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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 12 July 2023 at 9.30 am

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

Members not present: Mr D Betts 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 O Broadway (Principal Conservation and Design Officer), Mr J Bushell (Principal Planning Officer), Mr M Mew (Principal Planning Officer), Mr J Saunders (Development Manager (National Park)), Miss B Stubbington (Planning Officer (South Downs National Park)), Mr C Thomas (Senior Planning Officer) and Mrs F Baker

31 **Chairman's Announcements**

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

The Chairman informed the Committee that the following items had been withdrawn from the Agenda;

Agenda Item 8 – CC/23/00600/FUL – Duke and Rye, West Street, Chichester. The Chairman explained the item had been withdrawn from the agenda as further information was required concerning noise and heritage matters.

Agenda Item 9 – CC/22/03202/LBC – Duke and Rye, West Street, Chichester. The Chairman explained the item had been withdrawn from the agenda as it was connected to agenda item 8, and it was considered that they should be considered by Planning Committee at the same time.

Agenda Item 10 – CC/21/03421/FUL – The Old Church, Whyke Road. The Chairman explained the item had been withdrawn due to an error in the location plan that required rectifying.

Agenda Item 12 – SY/22/02481/FUL – 36 Beach Road, Selsey. The Chairman explained the item had been withdrawn from the agenda due to an error in the plan that required rectifying.

Apologies were received from Cllrs Betts and Burton.

32 **Approval of Minutes**

The following amendment was requested by Cllr Todhunter;

- Page 5, paragraph 7, 5th line; the word 'agreed' be inserted as follows; *'unless otherwise **agreed** in writing'*.

Following a vote, the amended minutes of the meeting held on Wednesday 25 May 2023 were agreed as a true and accurate record.

Following a vote, the minutes of the meeting held on Wednesday 14 June 2023 were agreed as a true and accurate record.

33 **Urgent Items**

There were no urgent items.

34 **Declarations of Interests**

Cllr Johnson declared a predetermination for the following item;

- Agenda Item 16 – Planning appeal APP/L3815/W23/3322020

Cllr Johnson explained that he had voted against the application (in his capacity as a Parish Councillor) when the application was considered by Chidham & Hambrook Parish Council.

Cllr Todhunter declared a pecuniary interest for the following item;

- Agenda Item 11 – LX/23/01104/FUL

Cllr Todhunter explained that he lived in a property which directly bordered the application site.

Cllr Cross declared a personal interest in;

- Agenda Item 13 – SDNP/22/02474/FUL – as the Chichester District Council appointed member of the South Downs National Park.
- Agenda Item 16 - Planning appeal APP/L3815/W23/3322020 – as the CDC appointed member of the South Downs National Park

Cllr D Johnson declared a personal interest in;

- Agenda Item 5 – NM/22/02191/OUT – as a member of West Sussex County Council
- Agenda Item 7 – BO/21/00620/FUL – as a member of West Sussex County Council
- Agenda Item 11 – LX/23/01104/FUL – as a member of West Sussex County Council
- Agenda Item 13 – SDNP/22/02474/FUL – as a member of West Sussex County Council
- Agenda Item 16 – Planning appeal APP/L3815/W23/3322020 – as a member of West Sussex County Council

Cllr S Johnson declared a personal interest in;

- Agenda Item 6 – BO/23/00595/FUL – as the Chichester District Council appointed member of the Chichester Harbour Conservancy
- Agenda Item 7 – BO/21/00620/FUL – as the CDC appointed member of the Chichester Harbour Conservancy

Cllr Sharp declared a personal interest in;

- Agenda Item 5 – NM/22/02191/OUT – as a member of West Sussex County Council
- Agenda Item 7 – BO/21/00620/FUL – as a member of West Sussex County Council
- Agenda Item 11 – LX/23/01104/FUL – as a member of West Sussex County Council
- Agenda Item 13 – SDNP/22/02474/FUL – as a member of West Sussex County Council
- Agenda Item 16 – Planning appeal APP/L3815/W23/3322020 – as a member of West Sussex County Council

35 **NM/22/02191/OUT - Charmans Field Marsh Lane Runcton West Sussex**

The Planning Committee had undertaken a site visit on Monday 10 July 2023.

Mr Bushell introduced the report. He drew the Committee's attention to paragraph 8.1 (page 52) of the report which provided further background detail on the application site. Mr Bushell explained that when officers (under delegated powers) had refused the previous application for 113 dwellings at the site, the council had been able to demonstrate a five-year housing land supply. The council were no longer able to demonstrate a five-year housing land supply which meant the 'tilted balance' was engaged in favour of development unless significant and demonstrable harm could be evidenced.

Mr Bushell outlined the site location, which was located on the eastern edge of the existing Runcton settlement boundary and abounded by Marsh Lane and Lagness Road. He highlighted the proposed access arrangements and new road layout which would be delivered as part of the application. Mr Bushell also drew attention to neighbouring land which was in the applicant's ownership and highlighted the site's proximity to the Lowlands development site.

Mr Bushell showed the Committee the proposed parameters plan, which he advised the committee would be conditioned. He informed the Committee that there were two 'below ground' constraints; one was in relation to an existing Southern Water sewer pipe and the second in relation to a Portsmouth Water water main.

The Committee were shown an illustrative layout plan, Mr Bushell reminded them this was not part of the application being determined. Pages 33 and 34 of the report detailed the proposed mix and tenure of the 94 units.

Mr Bushell highlighted the proposed sustainable drainage scheme; the foul water drainage system and the proposed sustainability measures including a fabric first approach and solar panels.

Mr Bushell detailed the proposed access arrangements to the site. As part of the proposed improvements, he informed the Committee the bus stop on Lagness Road would be upgraded and a Real Time Passenger Information sign installed, along with new and upgraded footway and cycle links. All the proposed works would be secured through both a Section 106 agreement and a Section 278 agreement.

Mr Bushell informed the Committee that it had been agreed the new permissive footpath, would be maintained by West Sussex County Council for the first 10 years.

Mr Bushell drew attention to the Agenda Update sheet which included additional comments from North Mundham Parish Council and the Chief Executive of Nature's Way.

Representations were received from;
North Mundham Parish Council – Cllr David Maclean
Oving Parish Council – Cllr Stephen Quigley
Clare Goldsmith – Objector
Dr Chris Nutting – Objector
Prof. Richard Kiely - Objector
Mr David Smith – Supporter
Mr Richard Boulter – Supporter
Mr Andy Tubb - Supporter
Ms Lisa Jackson – Agent

Officers responded to comments and question as follows;

Responding to concerns that the site was not within a settlement boundary; Mr Bushell drew the Committee's attention to page 54 of the report, which detailed criteria from the Council's Interim Position Statement (IPS) which the application had been tested against. He advised the Committee that the site did satisfy the IPS criteria 1 as the site and the settlement boundary were on opposite sides of the road.

On the matter of foul water capacity; Mr Bushell acknowledged the concerns raised, however, as set out on page 63 of the report, Southern Water, as the statutory

undertaker had confirmed that there was adequate capacity at the Pagham Waste Water Treatment Works (PWwTW). Southern Water had also confirmed that they could provide the required infrastructure to connect the development to the public sewer.

On the matter of affordable housing mix; Mr Bushell referred the Committee to page 34 of the report which detailed the proposed mix of housing. In addition, Ms Bell confirmed that the proposed mix was based on the Council's register of housing need.

With regards to the tilted balance; Mrs Stevens advised the Committee that whilst the emerging Local Plan had some weight it was not significant, in addition the Council could not demonstrate a five-year housing land supply (5YHLS) therefore the tilted balance was engaged in favour of development; unless Members were able to identify any significant and demonstrable harm.

With regards to education; Mr Bushell confirmed that no comment had been received from WSCC education department, therefore as no objection had been raised officers had assumed there was capacity within the local schools.

Responding to concerns regarding surface water drainage; Mr Bushell informed the Committee that conditions 5 and 16 had been proposed to safeguard the future management and maintenance of the proposed SUDs scheme. In addition, the Drainage Officer had made no objection as they believed the proposed scheme would satisfactorily manage the drainage.

On the issue of speed limits on the main road; Mr Bushell confirmed that WSCC Highways had tested the proposals and were satisfied. He informed the Committee that a speed reduction was a separate process and not part of the planning application.

Following a vote, the Committee agreed to support the report recommendation to **defer for clarification on the following points;**

- **Education** – clarification sought from WSCC on school place availability.
- **Transport** – clarification from WSCC on any safety issues associated with road crossings and children walking to school.
- **Surface Water Drainage** - clarification from Environment Agency on any impacts on the upkeep of Pagham Rife
- **Foul Water Drainage** – clarification from Southern Water regarding any necessary infrastructure upgrades to accommodate development.
- **Lighting** – the impact of internal growing lights in the glasshouses at Runcton Nursery on the residential amenity of future dwellings.

Resolved; **Defer for further information (as detailed above).**

**Members took a five-minute break*

36 **BO/23/00595/FUL - Five Elms Stumps Lane Bosham Chichester West Sussex PO18 8QJ**

Mr Mew introduced the report.

He outlined the site location and explained that it fell within the settlement boundary of Bosham and the Chichester Harbour AONB. Access to the site was from Stumps Lane.

Mr Mew explained that planning permission had been granted in 2023 for the demolition of an existing dwelling and garage, and the erection of a replacement dwelling and garage and amendments to site levels and additional planting. The application being considered by the Committee was for the variation of Conditions 2 and 16 in order to amend the elevations in response to flood risk.

Mr Mew showed the Committee the original elevations agreed, he then overlaid the proposed elevations which showed the proposed amendments, he confirmed that the overall height of the building would increase by 0.25m

Representations were received from;
Bosham Parish Council – Cllr Penny Plant
Mr Mark Hayman – Agent

Officers responded to comments and question as follows;

Mr Mew told the Committee that he believed the adjacent pumping station was for waste water.

Mr Mew explained that Condition 5 formed part of the extant permission; however; if the Committee were minded to approve the application officers could amend the condition to include native planting within the landscaping proposals.

Responding to concerns that the green roof would be used as an amenity area; Mr Mew explained Condition 23 prohibited the occupants from using the area in this way.

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.

37 **BO/21/00620/FUL - Burnes Shipyard Westbrook Field Bosham PO18 8JN**

Mr Thomas introduced the report. He informed the Committee that the site had been deferred by the Committee on 6 April 2022 for further information on the following;

- Landscaping
- The importation of materials required to raise the height of the ground (including the amount of material, the number of vehicles and the routing of vehicles)
- Nitrogen mitigation proposal

Mr Thomas outlined the site location, which was within the Parish of Bosham, and the Chichester Harbour AONB. He explained the site was occupied by a number of redundant commercial buildings and the application proposed a comprehensive redevelopment of the site.

The Committee were shown a proposed layout of three properties, including the proposed parking and landscape arrangements. Mr Thomas highlighted that the proposed development considerably reduced the current building area.

Mr Thomas detailed the proposed flood protection and explained how the terracing would be built into the site and away from the public right of way. A series of graphics were shown to provide context on the proposed terracing.

Mr Thomas highlighted the applications proximity to the public right of way. He also highlighted the changes in landscaping and tree planting.

Mr Thomas explained that there would be a large volume of material brought in to raise the land to agreed flood protection levels. The movement of material was detailed in the report.

Representations were received from;
Bosham Parish Council – Cllr Penny Plant
Mr Andrew Warner – Objector
Dr Richard Austin (Chichester Harbour Conservancy) – Objector (statement read by Mrs Fiona Baker)
Miss Kate Dachowski (Bosham Conservation Group & Manor of Bosham) – Objector
Mr Christopher Hitchings – Supporter
Mr Dick Pratt – Supporter
Mrs Kerry Simmons - Agent

Following a disruption from a member of the public the Chairman adjourned the meeting for a short period whilst the matter was resolved.

Officers responded to comments and question as follows;

Ms Stevens confirmed that all relevant planning policy had been considered as part of the application process. She reminded the Committee that the emerging Local Plan had limited weight and was not at the examination stage.

Mr Thomas acknowledged comments regarding alternative uses for the site, however, he reminded the Committee that they must consider the proposal that was in front of them.

Mr Thomas confirmed the height of ridgeline, and explained the chimneys were purely architectural features and would not be used in the properties. He informed the Committee that the development incorporated a number of sustainable measures such as air source heat pumps which would be secured through the S106 agreement.

Responding to concerns regarding the loss of an employment site; Miss Smith noted the Committee's concerns; however, she explained that the site was classified as having a 'nil' use and as such there was no policy requirement for the applicant to market the site before submitting an application.

In response to the use of a Section 215; Miss Smith explained that this was an enforcement measure, it was not a straightforward process and would need further consideration outside the application process.

Cllr Briscoe proposed the application be deferred for a site visit.

Cllr Cross seconded the proposal.

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

Resolved; **defer for site visit.**

**Members took a 30-minute break*

38 CC/23/00600/FUL - Duke And Rye St Peters Market Formerly St Peters Church West Street Chichester West Sussex PO19 1QU

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

39 CC/22/03201/LBC - Duke And Rye St Peters Market West Street Chichester West Sussex PO19 1QU

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

40 CC/21/03421/FUL - The Old Church Whyke Road Chichester PO19 8HA

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

41 LX/23/01104/FUL - Land South West of Willets Way Willetts Way Loxwood

West Sussex

Having declared a pecuniary interest in the item Mr Todhunter withdrew from the meeting.

Mr Thomas introduced the report. He outlined the site location which was located to the south of Loxwood village.

Mr Thomas highlighted the proposed vehicle access which was a single entry point off Willetts Way.

The Committee were shown the proposed layout and elevations of the five properties, Mr Thomas explained there would be a mix of 2, 3 and 4 bedroom chalet style properties.

Mr Thomas highlighted the proposed planting on the site.

The committee were shown a number of photos from the site.

Representations were received from;

Mr Dan Todhunter – Objector

Mrs Hannah Carey – Objector (statement read by Mrs Fiona Baker)

Mr Huw James – Agent

Cllr Gareth Evans – CDC Ward member

Officers responded to comments and question as follows;

On the matter of water neutrality; Mrs Stevens reminded the Committee what was meant by water neutrality and why developers in the area had to provide some form of mitigation. She confirmed that the Natural England (who were the responsible authority) had reviewed the proposals and were satisfied with mitigation measures proposed. In addition, the measures would be secured through the S106 agreement.

Responding to concerns that there was no village shop; Mrs Stevens acknowledged concerns; however, she informed the Committee that there was a planning application for 27 homes and a village shop within Loxwood. In addition, Loxwood had been identified as a service village within the Local Plan.

With regards to the proposed chimneys; Mr Thomas was unaware of whether the chimneys were for decorative purposes or whether they would be used in the properties.

On the matter of landscaping; Mr Thomas confirmed that officers could secure better landscaping along the southern boundary.

With regards to sustainability measures; Mr Thomas explained that were a number of sustainability measures incorporated within the development including a fabric first approach and solar panels.

Following a tied vote, the Chairman used his casting vote to support the report recommendation to **defer for section 106 then permit**.

Resolved; **defer for section 106 then permit**, subject to the conditions and informatives set out in the report.

42 **SY/22/02481/FUL - 36 Beach Road Selsey West Sussex PO20 0LU**

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

43 **SDNP/22/02474/FUL - Jays Farm Bignor Down Bignor West Sussex RH20 1PQ**

Mr Saunders introduced the report, they drew attention to the agenda update sheet which included; an additional third-party representation from the National Farmers Union and additional supporting information from the applicant.

Mr Saunders outlined the site location; he highlighted the sites proximity to the conservation area and public right of way; he also drew attention to the listed building that were located near to the site.

Mr Saunders showed the Committee photos of the site and the building that was to be converted, along with the proposed layout and elevations.

Mr Saunders drew the Committee's attention to paragraph 8.1 of the report and explained why the application was recommended for refusal.

Representations were received from;
Bignor Parish Meeting – Ms Anne Gillam
Cllr Tom Richardson – WSCC Councillor (statement read by Mrs F Baker)
Mr David Wood – Supporter
Ms Isobel Budden NFU – Supporter (statement read by Mrs Fiona Baker)
Mr Charles Williamson – supporter (statement read by Mrs Fiona Baker)
Mrs Molly Tupper – Applicant

Officers responded to comments and question as follows;

Regarding water neutrality; Mr Saunders informed the Committee that Natural England had reviewed the application and confirmed that the development would be water neutral.

Regarding the curtilage of the site; Mr Saunders highlighted the development and confirmed that there would be a small outside area enclosed within the proposed site boundary.

On the matter of class Q development; Mr Saunders informed the Committee that Class Q development did not apply within National Parks. He informed the Committee that a specialist report had been commissioned to consider the agricultural need. The report had considered all relevant policies and concluded that the essential need could be met through one of the other properties in the family's ownership.

Mr Saunders acknowledged that the development presented a more aesthetically pleasing development than what was currently in place.

Mr Saunders confirmed that if the Committee wished to allow the application, conditions could be added to restrict the building to agricultural worker.

Cllr Cross proposed the Committee permit the application as he felt that there was clear need for the development, which was supported by both a vet (on the grounds of animal welfare) and the NFU.

Cllr Bates seconded the proposal.

Before going to a vote Mrs Stevens advised that the if the Committee were minded to allow the application, they may wish to consider deferring the application to allow the council time to advertise departure from the Development Plan.

Following Mrs Stevens advice, Cllr Briscoe proposed that the application be deferred to allow time for it to be publicised as a departure from the Development Plan.

Cllr Burkhart seconded the proposal.

Following a vote, the Committee agreed to support the recommendation to defer to allow time for it to be to publicised as a departure from the Development Plan.

Resolved; **defer**, for the reason set out above.

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

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

The Committee agreed to note the item.

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

The Committee agreed to note the item.

46 **Planning appeal APP/L3815/W/23/3322020 - Land North of Highgrove Farm, Bosham - (LPA ref. BO/21/00571/FUL)**

As Cllr Johnson had declared a predetermination in the item, he left the meeting. As the Vice-Chair Cllr Cross proceeded to Chair the meeting, and duly chaired the meeting to its closure.

Mr Bushell introduced the item. He explained what the report was and clarified the decision the Committee was being asked to make.

The Planning Committee had visited the site on Monday 14 August 2023.

Mr Bushell outlined the site location, highlighting the boundary with Ham Farm and the allocation site for 50 homes located to the east of the current Highgrove Farm site.

Mr Bushell showed the Committee the proposed site layout, drawing attention to the proposed access to the development; the football pitch, proposed open space areas and the community hall. He highlighted the mix of affordable housing and how it would be distributed through the site. If the application was allowed at appeal, then the affordable housing would be secured through the S106 agreement.

Representations were received from;
Bosham Parish Council – Mr Alastair Johnstone
Ms Lynda Hunter, Fishbourne Parish Council – Objector (statement read by Mrs F Baker)
Cllr Adrian Moss – CDC ward member (statement read by Mrs F Baker)

Officers responded to comments and question as follows;

Responding to concerns regarding the development of the CHEMroute; Mr Bushell assured the Committee that if the development were to go ahead it would not frustrate the delivery of the CHEMroute.

In response to concerns regarding the crossing point; Mr Bushell confirmed that the site access had been safety audited by the highway authority who were satisfied.

Members also raised concerns regarding the loss of agricultural land and the capacity of the sewage system.

Following a vote, the Committee agreed to support the report recommendation as follows;

That the Planning Committee;

- i) Notes the information within the report.**
- ii) Agrees to contest appeal APP/L3815/W/23/33/22020, in respect of the:
 - a. Lack of financial contribution of the scale envisaged in 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, nitrate mitigation land, recreation disturbance mitigation, public open space including equipped play area, allotments, community hall, mini football pitch, landscape buffer to east and north boundaries, shared use pedestrian/cycle link to/from site into Barnside, travel plan and travel plan monitoring, traffic regulation order contribution, highway improvements to local walking and cycling facilities) until a S106 Legal Agreement is agreed.**
- c. **Likely significant effects upon the Chichester Harbour and Solent Maritime SACs, by reason of a lack of suitable nitrates mitigation scheme resulting in discharge of nitrates into Chichester Harbour, contrary to section 63 of the Habitats Regulations 2017, acknowledging that it will be for the Inspector (as the competent authority) to undertake his own HRA and then consult with Natural England as part of the appeal process.**
- d. **Lack of up-to-date and comprehensive bat survey information, which results in the decision maker being unable to conclude that the development will not have a likely significant effect upon Singleton and Cocking Tunnels SAC, contrary to section 63 of the Habitat Regulations 2017, acknowledging that it will be for the Inspector (as the competent authority) to undertake his own HRA and then consult with Natural England as part of the appeal process, and**
- e. **Agrees to dispute the appellant's evidence on housing supply if it differs materially from the Council's position.**

47 **Consideration of any late items as follows:**

There were no late items.

48 **Exclusion of the Press and Public**

There were no part 2 items.

The meeting ended at 4.35 pm

CHAIRMAN

Date:

