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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Thursday 25 May 2023 at 9.30 am

Members Present: Mr R Bates, Mr D Betts, Mr J Brookes-Harmer, Mrs H Burton, Mr J Cross (Vice-Chairman), Mr S Johnson (Chairman), Mr H Potter, Ms S Quail, Mrs S Sharp and Mr C Todhunter

Members not present: Mr R Briscoe, Ms B Burkhart and Mrs D Johnson

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Ms J Prichard (Senior Planning Officer), Miss D Smith (Development Manager (Applications)), Mrs F Stevens (Divisional Manger for Planning), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr T Day (Environmental Coordinator), Mr A George (Principal Planning Officer Enforcement), Mrs F Baker (Democratic Services Officer) and Mr T Townsend (West Sussex County Council Highways)

1 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and read out the emergency evacuation procedure.

He informed the Committee that Agenda Item 8 - CC/22/03201/LBC, had been withdrawn from the agenda and would be considered at a future Planning Committee.

Apologies were received from Cllrs Briscoe, Burkhart and D Johnson.

2 **Approval of Minutes**

Cllr Sharp asked that the condition regarding the 'Havenstoke pre agreed calendar of events' clearly states that it is to be reviewed on a regular basis between the Chichester District Council and CCDT (page 4, third paragraph down). Officers noted the comments.

Following a vote, the minutes of the meeting held on Wednesday 26 April were agreed as a true and accurate record.

3 **Urgent Items**

There were no urgent items.

4 **Declarations of Interests**

Cllr Johnson declared a predetermination in the following items;

- Agenda Item 9 – SB/22/00406/FUL
- Agenda Item 13 – Planning Appeal APP/L3815/W/23/3318548

Cllr Johnson explained that he had voted against both applications (in his capacity as a Parish Councillor) when they were considered by Chidham and Hambrook Parish Council.

Cllr Quail declared a predetermination in the following items;

- Agenda Item 5 – CC/22/011/78/DOM
- Agenda Item 6 – CC/22/01501/REM
- Agenda Item 7 – CC/22/02298/FUL

Cllr Quail explained that she had voted against these applications (in her capacity as a City Councillor) when they were considered by Chichester City Council.

5 **CC/22/01178/DOM - 19 Highland Road Chichester West Sussex PO19 5QX**

Having declared a predetermination Cllr Quail withdrew from the meeting.

Mr Thomas introduced the report. He drew attention to the Agenda Update sheet which provided a point of clarification regarding the proposed annexe accommodation and an additional condition to secure details for external lighting.

Mr Thomas outlined the application proposal and highlighted the site location. He explained that the site was located within the Summersdale area to the north of the Chichester settlement boundary and Chichester conservation area.

Mr Thomas highlighted the site access onto Highland Road and its proximity to neighbouring dwellings.

He showed the proposed layout and elevations, explaining that the lower 'hipped' part of the building would contain the proposed annexe.

Mr Thomas explained there would be an increase of 90cm in the ridge height, meaning the main ridge height in the proposed dwelling would increase from 5.7m to 6.6m. Whilst the development would be slightly taller than the neighbouring bungalow, officers felt this was acceptable and would not be harmful to the area.

Representations were received from;

Professor Nick French – Objector
Mr John Ellis – Objector
Mr Kenneth Knight – Objector
Mrs Kerry Simmons – Agent

Officers responded to comments and questions as follows;

Responding to the question of how many original walls would be visible following completion of the development; Mr Thomas outlined the existing walls which would be retained as part of the development. With regards to the finished details these would be confirmed as part of Condition 3.

In response to concerns regarding the proposed height of the development; Mr Thomas showed the Committee a photograph of the street scene which demonstrated the variations in height of neighbouring dwellings.

With regards to increase in foul sewage; Miss Smith advised the Committee that officers had considered drainage impacts as part of the application process, they had raised no concern.

Miss Smith advised the Committee that there could not be an 'in principle' objection to the size of a house, the number of people that may live in a house is not a matter relevant for consideration.

With regards to the removal of future permitted development rights; Miss Smith agreed that it would not be unreasonable to remove permitted development rights for any future alterations to the roof to ensure it would not become overbearing on neighbouring property. However, it would not be reasonable, nor meet the test to remove all future development.

Mr Thomas informed the Committee that the number of third-party objections were summarised in paragraph 6.4 of the report.

Miss Smith confirmed that officers had considered all appropriate design guidance and were confident that what was proposed was acceptable according to policy and material considerations.

Responding to concerns that the annexe may be used as separate accommodation in the future; Mr Thomas drew the Committee's attention to Condition 9 (page 22) which prevented the annexe from being used as anything other than ancillary accommodation.

To prevent a second access to the development; Miss Smith agreed that an extra line could be added to Condition 4 (page 21) stating that the vehicle access remain closed in perpetuity.

With regards to an additional condition requesting the installation of automatic blinds; Miss Smith advised that this would not be reasonable restraint to attach as the development was already in a built-up area and would be unlikely to meet the test conditions.

Following discussion Ms. Golding clarified the additional conditions which would be included as part of the recommendation. They were as follows;

- An additional condition to remove the permitted development rights for any alterations to the roof.
- The inclusion of additional line to Condition 4 ensuring the vehicle access remains closed in perpetuity.
- The additional lighting condition set out on the agenda update sheet.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **Permit**, subject to the conditions and informatives set out in the report, plus the additional conditions listed above and the amendment to condition 4.

**Members took a five-minute break*

6 **CC/22/01501/REM - Graylingwell Care Home**

Having declared a predetermination Cllr Quail withdrew from the meeting.

Mrs Prichard introduced the report. She drew attention to the agenda update sheet which set out an additional comment from West Sussex County Council, following the receipt of additional information.

Mrs Prichard outlined the site location, which was within the Graylingwell development and partially within the Graylingwell Conservation Area and Historic Park and Garden.

The Committee were shown the approved Graylingwell Masterplan, which had received outline planning permission in March 2018. As part of the outline application permission had been given for a C2 care home, permission was now being sought for the reserved matters for appearance, landscaping, layout, and scale.

The C2 development would comprise 61 assisted living/extra care accommodation apartments, along with communal facilities and car parking.

Mrs Prichard drew attention to the proposed parking arrangements, she confirmed this had been reviewed by officers at West Sussex County Council who agreed the provision was acceptable. There would be a total of 42 spaces, including 3 disabled bays, the spaces would not be sold with the accommodation but be operated through a permit scheme.

The site was adjacent to WSCC parking zone S, Mrs Prichard informed the Committee that there was a maximum of 343 permits available in this zone, 253 had been issued leaving a headroom of 90 permits not issued.

Mrs Prichard drew attention to the where the sub station would be located, she explained that this would be installed by a statutory provider under permitted development rights. In addition, the applicant had agreed to hide the substation within brick housing to enhance its appearance, this did require permission and formed part of the application.

The Committee were shown a number of plans detailing the proposed elevations, floor plans and landscaping.

Mrs Prichard informed the Committee of a number of conditions which the applicant would need to comply in order to satisfy the outline planning permission.

Representations were received from;
Mr Gian Bendinelli – Agent
Cllr Jonathan Brown – CDC Ward Member

Officers responded to questions and comments as follows;

Responding to concerns regarding parking provision; Mrs Prichard assured the Committee that the applicant had undertaken extensive research to ensure adequate provision was made. Mr Townsend, WSCC Highways, explained the evidence had been reviewed and WSCC were satisfied with the level of parking proposed.

On the matter of access from the site to Keepers Green; Mrs Prichard confirmed that there was no direct access from Keepers Green to the site. Ms Bell, agreed that officers would support the inclusion of a condition for the provision of pedestrian access from the site onto Keepers Green, however, a caveat would need to be included stating 'unless otherwise in writing'; in case there was a reason not yet known, for example security concerns, that would prevent the applicant from providing such access.

On the matter of surface water drainage: Mrs Prichard explained this was addressed under Condition 17 of the outline planning permission. In addition, Condition 3 had been included to ensure the proposed development would be satisfactorily drained.

Mrs Prichard clarified the definition of a C2 dwelling, referring to paragraph 8.4 of the report.

With regards to affordable housing provision; Mrs Prichard explained that part of the outline planning permission was for the delivery of 30% affordable housing throughout the Graylingwell development. The housing would be delivered at phase and located throughout the development.

On the matter of mobility scooter storage; Mrs Prichard informed the Committee that the applicant had undertaken detailed research into the number of spaces which should be provided. The 14 spaces proposed was more than adequate for a development of this nature.

On the matter of sustainability; Mrs Prichard explained that Condition 7 had been worded to allow the potential use of solar panels. The applicant would be required to provide calculations on energy efficiencies, if these were below required standards then they would be required to make the short fall up through other means such as solar panels.

With regards to bus stop provision; Mr Townsend confirmed where the nearest bus stops were located. He also informed the Committee of current bus routes operating within the area.

In response regarding the lack of specific parking provision for ambulances; Mr Townsend acknowledged the concerns raised, however, he assured the Committee that there was sufficient space to accommodate an ambulance if required.

With regards to including native planting within Condition 11; Miss Bell confirmed officers would be happy to add this to the condition.

Following a vote, the Committee supported the report recommendation to **permit**, with the inclusion of the additional condition to allow access from the site onto Keepers Green and including native planting within Condition 11.

Resolved; **permit**, subject to the conditions and informatives set out in the report; and the additional and amended conditions as agreed by the Committee

7 **CC/22/02298/FUL - 22A Lavant Road Chichester West Sussex PO19 5RG**

Having declared a predetermination Cllr Quail left the meeting.

Mr Mew introduced the report. He drew attention to the Agenda Update sheet which included an additional officer comment; an additional third-party objection and an amendment to Condition 6 (page 70).

Mr Mew outlined the site location which was within the Chichester Settlement boundary. He explained that there had been two previous planning permissions on the site and works for these permissions had commenced. He explained that the planning permissions were extant and were a material consideration.

Mr Mew detailed the previous permissions which had been granted on site. He highlighted the proposed changes as sought in the application, including a change in the boundary line at the rear of the building to reflect a change in ownership; the addition of a single storey element to plot 2; a new access for plot 2 (the existing access would continue to serve plots 1,3 & 4) and; a single storey garage to serve plot 1.

Mr Mew highlighted the revisions to the proposed landscaping scheme, which would provide enhanced boundary screening between properties.

The Committee were shown the proposed elevations and layouts of the various amendments.

Mr Mew highlighted the visibility splay of the new access and confirmed WSCC highways had made no objection to the application.

Mr Mew advised the Committee that it was officer opinion that the application was not in conflict with planning policy.

Representations were received from;

Mr James Vaux – Objector
Dr Simone Ivatts – Objector
Mr Nick Sutherland – Objector (statement read by Fiona Baker)
Mrs Kerry Simmons – Agent

Officers responded to comments and questions as follows;

Responding to concerns raised regarding the development; Miss Smith reminded the Committee that the principal of development on the site was already established. The application related only to plots 1 and 2 on the site and the boundary hedging.

With regards to the landscaping along the boundary; Miss Smith advised that Condition 6 could be amended to include the planting of native species; that areas of planting are done to offer privacy all year around; planting is undertaken in a timely manner and future management is addressed.

On the matter of occupancy; Miss Smith was not aware any properties on site were occupied. She would follow this up outside the meeting, however, she advised the Committee this was not a material consideration.

Responding to concerns raised about the appearance of the development; Mr Mew acknowledged comments made, but highlighted that the development was in keeping with the character of the area and was not in breach of policy.

Following a vote, the Committee agreed to support the report recommendation to **defer for S106 then permit.**

Resolved; **Defer for S106 then permit**, subject to the conditions and informatives set out in the report and the amendment to condition 6 as set out in the Agenda Update sheet.

8 **CC/22/03201/LBC - Duke and Rye Market West Street Chichester West Sussex PO19 1QU**

As announced by the Chairman the item was withdrawn and would be heard at a future Planning Committee.

9 **SB/22/00406/FUL - Land Adjacent to Plot 8 Priors Leaze Lane Hambrook
Chidham West Sussex**

Cllr Quail re-joined the Committee.

As Cllr Johnson had declared a predetermination on Agenda Item 13 and withdrew from the room. Cllr Cross as Vice Chair chaired the item in his absence.

Mr Thomas introduced the report. He drew attention to the Agenda Update sheet which included an additional comment from Southbourne Parish Council.

Mr Thomas highlighted the site location, drawing the Committee's attention to the Public Rights of Way which ran adjacent to the site. He showed the Committee the proposed site layout and access.

Mr Thomas shared a number of images taken from the site, he highlighted where the proposed screening would be planted, the existing boundary planting and the area of land which would be planted with trees to provide nitrate mitigation.

Before the Committee heard the objector representations Ms Golding explained that the Committee should apply less weight to the statements, they would hear from the three objectors as they had chosen to remain anonymous.

Representations were received from;

Chidham & Hambrook Parish Council – Statement read by Fiona Baker

Cllr Amanda Tait – Southbourne Parish Council

Objector 1 – Statement read by Fiona Baker

Objector 2 – Statement read by Fiona Baker

Objector 3 – Statement read by Fiona Baker

Mr Joe Cunane – Agent

Cllr Adrian Moss – CDC Member

Officers responded to comments and questions as follows;

Mr Thomas noted the error on page of the report which referred to Hunston Village Shop instead of Hambrook.

On the matter of the Southbourne Neighbourhood Plan; Miss Smith advised the Committee that the Plan carried some weight but not significant weight as it was not developed enough. Similarly, the council's emerging Local Plan did carry some weight but not significant.

With regards to potential impact on the wildlife corridor; Miss Smith drew attention to the report which detailed the full consideration given to the likely impact of the development on the wildlife corridor. She explained that in officer opinion there would be additional benefit from the proposed planting schemes. The mitigation measures were secured by condition.

Mr Thomas clarified the sites position in proximity to the wildlife corridor proposed in the emerging Local Plan and the wildlife corridor in the developing Southbourne Neighbourhood Plan.

On the matter of lighting; Miss Smith drew the Committee's attention to Condition 18 (page 113) which addressed the issue of external lighting and its future management.

Miss Smith advised the Committee that officers had proposed a comprehensive suite of Conditions to address sensitive issues such as landscaping and ecology.

Regarding the sustainability of the site; Mr Thomas advised that the site was in a very sustainable location, it was adjacent to gypsy and traveller sites and within the settlement boundary of Chidham & Hambrook. The distance to the shop was not significant. In addition; Miss Smith advised the Committee that if they felt the site was not suitable, they would have to qualify why the site was not appropriate.

Mrs Stevens reminded the Committee that there was an unmet need, and this was a material planning consideration which must be taken in account when determining the application.

Responding to concerns regarding the drainage of the site; Mr Thomas informed the Committee that the images they had seen were taken in April 2023, he acknowledged that there were some 'wet' patches, however, the application had been reviewed by Drainage Engineer who had made no objection nor recommended any conditions.

With regards to vehicle movement on and off site; Mr Thomas informed the Committee that the applicant had provided vehicle tracking data, which had been reviewed by WSCC highways, to show that large HGV vehicles could enter and exit the site safely. Condition 16 restricts the size and scale of the vehicles access the site, there was also a separate condition to secure details of the surfacing for the storage units.

On the matter of dark skies; Miss Smith informed the Committee that the site did not fall within the dark sky boundary.

In response to concerns regarding ecological impacts; Miss Smith assured the Committee that officers were satisfied with reports submitted, the reports and assessments had been reviewed by in-house experts and details would be secured once a condition compliant application was submitted.

With regards to the provision of fire hydrants; Miss Smith advised the Committee that these would be covered through Building Regulations.

Following a vote, the Committee supported the recommendation to **defer for S106 then permit**.

Resolved; **defer for s106 then permit**, subject to the conditions and informatives set out in the report.

10 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

Cllr Johnson returned to the meeting and resumed the role of Chairman.

Mrs Stevens introduced the item.

Following a vote, the Committee agreed to note the item.

11 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters**

Mrs Stevens introduced the item.

Following a vote, the Committee agreed to note the item.

12 **Schedule of Contraventions**

Mr George introduced the report. He informed the Committee that the number of cases on hand had gone down from 418 at the last meeting to 394, and the enforcement team continued to work hard to reduce the backlog of cases.

A Conditions Compliant officer had recently been appointed, part of the role would be to monitor larger developments and ensure they were being built in accordance with approved conditions.

Following a vote, the Committee agreed to note the report.

**Members took a 30-minute break.*

13 **Planning appeal APP/L3815/W/23/3318548 - G & R Harris Ltd, Oaks Yard Main Road, Nutbourne, Chichester, West Sussex PO18 8RL (LPA ref. 22/01283/FULEIA)**

As Cllr Johnson had declared a predetermination on Agenda Item 13 and withdrew from the room. Cllr Cross as Vice Chair chaired the item in his absence.

Miss Thatcher introduced the report. She drew attention to the agenda update sheet which included an updated recommendation; updated officer comments on nitrates, sustainability, and viability, and; a correction to paragraph 4.12.

Miss Thatcher outlined the original application which had been submitted; however, before officers were able to provide a formal recommendation to the Planning Committee, the applicant had chosen to appeal against non-determination. She explained the purpose of the report was to seek the view of the Planning Committee and understand how the application might have been determined had they considered it.

Miss Thatcher outlined the site location. The site was located within the Parish of Southbourne, with part of the site falling within the settlement boundary of Nutbourne West. Miss Thatcher reminded the Committee that Southbourne was classed as settlement hub within the Chichester Local Plan.

Miss Thatcher highlighted the sites proximity to recent development sites including Priory Orchard and Meadow View and local features close to the site including; a public right of way, the Ham Brook and the proposed wildlife corridor.

The Committee were shown a series of photos of the site.

Miss Thatcher showed an illustrative site plan. She explained the number of proposed dwellings had reduced from 112 to 103 and drew attention to some of the associated development including a children's nursery, an ecological buffer, the proposed SuDs infrastructure and access to the site.

Miss Thatcher confirmed that there was enough headroom capacity at the Thornham wastewater treatment centre to facilitate the development.

Miss Thatcher informed the Committee of the proposed nitrate mitigation scheme, which officers now considered would provide nitrate neutrality, therefore the nitrate element had been removed from report recommendation.

Miss Thatcher explained that the appeal proposal had been tested against the 13 criteria in IPS and when applying the tilted balance officers considered the site to be a sustainable location for development.

Representations were received from;

Cllr Amanda Tait – Southbourne Parish Council
Ms Ceri Stunt – Objector
Mr Patrick Barry – Agent
Cllr Oona Hickson – CDC Member

Officers responded to comments and questions as follows

On the matter of the Wildlife Corridor; Mr Day explained how the corridor was proposed as part of the Local Plan process, using the Ham Brook as the linking habitat between the SNDP and the Chichester Harbour AONB. The width of the

wildlife corridors was not uniform but site specific. The wildlife corridors formed part of the emerging Local Plan and as such carry little weight.

With regards to the Southbourne Neighbourhood Plan; Miss Bell explained that the Chichester Local Plan was out of date. In addition, Chichester do not have a Five-Year Housing Land Supply (5YHLS), therefore the application must be determined having regard to the tilted balance.

On the matter of prematurity; Ms Bell explained that neither the developing Southbourne Neighbourhood Plan or the Chichester Local Plan were at an advanced enough stage to challenge the appeal on the issue of prematurity.

With regards to monitoring the proposed nitrate mitigation; Mrs Stevens advised that the nitrate mitigation and monitoring would be secured through the S106 legal agreement.

With regards to the viability statement; Miss Bell explained the appellant had agreed to pay the uplift costs for the proposed A27 works. However, the appellant has claimed the cost of remediating the land at the site (due to the level of contamination) is substantial and therefore they can only deliver a level of 20% affordable housing. Miss Bell informed the Committee that the viability statement was currently being independently verified. She explained that the Council had not agreed to the proposed 20% affordable housing level as they were waiting for the results from the independent assessor, if the assessor does agree with the appellants calculations, then the council will not challenge at appeal. However, if the independent verification does not agree with the appellant the council will put their case to the Planning Inspector at appeal.

With regards to the floodzone; Miss Thatcher confirmed that the site was in floodzone 1 which was the lowest risk.

With regards to the scrap yard business; Miss Thatcher drew the Committee's attention to paragraph 6.57 – 6.59 (page 187) which explained that the business would be closing down regardless as it was no longer viable.

Responding to drainage concerns; Miss Bell acknowledged the concerns raised, however, she explained there was no evidence to show an Inspector that there was not enough capacity.

Miss Bell confirmed the Appeal date was set for 11 July 2023.

Following a vote, the Committee agreed to support the recommendation set out in the Agenda Update Sheet along with the additional reason to secure conditions for bike racks at the nursery and; native planting throughout the site.

Resolved;

That the Planning Committee;

- i) Notes the information within the report, and
- ii) To contest the appeal APP/L3815/W/23/3318548 only in respect of;

A27 highway contribution

- In the scenario where the appellant's recently submitted viability information is not agreed by the Council's appointed Independent advisors that the appeal is defended on the grounds of a lack of financial contribution of the scale envisaged in the draft Policy T1 of the Local Plan 2021-2039: Proposed Submission to enable the Council to secure the identified A27 highways improvements
- In the scenario where the appellant's recently submitted viability information is agreed by the Council's appointed Independent advisors, the S106 Agreement is negotiated on the basis of a financial contribution towards the coordinated package of highway works on the A27 Chichester bypass, in accordance with the formula set out in the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) calculated at the time of granting any permission. The current estimate is £788,256 (102 (net increase) x £7,728 per dwelling) and a reduced on-site affordable housing provision of no less than 20% affordable housing (21 dwellings)

S106 Obligation

- Lack of infrastructure provision (affordable housing, nitrate mitigation land, recreation disturbance mitigation, public open space, allotments and community orchard, ecological buffer to the Ham Brook, a public right of way contribution and travel plan monitoring) until a S106 Legal Agreement is agreed

Secure the following additional conditions;

- Bike racks at the nursery
- The inclusion of native planting

**Cllr Todhunter left the meeting at 2.55pm*

14 **Response to Government consultation on 'Introduction of a use class for short term lets and associated permitted development rights'**

Cllr Johnson re-joined the meeting and continued as Chairman.

Mrs Stevens introduced the report.

Mrs Stevens responded to questions and comments as follows;

Q11. Mrs Stevens agreed to amend the response to acknowledge economic benefit of allowing flexibility for short term lets, but caveat how difficult it would be to monitor.

Q12. Mrs Stevens agreed to change the answer to 90 days.

Mrs Stevens invited members of the Committee to forward any further comments/amendment to her by 5 June 2023. These would be considered and discussed with the Chairman before the final response was submitted.

Following a vote, the Committee agreed to support the recommendation including the agreed amendments to questions 12 and 18.

Resolved; that the Planning Committee have considered and agreed the attached responses, including amendments to questions 12 and 18, to the consultation questions for submission in response to the government consultation on 'introduction of a use class for short term lets and associated permitted development rights'

**Cllr Todhunter re-joined the meeting at the start of item 14.*

15 **Consideration of any late items as follows**

There were no late items.

16 **Exclusion of the Press and Public**

There were no Part 2 items.

The meeting ended at 3.56 pm

CHAIRMAN

Date: