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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 16 August 2023 at 9.30 am

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

Members not present: Mr J Cross, Mr J Brookes-Harmer and Ms B Burkhart

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)), Miss S Haigh (Planning Officer), Mr J Saunders (Development Manager (National Park)), Stubbington (Planning Officer (South Downs National Park)), Mr C Thomas (Senior Planning Officer) and Mrs F Baker (Democratic Services Officer)

49 **Chairman's Announcements**

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

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

50 **Approval of Minutes**

The minutes of the 12 July 2023 had not been completed and would be considered at the next meeting of the Planning Committee.

51 **Urgent Items**

There were no urgent items.

52 **Declarations of Interests**

Cllr Betts declared a predetermination in Agenda Item 6 – TG/20/02893/OUT.

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

Mr Saunders presented the report. He explained the application had been deferred to allow the application to be publicised as a departure from policy. The publicity expired on 10 August 2023.

Mr Saunders drew attention to the agenda update sheet which included an additional comment on the number of representations which had been received since the last committee (20 in total), in including three new representations.

Mr Saunders verbally updated the Committee that the recommendation on page 3 of the report should refer to paragraph 8.1, not 10.1 as stated.

Mr Saunders went through the application, he outlined the site location, proposed floorplans, layout and elevations.

The committee were shown a number of photos of the site and the proposed building.

Mr Saunders explained the application was recommended for refusal as it did not comply with policy and failed to meet the test for essential agricultural accommodation.

Representations were received from;
Cllr Tom Curran – Bignor Parish Council
Ms Anna Gillam – Supporter
Mrs Molly Tupper – Applicant

Officers responded to comments and questions as follows;

Cllr Potter proposed that the having considered all evidence including the reports submitted by the NFU and local vet that the application should be allowed.

Cllr Todhunter seconded the proposal.

Mr Saunders advised the Committee that if they were minded to allow the application then they should consider what conditions should be and suggested the following;

- A three year time limit in which to start construction
- Restricting the development to agricultural worker
- The type of materials used, including the submission of samples.
- A conversion method statement
- A landscaping condition.
- Water neutrality mitigation measures
- Bat mitigation
- SD2 Ecosystem service statement
- SD48 sustainable design
- The removal of permitted development rights
- Restrict outside lighting

In addition Cllr Sharp asked if a condition for cycle parking could also be included.

Cllr Potter confirmed he accepted all Mr Saunders proposed conditions and Cllrs Sharps request as part of proposal.

Following a vote, the Committee agreed to **permit** the application, against officer recommendation.

Resolved; **permit**, subject to the agreed conditions.

54 **TG/20/02893/OUT - Land Adjacent To A27 Copse Farm, Tangmere Road, Tangmere, West Sussex**

Having declared a predetermination in the item Cllr Betts withdrew from the meeting.

Mrs Stevens presented the report.

She drew attention to the Agenda Update Sheet which included an update to the location plan, additional comments from the South Downs National Park and additional third parties; and the following amendments to conditions; deletion of condition 17, an addition to condition 27, an amendment to condition 20 and the inclusion of a new condition to ensure that the site is suitable for its new use taking account of ground conditions and land instability.

Mrs Stevens explained that the application was an outline application for a residential led, mixed use development comprising of up to 1,300 dwellings all matters would be reserved apart from site accesses including the principal access onto the A27. The development was included within the masterplan.

Mrs Stevens showed the committee the illustrative parameter plans and highlighted the site accesses, she informed them that the highway authority had raised no objection to the proposals.

Mrs Stevens highlighted the proposed changes to the community orchard. She confirmed there was no conflict with planning policy, the area of land that would be planted was still 0.34ha and could be amended as part of the REM application.

Representations were received from;
Cllr Andrew Irwin – Tangmere Parish Council
Cllr Simon Oakley – West Sussex County Council Member
Mr John Wolfenden – Supporter
Mrs Paula Riches – Supporter
Mr Jamie Hutchinson – Supporter
Mr Martin Leach – Applicant

Officers responded to comments and questions as follows;

Responding to concerns that the community orchard would be fragmented; Mrs Stevens explained that at this stage the plans were only indicative, however,

Condition 2 would require future development to be implemented in accordance with submitted and approved plans.

With regards to additional traffic on the network; Mrs Stevens confirmed that National Highways were the statutory consultee and had raised no objection. National Highways had been approached for further comments following the proposed amendments in July 2023, no further comments had been received.

Mrs Stevens reminded the Committee they must only consider impact from the development being proposed not from 'potential' future development.

On the matter of tree planting; Mrs Stevens advised that this would be considered as part of the Reserved Matters application.

Mrs Stevens confirmed that Active Travel would be consulted as part of the REM application. In addition, Ms Bell agreed to contact the Active Travel England rep in advance to ensure they were fully aware of the proposed masterplan.

With regards to Condition 27 and the following wording '*...lighting for bats..*'; Mrs Stevens acknowledge the confusion and would clarify outside the meeting and amend accordingly.

Mrs Stevens agreed Condition 66 was a duplication of Condition 58 and could therefore be deleted.

Mrs Stevens agreed there was an error in Condition 59 and would be amended to state; *... 'under condition 2...'* as oppose to *...'under condition 42...'*

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 proposed conditions and informatives detailed in the report; plus the agreed amendments as follows the removal of Condition 17 and 66; amendments to Condition 20 and 27 and the inclusion of the additional condition as detailed on the Agenda Update Sheet.

**Members took a ten minute break*

**Cllr Betts returned to the meeting at the conclusion of the item*

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

Miss Haigh introduced the report. She drew attention to the Agenda Update Sheet which included an update to the site plan.

Miss Haigh explained the application was for the retrospective erection of a shed and the change of use to a gym for business, with associated access.

Miss Haigh outlined the site location and showed the indicative elevations.

The Committee were shown photos of the outbuilding.

There were no representations.

Officers responded to comments and questions as follows;

Regarding the proposed hours of operation; Miss Haigh confirmed that the hours of use would be as stated in condition 4; 8am – 7pm Monday to Friday and 9am – 6pm on Saturday.

With regards to cycle storage; Miss Haigh agreed that a condition could be included to confirm where the cycle storage would be located.

Regarding light spillage; Miss Haigh acknowledged comments but advised the Committee that in officer opinion any potential light spillage had been adequately mitigated and was not harmful.

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

Resolved; **Permit**; subject to the conditions and informatives included in the report, plus the additional condition for cycle storage.

56 **BO/21/00620/FUL - Burnes Shipyard**

Mr Thomas introduced the report and provided a verbal update from the Estates Valuation Manager regarding the value of the land.

Mr Thomas drew attention to the Agenda Update sheet which included additional supporting document from the applicant and two additional third party representations.

Following deferral by the Planning Committee on 12 July 2023 a site visit was undertaken on Monday 14 August 2023.

Mr Thomas outlined the site location which was within Bosham Parish but just outside the settlement boundary. The site was also within the Chichester Harbour AONB.

Mr Thomas highlighted the site access which would be from Winward Road, and the public right of way which ran adjacent to the site.

He explained that the application sought full permission for the demolition of the redundant shipyard buildings and the construction of three replacement dwellings.

Mr Thomas showed the proposed layout, elevations and planting scheme. He explained that the redevelopment of the site would reduce the amount of built area.

Mr Thomas explained the proposed flood mitigation measures required for plots A and B. He informed the Committee that WSCC were satisfied that the movement of material to and from the site can be achieved and managed through CEMP condition.

Representations were received from;
Cllr Penny Plant – Bosham Parish Council
Mr Andrew Warner – Objector
Ms Linda Park, Chichester Harbour Conservancy – Objector
Ms Kate Dachowski – Objector
Mr Christopher Hitchings – Supporter
Mr Paul White – Agent

Officers responded to comments and questions as follows;

Miss Smith informed the Committee that paragraph 7.10 was incorrect, as the tilted balance was not engaged due to the site being located within a floodzone.

With regards to the sequential test; Mr Thomas confirmed that officers were satisfied with the proposed flood mitigation measures. In addition, the Environment Agency and the Flood Officer had raised no objections. The Environment Agency had advised that future residents should sign up to the agency's early flood warning alerts. In addition, if residents were unable to evacuate during a flood event the properties did offer safe refuge.

Mr Thomas confirmed that the heights of the trees shown on the indicative drawings were accurately plotted and would not interrupt the current views from the Harbour to Chichester Cathedral.

Responding to concerns about the design of the property; Mr Thomas advised that there was a wide variety of building styles within the conservation area and drew the Committee's attention to officer comments set out in the report.

On the matter of light pollution; Mr Thomas agreed that if the Committee was minded to permit the application a condition could be included to secure the proposed lighting mitigation measures.

Mr Thomas confirmed that the site had not been in use since 1993.

Responding to concerns regarding the type of material being transported in; Mr Thomas agreed that a condition could be included to oversee and manage what materials were being brought onto the site.

Responding to concerns that the Council had not used a Section 215; Miss Smith explained what a Section 215 was and why it had not been used on this site. She advised the Committee to focus on the application in front of them.

With regards to Nitrate Mitigation; Mrs Stevens confirmed that the Natural England had approved the proposed mitigation measures. The mitigation site was part of the approved site at East Droke.

With regards to the number of vehicle movements; Mr Thomas explained that the quoted 40 two way movements was an estimate, however, WSCC had been

consulted and were satisfied that movements could be adequately controlled through the CEMP condition.

Mr Thomas agreed the proposed planting condition could be amended to ensure planting was maintained in perpetuity.

Responding to concerns of overlooking; Mr Thomas acknowledged concerns, but explained that in officer opinion the proposals were not out of keeping with other tall buildings already in situ. He confirmed that negotiations had taken place with Shipyard House and as result the development would be set further back and double planting was proposed to limit any overlooking.

With regards to policy NE13 and impact on the AONB; Miss Smith confirmed that the development did meet the requirements being set back further than 25m from the harbour.

Responding to drainage concerns; Miss Smith advised the Committee that the Drainage Engineer was satisfied with the proposals.

Following a vote, the Committee voted against the report recommendation to defer for S106 then permit.

Cllr Bates proposed a new recommendation to permit with the inclusion of a condition to manage the material being transported onto the site to raise levels.

Cllr Briscoe seconded the proposal.

Following a vote, the Committee were hung on their determination. The Chairman sought advice from Ms Golding on what would happen if he did not use his casting vote. Ms Golding advised that it was the Chairman's discretion on whether to use the casting, however, if the Committee did not determine the application then the applicant would be able to appeal on the grounds of non determination.

Following Ms Golding's advice the Chairman voted against Cllr Bate's proposed recommendation, meaning it was not carried.

Cllr Briscoe proposed that the Committee refuse the application on the grounds of overdevelopment in the floodzone and its raising of ground levels and prominence in the AONB and therefore causing harm to the AONB.

Cllr Bates seconded the proposal.

Before the vote Cllr Bates requested a recorded vote.

Cllr Briscoe seconded the request.

Following a vote, the committee voted in favour of a recorded vote.

Ms Golding recorded the Committee vote, to refuse the application for the reasons stated in Cllr Briscoe's proposal as follows;

Cllr Bates – Against
Cllr Betts – For
Cllr Briscoe – For
Cllr Burton – For
Cllr D Johnson – For
Cllr S Johnson – For
Cllr Potter – Against
Cllr Quail – Against
Cllr Sharp – For
Cllr Todhunter – For

Resolved; the committee **refuse** the application for the reasons stated in Cllr Briscoe's proposal.

57 **CC/23/00895/ADV - 31-33 South Street, Chichester, West Sussex, PO19 1EL**

Mr Thomas presented the report. He outlined the site location and showed the Committee photographs of the shop front.

Mr Thomas informed the Committee that the applicant had agreed to remove the 'pizza' words from the columns.

There were no representations.

Officers responded to comments and questions as follows;

Mr Thomas clarified that the Shop Front Guidance was not adopted policy. However, it was a very useful document, the guidance accepted that illumination to shop fronts was required during certain times.

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

Resolved; **permit**; subject to the proposed conditions and informatives set out in the report.

58 **CC/23/00442/DOM - 56 York Road, Chichester, West Sussex, PO19 7TL**

Miss Haigh presented the report.

She outlined the site location and showed the Committee the proposed elevations.

Miss Haigh showed the Committee a series of photographs taken from the site.

There were no representations.

The Committee had no further comments or questions that required clarification.

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

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

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

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

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

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

61 **Schedule of Contraventions**

Mrs Stevens introduced the report.

Cllr Briscoe informed the Committee that there was no compliance in respect of WE/16/00191/CONCOU. Mrs Stevens would pass this information onto the Planning Enforcement team.

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

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

There were no late items.

63 **Exclusion of the Press and Public**

There were no part 2 items.

The meeting ended at Time Not Specified

CHAIRMAN

Date:

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