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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 14 June 2023 at 9.30 am

Members Present: Mr S Johnson (Chairman), Mr D Betts, Mr R Briscoe, Ms B Burkhart, Mrs D Johnson, Mr H Potter, Ms S Quail, Mrs S Sharp and Mr C Todhunter

Members not present: Mr J Cross, Mr R Bates, Mr J Brookes-Harmer and Mrs H Burton

In attendance by invitation:

Officers present: Mrs F Stevens (Divisional Manger for Planning), Miss N Golding (Principal Solicitor), Miss J Bell (Development Manager (Majors and Business)), Miss D Smith (Development Manager (Applications)), Mr T Day (Environmental Coordinator), Miss S Haig (Planning Officer), Mr D Price (Principal Planning Officer), Mr A Robbins (Senior Planning Officer), Mr J Saunders (Development Manager (National Park)), Ms J Thatcher (Senior Planning Officer, Majors and Business) Mr C Thomas (Senior Planning Officer) and Mrs F Baker (Democratic Services Officer).

17 **Chairman's Announcements**

The Chairman announced that due to unprecedented technical issues the meeting would be adjourned until 10.30am whilst officers worked to resolve the issues.

The meeting commenced at 10.30am.

The Chairman welcomed all present to the meeting and apologised for the delay in starting. He invited Mrs Stevens to explain how the meeting would proceed. Mrs Stevens informed all present that due to ongoing technical issues paper copies of the presentations would be distributed for each item, A1 drawings would also be placed around the Committee Rooms.

The Chairman read out the emergency evacuation procedure.

Apologies were received from Cllrs Bates, Brookes-Harmer, Burton and Cross.

18 **Approval of Minutes - TO FOLLOW**

The minutes of the meeting held on Thursday 25 May 2023, had not yet been completed and would be carried forward for approval at the next meeting on Wednesday 12 July 2023.

19 **Urgent Items**

There were no urgent items.

20 **Declarations of Interests**

Cllr S Johnson declared a predetermination in Agenda Item 6 – SB/21/01910/OUT, as he had already voted on the application when it had been considered by Chidham & Hambrook Parish Council.

Cllr S Johnson declared a personal interest in;
Agenda Item 7 – SB/22/03137/FUL – as the CDC appointed member of the Chichester Harbour Conservancy
Agenda Item 11 – Planning Appeal APP/L3815/W/23/3319434 – as the CDC appointed member of the Chichester Harbour Conservancy

Cllr D Johnson declared a personal interest in;
Agenda Item 5 – SI/23/00086/FUL – as a member of West Sussex County Council
Agenda Item 6 – SB/21/01910/OUT – as a member of West Sussex County Council
Agenda Item 7 – SB/22/03137/FUL – as a member of West Sussex County Council and as the WSCC appointed member to the Chichester Harbour Conservancy
Agenda Item 11 – Planning Appeal APP/L3815/W/23/3319434 – as a member of West Sussex County Council and as the WSCC appointed member to the Chichester Harbour Conservancy
Agenda Item 12 – Planning Appeal/L3815/W22/3311285 – as a member of West Sussex County Council

Cllr Sharp declared a personal interest in;
Agenda Item 5 – SI/23/00086/FUL – as a member of West Sussex County Council
Agenda Item 6 – SB/21/01910/OUT – as a member of West Sussex County Council
Agenda Item 7 – SB/22/03137/FUL – as a member of West Sussex County Council
Agenda Item 11 – Planning Appeal APP/L3815/W/23/3319434 – as a member of West Sussex County Council
Agenda Item 12 – Planning Appeal/L3815/W22/3311285 – as a member of West Sussex County Council

21 **SI/23/00086/FUL - Land Adjacent to Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW**

Mr Thomas introduced the report, he drew attention to the agenda update sheet which included amendments to paragraph 8.40 and 8.41.

Mr Thomas went through the presentation which had been provided, outlining the site location, proposed pitch layout and elevations. For context, the presentation included photos of the site and surrounding area.

Representations were received from;
Sidlesham Parish Council – Statement read by Mrs Fiona Baker
Cllr Val Weller – CDC Ward Member

Officers responded to comments and questions as follows;

Responding to concerns raised regarding fires and acrid smoke; Miss Smith informed the Committee that officers were unaware of any complaints of this nature being made to the Environmental Health team. She further advised that issues such as this sat outside the planning process and were not a matter for consideration when determining the application.

On the matter of commercial vehicles using the site; Miss Smith informed the Committee that officers were unaware of any commercial enterprise being run from the site. She explained it would not be reasonable to attempt to restrict vehicular movements to and from a private residential site.

With regards to the number of pitches; Miss Smith clarified the number of pitches being proposed.

Responding to concerns regarding the pitches being developed into fixed accommodation; Mrs Stevens explained that if the Committee were minded to support the recommendation, there were conditions attached which controlled the occupation of the sites. If there was a breach of conditions these would be investigated and managed through the enforcement process.

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.

22 **SB/21/01910/OUT - Willowbrook Riding Centre Hambrook Hill South
Hambrook Chidham PO18 8UJ**

Having declared a predetermination in the item Mr Johnson withdrew from the meeting.

In the absence of a Chairman Miss Golding invited nominations. Cllr Quail proposed that Cllr Todhunter should act as Chairman for Agenda Item 6.

Cllr Betts seconded the nomination.

Following a vote, Cllr Todhunter was duly elected Chairman for agenda item 6.

Miss Thatcher introduced the report, she drew attention to the agenda update sheet which included; updated comments from the CDC planning policy team; an additional comment from the CDC Drainage Engineer; reference to an additional 32 third party representations; an addendum to paragraph 8.57 and an additional officer comment.

Miss Thatcher explained the application was an outline application with all matters reserved apart from access, for the demolition of all existing buildings and structures on site and the development of 63 dwellings including 3 self-build/custom build plots, parking, landscaping, and associated works.

Miss Thatcher informed the Committee that the item had been deferred at the Planning Committee on 7 December 2022 to allow officers time to clarify the implications of the written ministerial statement (HCWS415). The changes to the NPPF were still draft, therefore the application had been assessed against the current NPPF and policies as set out in the report. In addition, the application had been further delayed because of the required upgrade works on the A27, the applicant had agreed to pay the required uplift in contributions.

Miss Thatcher highlighted the site location which was adjacent to the Hambrook settlement. She explained the site crossed the parish boundaries of both Southbourne and Chidham & Hambrook Parish Council. Most of the development would be within Southbourne Parish Council, with access to the site from the Chidham & Hambrook side.

Miss Thatcher highlighted some key features of the site including the proximity to the Scant Road development, the Ham Brook and the area of land which would be used to provide nitrate mitigation. The nitrate mitigation land would be planted with trees at a density of 100/ha.

Miss Thatcher explained the application included a Land Use Parameter Plan, which would be secured by condition and through legal agreement. She highlighted some of the key features of the plan including; the 25m ecological buffer zone, 10m tree belt, the Local Equipped Area of Play (LEAP) and the SUDs attenuation ponds.

Miss Thatcher informed the Committee of some key amendments that had been received during the application process including; further ecological reports and mitigation, a lighting plan, a reduction in development from 73 to 63, inclusion of a 10m wide tree belt and the removal of all new dwellings from the proposed wildlife corridor.

Miss Thatcher informed the Committee that Natural England, and the CDC Environmental officer had no objection (subject to proposals being secured through condition and legal agreement).

Miss Thatcher highlighted the proposed pump station which would utilise a connection to the public foul wastewater system. She further outlined the proposed drainage solution and mitigation measures proposed to prevent any surcharge into the stream.

Miss Thatcher detailed the proposed access, highlighting the footway which would be widened to 1.8m which would extend from the site to Priors Leaze Lane, in addition a new footway would be built along Priors Leaze Lane to link with the existing footway in Hambrook. WSCC have reviewed the plans and raised no objection.

Miss Thatcher referred to recent appeal cases within the area and explained that in both cases the Inspector had found the sites to be well serviced by local amenities.

The Committee were shown a number of photos of the site and surrounding area.

Miss Thatcher advised the Committee that the site was identified in the HEELA as being deliverable. The council was also in the position of having a no five-year housing land supply and as such the Tilted Balance was engaged. She explained that the application had been tested against the Interim Position Statement and scored well, with any adverse impacts from the development neither significantly nor demonstrably outweighing the benefits.

Representations were received from;

Cllr Jane Towers - Chidham & Hambrook Parish Council

Cllr Kerry-Bedell – WSCC Member

Ms Ceri Stunt – Objector

Mr Marc Davies (Friends of the Ham Brook) – Objector

Mr Roy Seabrook (Southbourne Parish Neighbourhood Plan) – Objector

Fay Goodson – Developer

Cllr Tracie Bangert – CDC Member

Cllr Adrian Moss – CDC Member (Statement read by Fiona Baker)

Cllr Oona Hickson – CDC Member (statement read by Jonathan Brown)

Officers responded to comments and questions as follows;

On the definition of what constitutes a sustainable walking distance; Mr Shaw informed the Committee that there was no set definition on what merited an acceptable walking distance. He explained a more holistic approach was taken, and although the site was semi-rural there were local amenities and sustainable transport options within close proximity. In addition, recent appeal decisions had deemed the area was sustainable.

With regards to the wildlife corridors; Mr Day explained that the corridors had been included within the Local Plan to try and connect the Chichester Harbour with the South Downs National Park. He informed the Committee the Ham Brook had no statutory designation but agreed it did provide a high-quality habitat which was why a buffer had been maintained within the proposed corridor.

With regards to comments made by Natural England in the report; Mr Day explained these had been made in reference to the flight lines and were in response to the HRA.

Responding to the issue of prematurity; Miss Bell referred to the NPPF which set out guidance on when prematurity can be applied in determining an application.

Although the Local Plan had completed the Reg 19 stage it had not reached examination stage which meant it would be very hard to justify prematurity as a reason for refusal. In addition, it was officer opinion that the council position would not have advanced at the time of any appeal.

On the matter of Southbourne Neighbourhood Plan; Miss Bell informed the committee that the Southbourne Neighbourhood Plan had failed at examination. A new Neighbourhood Plan has been submitted and the Reg 16 stage has been completed, however, Miss Bell cautioned the Committee that the Plan had been tested against the current Local Plan and not the emerging Local Plan. NPPF guidance on Neighbourhood Plans and the application of prematurity would not be appropriate until the plan had completed the Reg 16 process, Miss Bell acknowledged the Southbourne Neighbourhood Plan had completed this stage, however, it would be difficult for officers to evidence as the plan was not aligned with the emerging Local Plan. In addition, it was yet unknown how the Southbourne Neighbourhood Plan would affect the Tilted Balance.

Responding to comments regarding the Council's position when they have a three-year housing supply; Mrs Stevens explained that when there was a made Neighbourhood Plan, they could resist additional housing in the area. However, the Southbourne Neighbourhood Plan has not been made, therefore in officer opinion it does not have enough weight for refusal on those grounds to be applied. She referred to the NPPF paragraph 14.

With regards to the loss of employment land; Miss Thatcher drew the Committee's attention to p.116 of the report. The applicant had confirmed the B & B was closed in 2019. With regards to the Horse-Riding Centre, Miss Thatcher explained that policy 55 did not address the protection of loss of such a facility only the provision. The centre currently employed 1FTE and 1PTE.

On the matter of road safety; Mr Shaw confirmed that the applicant had undertaken a road safety audit, three issues had been identified as part of the process. All identified issues had been addressed and WSCC were satisfied.

On the matter of nitrate mitigation; Miss Bell referred the Committee to the aerial photos in the presentation and clarified the area that was proposed for the mitigation. The proposed level of planting was standard and would be monitored by CDC officers. In addition, Mrs Stevens reminded the Committee that nitrate mitigation was not about tree planting but taking the land out of nitrate use.

Cllr Briscoe proposed that the item be deferred for a site visit.

Cllr Betts seconded the proposal.

Following a vote, the Committee agreed to support the proposal to **defer for a site visit**.

Resolved; **Defer for a site visit**.

**Members took a five-minute break.*

23 **SB/22/03137/FUL - Paynes Boatyard Thornham Lane Southbourne West
Sussex PO10 8DD**

Cllr Johnson returned to the meeting and duly continued as Chairman for the rest of the meeting.

Having a personal interest in the site Mrs Stevens withdrew from the Committee Table. Miss Smith continued in the role as lead officer.

Miss Haigh introduced the report, she drew attention to the agenda update sheet which included an additional reason for refusal.

Miss Haigh outlined the site location which was located to south of the Southbourne settlement boundary. She detailed the proposed layout and elevations, with the proposed living accommodation being entirely at first floor level to mitigate flood risk.

The Committee were shown a number of photos of the site and surrounding area.

Miss Haigh explained the application was recommend for refusal for the reasons set out in the report and the additional reason detailed in the agenda update.

Representations were received from;
Southbourne Parish Council – (statement read by Fiona Baker)
Mr Robin Johnson – Supporter
Mr Bill Wardroper – Supporter
Mr Hedley Jones – Supporter
Dr Thomas Douglas – Applicant
Cllr Tracie Bangert – CDC Member
Cllr Adrian Moss – CDC Member (statement read by Fiona Baker)

Officers responded to comments and questions as follows;

Miss Smith confirmed that there were other residential dwellings within the area, however, no recent permissions had been granted, so flood risk had not been a determining factor in those historic permissions.

On the matter of visual impact to the AONB; Miss Haigh confirmed that it was officer opinion there would be no harmful visual impact on the harbour and so no visual harm would come from the development.

Miss Smith explained that the refusal was an 'in principle' objection to Chichester Local Plan Policy 45. The applicant had not demonstrated an essential need for the property, security was not deemed an essential need as there were other ways in which this could be delivered, for example through CCTV and the installation of a barrier. In addition, no evidence had been provided to show that there were security issues on site.

Miss Smith clarified that the building could not be classified as a live/work unit as there was no commercial element shown within the proposed new dwelling.

On the matter of flood risk, Miss Smith informed the Committee that due to the identified flood risk, zone, national guidance required the applicant to undertake a sequential test, but this had not been undertaken as part of the application. She advised that if the Committee was minded to allow the development, conditions should be attached to ensure that the development was completed in accordance with the submitted Flood Risk Assessment is and an additional condition attached requiring an emergency evacuation plan to be submitted.

A Member pointed out that the Economic Development team supported the need for a house at the site; Miss Smith acknowledged the comments made however, planning officers and the Committee needed to consider a much wider suite of policies and no essential need for the development had been demonstrated.

Following a vote, the Committee went against the officer recommendation to **refuse**.

Cllr Todhunter proposed the application be deferred for S106 and relevant conditions and then permitted, on the grounds that the development supported a key local business and there was a need for a worker to remain on site.

Cllr D Johnson seconded the proposal

Following a vote, the Committee voted in favour of Cllr Todhunter's proposal.

Resolved; **defer for S106 and the relevant conditions then permit.**

**Members took a twenty-minute break*

**Cllr Briscoe left following the conclusion of the item*

24 **SDNP/21/03134/FUL - Durleigh Marsh Car Sales Durleighmarsh Rogate GU31 5AY**

Mr Price introduced the report. He outlined the site location which was located on the southern side of the A272.

The Committee were shown the proposed elevations and floorplan of the application which would change the use from a former office and workshop to a tourist accommodation. A number of photos were provided showing the current buildings on site.

There were no representations.

Officers responded to comments and questions as follows;

On the matter of wildflowers; Mr Price confirmed a further condition could be included to ensure biodiversity on site is enhanced.

In response to the viability of such a business; Mr Price acknowledged the comment however, whilst it may not be to everyone's taste, evidence from Airbnb and Booking.com would suggest that it would be attractive to some tourists.

With regards to the keeping of a guest register; Mr Price explained this was a method which could be used by the local authority to monitor the occupation of the accommodation and undertake spot checks if required.

Mr Price clarified the material which would be used to roof the building.

With regards to the provision of cycle parking; Mr Saunders agreed that a condition could be included to secure cycle parking on site.

Before moving to the vote, the Chairman confirmed the additional conditions as;

- A condition to secure biodiversity and;
- A condition to secure cycle parking on site.

Following a vote, the Committee agreed to support the report recommendation to **approve**, including the additional conditions as agreed.

Resolved; **approve**, subject to the conditions and informatives set out in the report, and the two additional conditions as agreed.

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

Mrs Stevens drew the Committee's attention to recent appeals dismissed regarding gypsy and traveller sites. She explained that whilst the appeals had been dismissed it was important to note that they had only been dismissed as the applicant had not provided evidence to show how nitrate neutrality was to be achieved.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

**Members took a five-minute break*

27 **Planning appeal APP/L3815/W/23/3319434 - Land off Main Road, Birdham PO20 7DR**

Mr Robbins explained the Committee were not determining the application. He informed them that the appellant had lodged an appeal that would be determined by the Planning Inspectorate at a Public Inquiry on 12 September 2023.

Mr Robbins introduced the report, he drew attention to the agenda update sheet which included; an addendum to paragraph 6.43; a further update in respect of drainage; additional third-party representations (of which there had been 20); an update from the appellant confirming that they were willing to provide financial contribution towards the A27 and; an amendment to the report recommendation.

Mr Robbins highlighted the site location and drew attention to the public right of way which ran parallel to the site.

The Committee were shown a series of photos from within the site, the proposed access point and right of way.

Mr Robbins explained the application was an Outline application with all matters reserved apart from access. If the Planning Inspector was minded to allow the appeal, Chichester District Council would be the determining authority for the REM application.

Mr Robbins showed the indicative plan submitted by the appellant, he informed the Committee that officers would recommend that if allowed, the inspector attached a condition ensuring the future REM application conformed with the indicative plan.

Mr Robbins highlighted some of the key benefits proposed, including a net biodiversity with 4.14ha set aside for green infrastructure and the installation of a Puffin Crossing on Birdham Road. The site was sustainable and close to local services, with the village of Birdham accepted as a service village.

Mr Robbins advised the Committee that as the council had no five-year housing land supply (5YHLS) the tilted balance was engaged. He explained what the tilted balance was and how officers had considered this. The two areas of harm considered were to the surrounding landscape and the scale of the development, however, officers were unable to demonstrate that any harm caused would outweigh the need for housing.

Representations were received from;

Mr David Williams (Birdham Village Association) – Objector

Dr Richard Austin – (Chichester Harbour Conservancy) - Objector (Statement read by Fiona Baker)

Dr Kate Bolton – Objector (Statement read by Fiona Baker)

Cllr Elizabeth Hamilton – CDC Member

Officers responded to comments and questions as follows;

On the matter of surface water run-off from the development; Mr Robbins explained the field had historically been drained by a pumping system. The appellant was considering other technical solutions. The final drainage strategy would be secured

by condition as part of the REM application. Officers agreed that a technical solution could be found.

Miss Golding advised the Committee that as the S106 had not been signed it needed to remain within the recommendation.

With regards to foul sewage; Mr Robbins acknowledged the concerns raised; however, the Planning Inspectorate would consider all probabilities and most likely conclude that by the time the REM application is submitted there would be appropriate headroom within the system.

On the matter of agricultural land loss; Mr Robbins confirmed the land was grade 2 agricultural land. Ms Bell clarified that some weight was attributed to the loss of agricultural land, however, when the tilted balance is applied it was not significant enough to outweigh the need for housing.

Regarding road safety; Mr Robbins confirmed that WSCC had been consulted and would not be submitting any objection to the appeal.

On the matter of previously developed land; Mrs Stevens explained there was not enough previously developed land within the district to meet the housing need.

With regards to land raising; Mr Robbins clarified that selective land modelling may be considered as part of a drainage solution, which would be addressed through the REM application.

Miss Bell clarified that Active Travel England had only become a statutory consultee in June 2023, therefore they had not submitted any formal response in respect of the appeal application.

Responding to the information the Planning Inspector would consider; Mr Robbins confirmed that the Planning Inspector will make a determination based upon the most current information available at the time.

Mrs Stevens acknowledged the Committee's concerns regarding the proposed development however, the Committee had to identify how these impacts significantly and demonstrably outweighed the benefits.

Miss Bell advised that the Sustainability Appraisal undertaken to support the developing Local Plan would not be at stage that would allow it significant weight at appeal.

Following a hung vote, the Chairman used his casting vote to support the report recommendation including the amendment detailed in the Agenda Update Sheet;

- i) That the Planning Committee notes the information within the report, and;**
- ii) Agrees to contest appeal APP/L3815/W/23/3318548, only in respect 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 highway improvements

- b. Lack of infrastructure provision (affordable housing, off site highways works, recreational disturbance mitigation, public open space, ecological buffer to eastern boundary of the site, public right of way contribution and travel plan monitoring) until a S106 Legal Agreement is agreed.**

- iii) Agrees to dispute the appellant's evidence on housing supply if it differs materially from the Council's position.**

**Members took five-minute break.*

**Cllr Sharp left the meeting at the conclusion of the item.*

28 Planning Appeal APP/L3815/W/22/3311285 - The Stables Cemetery Lane Woodmancote Westbourne PO10 8QB

Mr Thomas introduced the report, he drew attention to the agenda update sheet which included; an additional representation from Westbourne Parish Council; an amendment to paragraph 4.19 and an amendment to the report recommendation. Mr Thomas corrected the recommendation on the update sheet.

Mr Thomas explained the Committee was not the determining authority, the Planning Inspector would determine the application at a Hearing on 7 July 2023.

Mr Thomas highlighted the site location, drawing attention to its proximity with neighbouring sites. He showed the Committee the proposed layout and explained how nitrate neutrality would be achieved.

The Committee was shown photos of the site and the surrounding area.

Mr Thomas drew the Committee's attention to two recent Appeal decisions regarding Gypsy and Traveller sites at Newells Lane and Monks Hill. Full details of both Appeals were set out within the report; however, it was important that the Committee acknowledged the significant weight the Inspector placed on the unmet need for gypsy and traveller accommodation.

Mr Thomas highlighted the proximity of the Appeal sites to the application site.

There were no representations.

Following a vote, the Committee agreed to support the report recommendation as amended on the Agenda Update Sheet.

- i) That the Planning Committee notes the information within the report,**
- ii) Agrees that the Council does not contests the appeal (APP/L3815/W/22/3311285), subject to conditions and secured S106 agreement**

29 Consideration of any late items as follows:

There were no late items.

30 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 4.33 pm

CHAIRMAN

Date:

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