Mr Bushell advised that it was not possible to draw a direct comparison between that scheme and this proposal. It was a central tenet of planning that each application had to be treated on its own merits according to the specific circumstances. He drew attention in this regard to the fact that the Kelly's Nursery and Bellfield Nursery development proposed a disproportionately large number of dwellings adjacent to a service village compared to this application which was for a similar number of dwellings adjacent to a much larger settlement hub. He also pointed out that only a very small proportion of the appeal site was found to be brownfield land where there can be a greater presumption in favour of new housing development, whereas the current application was wholly on brownfield land.

The current agricultural workers planning application was a separate issue and not for consideration at today's meeting. With regard to the Council's five year housing land supply, Mr Bushell advised that although the Council could demonstrate a supply there was no ceiling on this supply and new housing development would make a valuable contribution to the District's supply. With regard to the grade B Oak tree situated within the boundary of the site along Clappers Lane, Mr Bushell confirmed that a further condition could be added to the recommendation to give the tree protection and this was agreed.

With regard to the timing of the provision of local infrastructure to support larger developments, Mr Frost advised that this was a difficult situation and that ideally it would all be delivered in advance of or in line with development. Although some infrastructure could be delivered earlier, improvements to roads including the A27 improvements, new schools and school places often involved a longer lead in time. The Committee was not in a strong position to refuse this application on the basis

that infrastructure was not being built early enough. The proposal's contribution to the five year housing land supply was a material consideration. A planning application for a housing scheme was considered to be indicative of its deliverability.

The majority of members indicated their support for this application following the amendments made by the applicant to the proposal since the previous meeting.

Defer for Section 106 agreement with one additional condition (protection of Oak tree) then **Permit** agreed.

250 **BO/17/03148/FUL - Land North Of Highgrove Farm Main Road Bosham West**

250 **BO/17/03148/FUL - Land North Of Highgrove Farm Main Road Bosham West**

Additional information was reported on the agenda update sheet relating to further correspondence received from Southern Water concerning detailed network modelling as part of a network growth review that had been undertaken, deletion of condition 22 and informative 8, and one additional informative (connection to the public sewerage system).

The following members of the public addressed the Committee:

- Ms C Pexton – Parish Representative
- Mr R Pratt – Objector
- Mrs J Morris – Objector
- Mr H MacKenzie Wilson – Objector
- Mr J Rank - Objector
- Mr J Nelson – Objector
- Mr I Johnson – Agent
- Mrs P Plant – CDC Member

Mr Harris responded to a number of comments made by the speakers. The site was allocated for a development of 50 dwellings in the emerging Site Allocation Development Plan Document (DPD). The DPD Inspector's report, which included consideration of the site selection process, concluded that it was an acceptable site for development. With regard to foul sewage, officers were aware of incidents of sewer surcharging in Bosham during very wet periods. The results of additional detailed network modelling carried out by Southern Water showed that no reinforcement was required to accommodate the flows from the development. The Local Planning Authority had no evidence to rebut Southern Water's findings that the development could be accommodated without worsening the existing situation. With regard to surface water, it was accepted that the site did not drain well, but landowners had a duty to drain their land. The applicant was required to demonstrate a safe and satisfactory means of draining the land and had worked up a scheme that demonstrated green field rates could be maintained. Winter ground water monitoring, required by proposed condition 5, had already been undertaken and therefore this aspect of condition 5 was no longer required. The details of a planting scheme along the site frontage and other boundaries would be dealt with by way of a planning condition, with this seeking to strike a balance between softening views of the development but not hiding it. Some permeability was required to minimise the loss of views towards the South Downs National Park. Any planning

applications received in respect of adjoining land would be considered on their own merits, and the fact that some adjoining land is proposed to be allocated for development in the emerging Local Plan Review should be given no weight in this case given that the Plan is at such an early stage of preparation.

Mr Harris answered questions and comments made by members. Given the advanced stage of the DPD which was close to adoption, the development was not premature and was intended to meet the numbers in the current Local Plan. Street lighting had been originally proposed then deleted from the application. It may be that some low level bollard lighting would be required in some communal areas, and this would be controlled by condition. The SUDS features at the front of the site would be planted-up and were capable of being attractive features in their own right. The proposed buffer planting outside the eastern boundary of the site was within the applicant's control and would be the subject of obligations in the Section 106 Legal Agreement. Officers would ensure that the requirements in terms of the timely provision of play equipment were programmed properly.

A proposal to defer the application so that officers could request Southern Water to attend the next meeting to explain their findings following a more detailed network modelling as part of a network growth review was not carried on a vote by the Committee.

Defer for a **Section 106 agreement** with amended condition 5 and removal of condition 22 and informative 8 then **Permit** agreed.

251 **SI/18/02377/FUL - Tony Partridge Autos Zsaras Yard Highleigh Road Sidlesham**

The following members of the public addressed the Committee:

- Mr S Jupp – Agent

During the discussion, Mrs Stevens advised that the granting of a temporary permission was not justified due to the harmful impact of the proposal in an unsustainable location.

The majority of members, whilst being supportive of the applicant's business were of the opinion that the application did not meet the threshold for the stationing of a residential static caravan for occupation by an employee of Tony Partridge and agreed with the officer's recommendation to refuse the application on the grounds that the development would constitute an unsustainable form of development.

Recommendation to **Refuse** agreed.

252 **NM/18/00776/FUL - Natures Way Foods Unit 4 Chichester Food Park Bognor**

252 **NM/18/00776/FUL – Nature's Way Foods Unit 4 Chichester Food Park Bognor**

Additional information was reported on the agenda update sheet relating to amended condition 6.

The following member of the public addressed the Committee:

- Mr T Russell – Parish representative
- Mr I Johnson – Agent

Mrs Langford responded to member's questions and comments. The application met policy 32 in all respects and was not, therefore, contrary to planning policy.

Mr Frost reported that packhouses that were not ancillary to glasshouses or polytunnels were not precluded under the current Local Plan. However, the emerging Local Plan would include a review of policy 32.

A proposal to defer the application for a site visit to see the cumulative effect of the development now in situ and to assess the visual impact of the proposed packhouse extension was not carried.

Recommendation to **Permit** agreed.

(The Committee took a lunch break)

253 **EWB/18/02393/FUL - Andromeda 56 Oakfield Avenue East Wittering Chichester**

The following member of the public addressed the Committee:

- Mr P Davies - Applicant

Recommendation to **Permit** with **Section 106 agreement** agreed.

254 **EWB/17/03043/FUL - Sea Home 20 Meadows Road East Wittering Chichester**

This application was deferred at the previous meeting for a member site visit held on Monday 17 December 2018.

The following member of the public addressed the Committee:

- Mr J O'Sullivan – Parish representative
- Mr Whitling – Objector
- Ms L Gillett – Objector

The majority of members having visited the site considered that the proposal was acceptable in terms of its design and would not constitute overdevelopment or overlooking.

Members favoured one additional informative concerning the impact of what a member had indicated looked to be a drainage ditch or culvert along the frontage of the site in Wessex Avenue, to ensure that this matter was taken into account during the construction to avoid any unintended consequences.

255 **E/18/02665/FUL - 136 Almodington Lane Almodington Earnley**

The following member of the public addressed the Committee:

- Mrs S Simpson – Parish representative

Whilst concern was raised by some members about the unintended consequences of what they considered to be loopholes in the legislation leading to inappropriate changes of use of agricultural buildings under the Class Q general permitted development order rights, the majority of members accepted that there were no reasons to refuse the proposal on planning grounds.

Recommendation to **Permit with Section 106 agreement** agreed.

(Mrs Tassell left the meeting at this point)

256 **E/18/02530/FUL - 111 Second Avenue Almodington Earnley**

The following member of the public addressed the Committee:

- Mrs S Simpson – Parish representative

Members requested that condition 3 should be amended to require the demolition of the concrete hardstanding and one additional informative making the intention clear that the proposal was for a single dwelling unit.

Recommendation to **Permit with Section 106 agreement** with amended condition 3 and one additional informative (single dwelling unit) agreed.

257 **CC/18/02619/ADV - Land Adjacent To Sainsburys and A27 Roundabout Portfield Chichester**

During the course of the discussion, whilst some members were concerned about a proliferation of signage, the majority of members having noted the applicant's amendments to the proposal to reduce the 10m pole sign to 5m and the amount of illumination considered that the proposal was acceptable.

The Committee favoured one additional condition restricting the illumination of the advertisements to during opening hours only.

Recommendation to **Permit** with one additional condition (illumination of the advertisements) agreed.

258 **CC/18/01747/DOM and CC/18/01884/LBC - 4 North Pallant Chichester**

During the discussion, Mrs Stevens explained that traditional construction methods, including the use of the existing flints, would be used to rebuild the wall to reflect the current mix of materials.

CC/18/01747/DOM: Recommendation to **Permit** agreed.

CC/18/01884/LBC: Recommendation to **Permit** agreed.

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

The Committee noted the schedule of planning appeals, court and policy matters circulated with the agenda.

260 **Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment**

The Committee considered the new joint Position Statement on managing new development in the Apuldram wastewater treatment works (AWTW) catchment produced by the Environment Agency and Southern Water, circulated with the agenda.

Ms Owen outlined the report. The previous Position Statement was withdrawn when ultra violet treatment was installed at AWTW and the headroom allowance increased, but had since reduced to 19 dwellings. A key concern was elevated nutrient issues within Chichester Harbour from a number of sources. The Position Statement set out the requirements for large and small developments to help prevent a net increase in nutrients entering the Harbour. It would assist planning officers and developers to manage development in the catchment area and protect the water quality in Chichester Harbour via the Local Plan and the surface water and foul drainage Supplementary Planning Document. It was hoped that limiting the flows would reduce the number and duration of storm overflows into the harbour.

The opportunity to divert flows from new development north of Chichester into the new strategic sewer, to free up capacity at Apuldram was suggested by a member.

In response to a member's question about the impact that the proposed 365 dwellings planned for Southern Gateway would have, Mr Frost advised that the Southern Gateway Policy in the draft Local Plan highlighted a need to demonstrate no net increase in flows to the AWTW and if this was not possible, another solution would need to be identified.

Mrs Owen confirmed that a maximum water use of 110 litres per day was required for all new development within the Apuldram catchment. With regard to foul water, developers would be required at the planning application stage to advise how this issue would be addressed. Mr Frost advised that there was a clear preference for connections to the main sewer network wherever possible.

261 **Consultation on Changes to Permitted Development Rules**

The Committee considered this report concerning the Ministry of Housing, Communities and Local Government consultation and the Council's proposed response on planning reforms circulated with the agenda. Mrs Stevens advised that any typographical errors in the response would be amended.

Mrs Stevens outlined the report and explained that officers did not have concerns about some of the planning reforms proposed. However, they did have significant concerns about some of the proposals, which they considered would result in the Planning Authority having less control over development and some being in conflict with the Council's Local Plan. The proposals included encouraging more flexibility on high streets by allowing commercial premises to change between use classes

without having to apply for planning permission, and merging A1, A2 and A3 into a single use class. This, and any form of prior approval, was of concern as it could result in a loss of control of retail within Chichester city and the Districts local centres. With regard to proposals for a new permitted development right (PDR) to extend premises upwards to allow for more residential homes, officers had concerns about the control officers would have if planning permission was no longer required and its impact no longer assessed in light of the Council's planning policies. Officers were generally supportive of the removal of the PDR to advertise on new public call boxes as their need was limited. With regard to height limits for on-street electric charging points, officers did not feel that this would affect residential amenity and it would promote sustainable forms of transport. The proposals to make permanent two time-limited PDRs, the first for change of use from storage to residential was not considered acceptable as it was important to retain business floor space, and the second for large householder extensions was acceptable had it because it not been problematic. Also of concern was the loss of business space if the demolition of commercial buildings was allowed for development as residential if allowed under PDR. Officers accepted that housing was a priority but should be considered via planning applications to assess if proposals were appropriate.

Mrs Stevens responded to members' questions and comments. With regard to the A use classes changing to B1 office use and the potential that this could lead to office use then being turned to residential under the proposed PDR, Mrs Stevens stated that the Government had not provided all the details of what will be included in the PDR but it was thought that this loophole may be closed so that a development under PDR cannot benefit from other PDRs in line with some of the existing permitted development rules. In terms of a possible exemption for historic city centres and conservation areas, land classed under Article 2(3) of the General Permitted Development Order included conservation areas and AONBs. The South Downs National Park would also have certain exemptions, which officers would check and add further comments to the consultation if necessary. It was considered that it would be difficult to use article 4 directions to restrict development in the District that would otherwise be permitted under the new proposals.

Mrs Stevens advised that members' concerns on the proposals would be added to the draft officer response.

Mr Frost added that the impact of the extensions made to PDRs over the last few years, both in the high street and rural areas, had resulted in having to plan for more employment land in the Council's employment policies due to the amount lost under PDR.

RESOLVED

That the contents of the Ministry of Housing, Communities and Local Government consultation on planning reforms to allow greater flexibility within high streets and to speed up the delivery of houses be noted, and that the Committee endorses the proposed response to part one of the consultation which proposes changes to permitted development rules.

The Chairman wished the Committee a Merry Christmas and a Happy New Year.
He thanked the members for making his chairmanship enjoyable and relatively easy.

The meeting ended at 3.30 pm

CHAIRMAN

Date: