

Public Document Pack



Minutes of the meeting of the **Planning Committee** held in the Committee Rooms, East Pallant House on Wednesday 7 February 2024 at 9.30 am

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

Members not present: Ms B Burkhart, Mrs H Burton and Mrs S Sharp

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)), Mr M Mew (Principal Planning Officer), Mr P Thomson (Environmental Health Officer), Mrs K Simons, Ms S Haig (Planning Officer), Ms F Divey (Planning Officer) and Mrs S Archer (Enforcement Manager)

157 **Chairman's Announcements**

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

Apologies were received from Cllr's Burkhart, Burton and Sharp.

158 **Approval of Minutes**

Following a vote, the minutes of the meeting held on Wednesday 22 November 2023 were agreed as a true and accurate record.

Following a vote, the minutes of the meeting held on Wednesday 6 December 2023 were agreed as a true and accurate record.

Following a vote, the minutes of the meeting held on Wednesday 10 January 2023 were agreed as a true and accurate record.

159 **Urgent Items**

There were no urgent items.

160 **Declarations of Interests**

Cllr Quail declared a predetermination in Agenda Item 6 as she had already expressed opinions on the item when it had been considered by Chichester City Council.

Cllr Briscoe declared a pecuniary interest in Agenda Item 15 as he was the applicant.

161 **BI/22/03026/FUL - Chichester Marina Birdham Chichester West Sussex PO20 7EJ**

Ms Bell presented the item. She explained why the application was being brought back to Committee (as detailed in the report papers at paragraph's 1.4 and 1.5 page 36).

Ms Bell outlined the site location which was within the Chichester Marina. She further identified the sites A2 and D7 on the block plan. Ms Bell explained the applicant sought permission for a more flexible use of the identified units.

Ms Bell detailed the uses which would be permitted as part of the application, and highlighted the non-marine use classes which had been deleted from the application since it last came to Committee. The removal of those uses meant the applicant was no longer required to produce a Travel Plan.

Ms Bell assured the Committee that the units were not prevented from being used for marine use.

The Chairman informed the Committee that a request to speak had been received from the agent Mr Pearce, however, he had been in contact to say he was delayed. The Chairman opened the discussion.

Officers responded to comments and questions as follows;

Ms Bell clarified the difference between the use classifications 'light industrial' and 'general industrial'.

Regarding the marketing of the site for marine use; Ms Bell informed the Committee the issue of marketing had been considered as part of a 2021 Planning Appeal at the site. Whilst the appeal was dismissed it was not on the grounds of inadequate marketing and officers were confident that the site had been adequately marketed for marine use.

During the discussion Mr Pearce the Agent joined the meeting, using his discretion the Chairman invited Mr Pearce to address the Committee, and to explain why they no longer wished to pursue a travel plan.

Mr Pearce explained to the Committee that it was not economically viable for the applicant to enter into an agreement which required a Travel Plan and subsequent

traffic monitoring, therefore they had resubmitted the application with the permitted uses which requiring a travel plan deleted.

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

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

162 **CC/23/00600/FUL - Duke and Rye, St Peters Market Formerly St Peters Church, West Street, Chichester, PO19 1QU**

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

Mr Mew presented the item. He gave a verbal update to inform the Committee that two further third-party comments had been received. He then drew attention to the Agenda Update sheet which included an additional consultee comment from CDC Environmental Protection; two additional third-party comments; points of clarification and amended/additional conditions.

Mr Mew outlined the application, which was located within the Chichester Conservation Area. He highlighted the site's proximity to other buildings including the Prebendal School, the Bell Tower and the Dolphin and Anchor (Wetherspoons).

The Committee were shown a floor plan of the building, Mr Mew confirmed that no alterations were proposed as part of the development.

Mr Mew clarified the variations to the conditions as sought by the application.

Representations were received from;

Cllr Anne Scicluna – Chichester City Council
Alison Napier – Objector
Mrs Jane Langford – Objector
Mr Paul Nichols – Objector
Mr Michael Robson – Agent

In Cllr Burkhart's absence the Chairman allowed Cllr Briscoe to read a statement on her behalf.

Officers responded to comments and questions as follows;

Responding to concerns regarding the variations to conditions; Mr Mew further clarified why the applicant was seeking to amend the condition 16. As Councillors had acknowledged on the site visit the sound from the venue was 'barely audible', however, barely audible could technically be in breach of the current conditions even though no harm was being caused.

Regarding the number of complaints received; Mr Mew informed the Committee that he was unaware of the exact number of complaints, however, there had been 15 pieces of correspondence received from April 2023.

On the matter on notice being given notice of a site visit; Mr Mew confirmed the venue had been made aware of the site visit, but this was reasonable. In addition, Mr Thomson explained a DJ event had replicated for the visit and compliance with the proposed levels had been demonstrated.

Addressing concerns that the venue were only compliant because they had been forewarned of the Committee visit; Mr Thomson informed the Committee that officers had undertaken an unannounced site visit in September 2023, the results from the venue showed compliance.

Mrs Stevens reminded the Committee they must consider whether the proposed conditions were acceptable.

Responding to concerns, Mr Thomson informed the Committee of his experience and qualifications in the field of noise management. He assured them the noise assessments undertaken and noise management plan were acceptable. The proposed maximum level of 80db was exceptionally low for a city centre.

Mr Thomson explained why the proposed Noise Management Plan, was more favourable than the current condition. He further explained how the use of a Noise Management Plan was standard practice and used as part of noise mitigation in a number of venues throughout the city.

Mr Thomson explained why the noise limits were not set from outside the venue.

Mr Thomson clarified what the abbreviation LAEQ stood for.

Responding to concerns that the noise limiter could be circumnavigated; Mr Thomson acknowledged that this could be done but it was reasonable to expect the venue not to do this. The limiter in place was the industry standard.

On the matter of a split decision; Ms Golding informed the Committee they were not able to make a split decision, they must vote on the proposal in front of them. She advised how they could propose a new recommendation which would reflect their view that part of the recommendation was acceptable and which they felt was not.

Responding to concerns the venue was a nightclub; Mr Mew assured the Committee this was not the case. He drew attention to paragraph 8.35d (page 99) which addressed these concerns in detail.

On the matter of the RADAR noise investigation: Mr Thomson explained why the report was not valid as a reason for refusal.

Regarding the number of complaints, the Chairman used his discretion to allow Ms Golding to be given a list of complaints from the public gallery. Mrs Stevens

acknowledged the list, however, she advised the Committee that they had attended a site visit at which they witnessed compliance.

Following a vote, the Committee voted against the report recommendation to **permit**.

Having voted against the officer recommendation Cllr Briscoe proposed the Committee refuse the application due to the impact on the surrounding area and the potential harm to children at the Prebendal School.

Mrs Stevens advised the Committee further clarification would be required on the grounds for refusal as the Historic Buildings Advisor had raised no objections, the extended drinking hours would be unlikely to cause additional harm as the turning out of drinkers remained the same.

Mrs Stevens advised the Committee why, in officer opinion, Condition 16 was no longer reasonable.

Ms Golding explained why refusing the application because it was too technical for the public to understand would not be an acceptable reason.

Having considered officer advice Cllr Briscoe proposed the Committee refuse the application for the following reasons;

- 1) The extended drinking hours will result in the harm to the neighbouring occupiers (officers will add appropriate policy)
- 2) The audibility of music outside the premises will cause harm to the amenity of neighbouring properties.

Cllr D Johnson seconded the proposal.

Following a vote, the Committee voted in favour of Cllr's Briscoe's proposal to refuse for the reasons set out above.

Resolved; **refuse**; for the reasons set out above.

**Members took a ten minute break*

163 **FU/23/02575/FUL - Field West of Beachlands Nursery, Newells Lane, West Ashling, West Sussex**

The Chairman informed the Committee that an overarching presentation of the entire Gypsy and Traveller site would be given, following this the Committee would then consider each application site individually.

Miss Haigh highlighted the site location and identified each of the individual application sites within the location. She highlighted the sites proximity to the village of West Ashling and other gypsy and traveller sites.

Following the overarching presentation, Miss Haigh moved on to present agenda item 7 FU/23/02575/FUL. She drew attention to the Agenda Update sheet which included an amendment to Condition 4.

Miss Haigh outlined the site location and showed the proposed layout and elevations.

Miss Haigh explained the proposed nitrate mitigation measures and confirmed they had been approved by Natural England.

Representations were received from;

Cllr Jane Mottershead – Funtington Parish Council
Dr Angus Murdoch - Supporter

Officers responded to comments and questions as follows;

Responding to concerns the site was not sustainable; Miss Haigh acknowledged the concerns raised; however, she drew the Committee's attention to paragraph 8.19 (page 119) and explained that it would not be reasonable to say the site was not sustainable.

Regarding the matter of dominance; Miss Haigh explained the issue of dominance had been considered by the Planning Inspector at appeal and was not upheld, she drew attention to paragraph 8.28 (page 121) of the agenda papers.

Responding to concerns regarding occupation of the sites; Miss Haigh informed the Committee that conditions could be applied to ensure the sites were occupied in accordance with policy.

On the matter of education provision; Mrs Stevens informed the Committee that officers were unaware of any issue regarding educational provision in the area. She explained that officers regularly consulted with WSCC education, however, they were not consulted on individual applications of this scale.

Responding to concerns of highway safety; Miss Haigh advised the Committee the site was already occupied and there was no evidence to suggest any concern over highway safety. In addition, WSCC Highways had raised no objections and it had not been raised as an issue at appeal.

Cllr Briscoe proposed the Committee defer the application for a site visit.

Cllr Cross seconded the proposal.

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

Resolved; **defer for a site visit**

**Cllr Quail re-joined the meeting at the start of the item*

164 **FU/23/02603/FUL - Field West of Beachlands Nursery, Newells Lane, West Ashling, West Sussex**

Miss Haigh presented the item and highlighted the plot site.

She showed the Committee the proposed site layout, floorplans and elevations.

Representations were received from;

Cllr Jane Mottershead – Funtington Parish Council

Officers responded to comments and questions as follows;

Mrs Archer confirmed there was an ongoing enforcement case at the site.

Mrs Stevens clarified the application was a full application and not outline.

Responding to concerns regarding the size and use of the utility room; Mrs Stevens acknowledged comments and advised an option would be for the Committee to defer the application to allow officers to further negotiate with the applicant regarding the description of the development.

Cllr Briscoe proposed the Committee defer the application for further negotiations around the description of the development and a site visit.

Cllr Cross seconded the proposal.

Following a vote, the Committee agreed to support Cllr Briscoe's proposal to **defer for further information and a site visit**.

Resolved; **defer for further information (as detailed above) and a site visit**

165 **FU/23/02464/FUL - Field West of Beachlands Nursery, Newells Lane, West Ashling, West Sussex**

Miss Haigh presented the item and highlighted the plot site.

The Committee were shown the proposed plot layout and the proposed elevations of the day room.

Representations were received from;

Cllr Jane Mottershead – Funtington Parish Council

Officers responded to comments and questions as follows;

On the matter of dominance; Miss Haigh informed the Committee the issue of dominance had been considered by the Inspector at a recent appeal hearing regarding the site. The Inspector made specific reference to the issue (which they did consider on cumulative scale) and ruled there was no negative impact.

Responding to concerns of surface water; Miss Haigh explained the issue of surface water would be addressed through the proposed pre-commencement condition set out in the report papers.

Regarding the high-pressure gas pipe; Miss Haigh informed the Committee the Health and Safety Executive had been consulted and had made no comments.

Mrs Stevens confirmed West Sussex County Council had been consulted on the matter of education and had submitted no comments.

Regarding the ownership of the land; Ms Golding informed the Committee that the ownership of the land was not a relevant to planning consideration.

Cllr Briscoe proposed the Committee defer the application for further information from WSCC Education to understand local capacity; West Sussex Fire and Rescue Service regarding access to the site, and a site visit.

Cllr Cross seconded the proposal.

Following a vote, the Committee agreed to support Cllr Briscoe's proposal to **defer for further information and a site visit**.

Resolved; **defer for further information (as detailed above) and a site visit**

166 **FU/23/02463/FUL - Field West of Beachlands Nursery, Newells Lane, West Ashling, West Sussex**

Miss Haigh presented the item and highlighted the plot site.

The Committee were shown the proposed layout.

There were no representations.

Cllr Briscoe proposed the Committee defer the application for further information from WSCC Education to understand local capacity; West Sussex Fire and Rescue Service regarding access to the site, and a site visit.

Cllr Cross seconded the proposal.

Following a vote, the Committee agreed to support Cllr Briscoe's proposal to **defer for further information and a site visit**.

Resolved; **defer for further information (as detailed above) and a site visit**.

167 **FU/23/02460/FUL - Old Allotment Site Newells Lane West Ashling West Sussex PO18 8DD**

Miss Haigh presented the item and highlighted the plot site.

Miss Haigh showed the proposed site layout and confirmed the timber shed on site would be retained.

Representations were received from;

Cllr Jane Mottershead – Funtington Parish Council

Officers responded to comments and questions as follows;

Regarding the location of a high-pressure gas pipe; Miss Haigh confirmed there was a gas pipe near the site and highlighted where it was located. In addition, Mrs Stevens informed the Committee the proximity of the gas pipe had been considered at appeal a number of years ago, it had been dismissed by the inspector as no objection was received from the infrastructure provider.

Cllr Briscoe proposed the Committee defer the application for further information from WSCC Education to understand local capacity; West Sussex Fire and Rescue Service regarding access to the site, and a site visit.

Cllr Cross seconded the proposal.

Following a vote, the Committee agreed to support Cllr Briscoe's proposal to **defer for further information and a site visit.**

Resolved; **defer for further information (as detailed above) and a site visit**

168 **FU/23/01845/FUL - Land to the West of Newells Farm Newells Lane West Ashling West Sussex**

Miss Haigh presented the item. She drew attention to the Agenda Update sheet which included an amendment to paragraph 3.0 of the report papers and an additional condition.

Miss Haigh highlighted the proposed application site.

The Committee were shown the proposed elevations and layout.

Representations were received from;

Dr Angus Murdoch – Agent

Cllr Briscoe proposed the Committee defer the application for further information from WSCC Education to understand local capacity; West Sussex Fire and Rescue Service regarding access to the site, and a site visit.

Cllr Cross seconded the proposal.

Following a vote, the Committee agreed to support Cllr Briscoe's proposal to **defer for further information and a site visit.**

Resolved; **defer for further information (as detailed above) and a site visit**

**Members took a 10-minutes break*

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

169 **SB/233/01952/FUL - The Sussex Brewery, 38 Main Road, Southbourne, Emsworth, West Sussex, PO10 8AU**

Miss Haigh presented the item. She drew attention to the Agenda Update sheet which included an update on the Southbourne Neighbourhood Plan, which following a successful referendum now carried substantial weight.

Miss Haigh outlined the site location, which was within the settlement boundary of Hermitage. She detailed the buildings on the site and highlighted the outbuilding which was the subject of the Planning application being considered.

Miss Haigh informed the Committee the outbuilding was currently used as storage by the pub, however, the loss of storage could be accommodated within the pub. The development would result in the loss of one formal car parking space.

The Committee were shown the proposed elevations and floorplan.

Miss Haigh confirmed no objections had been received from WSCC Highways.

Representations were received from;

Cllr Amanda Tait – Southbourne Parish Council

Mr Barry Redsull – Objector

Mr Christopher Young - Objector

Mr Jake Russell – Agent

Cllr Tracie Bangert – CDC Member

**Cllr Andrew Kerry-Beddell – WSCC Councillor, had submitted a statement as he was unable to attend, this was distributed to all members of the Committee and members of the public gallery including the agent.*

Officers responded to comments and questions as follows;

On the matter of bats in the building; Mrs Stevens confirmed that emerging studies had identified the presence of bats in the outbuilding, this had been considered by the Environmental Strategy team and addressed in their comments.

Responding to concerns of highway safety; Miss Haigh acknowledged the Committee's concerns; however, she reminded the Committee that WSCC had raised no objections as there was unlikely to be any additional impact on the highway. The access was already established and there would be no increase in vehicle usage on the site.

Responding to concerns that the loss of the outbuilding would have a detrimental impact on the existing pub business; Miss Haigh advised the Committee there was

no evidence to suggest or support the claim, therefore it would be unreasonable to refuse on such grounds.

On the matter of a new dwelling being developed next to a pub; Miss Haigh acknowledged comments, but confirmed officers were satisfied the buildings could co-exist.

On the matter of parking provision; Miss Haigh clarified the development would result in the loss of one formal parking space from the pub and one further informal parking space.

Regarding the narrowing of the access; Miss Haigh informed the Committee the proposal was for the development to run along the line of the current access track and was not expected to cause any narrowing.

On the matter of refuse collection; Miss Haigh explained that officer did not believe there would be any impact on refuse collection for the pub, as this would have been addressed by WSCC highways.

Miss Haigh confirmed that policy SP11 had been considered in the officer report.

Having listened to the debate Cllr Briscoe proposed the application be deferred for further information from West Sussex County Council Highways regarding road safety along the A259, and for clarification of the swept path analysis.

Cllr Quail seconded the proposal.

Following a vote, the Committee agreed to support to Cllr Briscoe's recommendation to **defer for further information**.

Resolved; **defer for further information**.

170 **SI/23/00530/FUL - Cherry Tree Farm Jury Lane Sidlesham Common West Sussex PO20 7PY**

Mr Mew presented the item and drew attention to the Agenda Update sheet which included additional supporting information. He also provided a verbal update to correct the policies referenced in paragraph 8.22, page 322; changing policy 47 to policy 45.

Mr Mew outlined the site location, which was located within the Parish of Sidlesham. He showed the Committee the proposed site plan, highlighting the location of the mobile home and composting toilet.

The Committee were shown the proposed elevations and layout. Mr Mew explained there was no agricultural justification for a permanent mobile home to be installed on the site.

Representations were received from;

Mr Craig – Applicant
Cllr Tracie Bangert – CDC Member
Cllr Val Weller – CDC Member

Officers responded to comments and questions as follows;

On the matter of a temporary permission being granted; Mr Mew advised the Committee this would be an acceptable proposal and would allow the applicant time to gather evidence which could then be assessed against policy 37. A temporary permission would normally be for a three-year period.

Regarding the level of harm and impact on the surrounding area; Mr Mew drew the Committee's attention to paragraph 8.26 of the agenda papers (page 323) which set out the officer's conclusions; whilst the principle of the proposal is unlikely to result in any unacceptable impact to the area, the development is in contrary to policy 37.

Mrs Stevens reminded the Committee the application was not recommended for refusal on the grounds of harm to the area, it was recommended for refusal because it was contrary to policy.

Regarding educational visits with birds; Mr Mew explained it was officer understanding the birds were taken off site for demonstrations which did have some education value. However, this did not provide justification for overnight accommodation at the site.

Mr Mew advised the Committee that if they wished to propose a temporary permission, it would need to be deferred for a section 106 agreement to be secured for recreational disturbance.

Having listened to the debate Cllr D Johnson proposed the Committee permit the application for a temporary period. Mrs Stevens advised Cllr D Johnson the recommendation would need to be 'defer for section 106 then permit', and would include a condition for a temporary permission, plus other conditions such as ecological enhancements, non-commercial use; no external lighting; secure cycling storage and parking space.

Cllr D Johnson confirmed she was happy to accept Mrs Stevens recommendation to; 'Defer for Section 106 then permit; with the inclusion the suggested conditions including the condition for a three year temporary permission'.

Cllr Betts seconded the proposal.

Before moving to the vote, Miss Golding clarified the recommendation would apply to the whole site.

Following a vote, the Committee agreed to support Cllr D Johnson's proposal to **defer for S106 then permit**.

Resolved; **Defer for S106 the permit**; subject to the agreed conditions.

**Members took a ten minute break*

171 **WE/23/02658/DOM - Bumble Bee Cottage, Duffield Lane, Woodmancote, Westbourne, Emsworth, West Sussex, PO10 8PZ**

**Having declared a pecuniary interest in the item Cllr Briscoe withdrew from the meeting.*

Miss Haigh presented the item.

She outlined the site location and showed the Committee the proposed elevations. The proposed car port would be open on three sides and enclosed on the west elevation.

Miss Haigh drew attention to the solar panels which would be installed on the southern facing roof as part of the development.

There were no representations.

The Committee had no comments or questions.

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

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

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

The Committee agreed to note the update.

**Cllr Briscoe rejoined the meeting at the start of this item*

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

The Committee agreed to note the update.

174 **Schedule of Contraventions**

Mrs Archer presented the report.

The Committee agreed to note the report.

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

There were no late items.

176 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 3.13 pm

CHAIRMAN

Date: