

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 2 October 2019 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr C Page, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

SUPPLEMENT TO AGENDA

(b) Agenda Update Sheet (Pages 1 - 5)

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Agenda Update Sheet

Planning Committee
Wednesday 2nd October

ITEM: 5

APPLICATION NO: CC/19/01134/REM

Amended drawing number

Plan CB_70_068_P2_A_015 (terrain section plan). In the table (page 52) this plan is listed as rev A when it should be Rev B.

ITEM: 6

Application NO: EWB/19/01724/FUL

Additional condition

The development hereby permitted shall be begun before 28/06/2022.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

ITEM: 8

Application NO: CC/19/01568/ADV

City Council further comments (25/09/2019)

Having looked at the amended scheme, including removal of the hanging sign altogether from the application, painted fascia albeit with the raised lettering, and reduced profile trough lighting, and on the basis of the justification of the lighting as the co-op opening until 11pm will be a night time use, the City Council withdraw the objection to the development.

Amended Plans (received 01/10/2019)

The plans referred to in the decision to amended to read:

Details	Reference	Version	Date received	Status
Location Plan	P-102		14.06.2019	APP
Front Elevation	001	REV G	01.10.2019	APP
Proposed Elevation 1	002	REV G	01.10.2019	APP
Signage Specification	003	REV G	01.10.2019	APP
Signage Specification	004	REV G	01.10.2019	APP
Site Plan	005	REV G	01.10.2019	APP

ITEM: 9

APPLICATION NO: SDNP/19/00775/FUL

Revised description:

Change of use of the building from A1 (retail) use to contact centre for 4Sight vision support.

Further representation in support from the applicant

An e-mail has been received from the applicant, setting out the what they consider to be the benefits of the proposal, and sent to all members of the Planning Committee.

Conditions

Amended condition 1:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the premises shall not be used other than as a contact centre for 4Sight Vision Support (as described in the planning application) or for purposes within A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of protecting the character of the area as a retail centre.

ITEM 11

APPLICATION NO: SDNP/19/01996/FUL

Conditions

Amended condition 2:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for the storage and drying of timber in association with the lawful use of Eartham Sawmill and for no other purpose (including any other purpose in Class B1, B2 or B8; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

Amended condition 4:

Within one month of the building hereby approved ceasing to be used for the storage and drying of timber in association with the lawful use of Eartham Sawmill it shall be totally demolished and the resulting debris permanently removed from the site.

Reason: To accord with the terms of the application and in the interests of the visual amenities of the locality.

Item: 12

Schedule of Planning Appeals, Court and Policy Matters

P.130 Paddock View Drift Lane Bosham – Planning application (s.78) and enforcement notice (s.174) appeals – **WITHDRAWN**

P.143 Laundry Cottage, Dangstein – Following an adjournment - Public Inquiry to be held on 28.10.2019 to 01.11.2019 at Memorial Hall, Midhurst

P.132 Land South Of Recreation Grounds at Junction of Keynor Lane, Sidlesham - Appeals against the refusal of planning applications 17/02640/FUL and 18/01173/FUL **Appeal Allowed** –summary of the decision is provided below;

Appeal Decision

Policy H of the PPTS states that in determining applications for traveller sites, councils should take into account the existing level of local provision and need for sites. I have outlined above why I have concluded that local need significantly exceeds local supply.

Moreover, Paragraph 27 of PPTS states that the inability of a council to demonstrate an up-to-date 5 year supply of deliverable sites should be a significant material consideration when considering applications. Although the Council argues that there is no unmet need, the evidence before me suggests otherwise. Moreover, the Council has been unable to suggest viable alternative sites for three families who have seeking its advice in this regard since 2017. I conclude that the level of unmet need in this area is a significant material consideration for these appeals. In any case, PPTS states that locally specific criteria should be used to assess applications that come forward on unallocated sites. Appeal A would meet the criteria set out in LP Policy 36. As such, there would be no conflict with LP Policies 1, 2 or 45 regarding the siting of the developments in the Rest of Plan Area or the countryside. Nor have I found harm in relation to the historic environment or character and appearance for Appeal A.

I acknowledge that both appeals would represent some encroachment onto currently undeveloped land which separates clusters of other land uses. However, in the case of Appeal A the site would be tucked into the existing building pattern and once the landscape had matured, would be largely obscured from view. Moreover, apart from a very short stretch where the site would be adjacent to the rear of a long residential plot, which is in any case screened, the site would be surrounded by commercial, recreational or equestrian land uses. In any case, even if I had found harm in this regard, it would be outweighed by the significant weight I give to the unmet need for gypsy and traveller pitches in the Council's area.

I conclude that Appeal A would comply with relevant local policies and national legislation and should be allowed, and that Appeal B should be dismissed.

Costs Decision

The Council has granted permission for a significant number of windfall sites since 2012 and there is nothing before me to suggest that the figures for new pitches set out in LP Policy 36 are seen as a ceiling. Nonetheless, the Council relies on its 2012 survey results to argue that it has met its requirements and that in the context of the 2012 survey, has more than a five-year supply of sites. However, I have outlined in my decision that the weight of evidence before me in respect of need, taken collectively, suggests strongly that there is unmet need and that the 2012 survey figures the Council is relying on are severely flawed. The permissions for windfall sites granted since 2012 already exceed the number required under LP Policy 36 for the period up to 2027.

Consequently, I have concluded that the Council's position is at best founded on data that is several years out of date, and that contradictory or more up to date data has not been given any weight. On the basis of the evidence before me, I find this position unreasonable and conclude that the Council should have given some consideration and weight to the apparent level of need in the area when assessing

these applications. Moreover, I conclude that the Council cannot demonstrate an up to date five year supply of sites as required by PPTS.

I have found that the Council's arguments lack clarity or a firm basis in either local policies or national guidance. In particular, it has misapplied national guidance and its own permissive policy for gypsy sites, has based its arguments on vague, inaccurate and unsubstantiated evidence and has failed to show that sufficient weight has been given to personal circumstances and the best interests of the child.

I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as set out in PPG has been demonstrated for both appeals and that an award of costs is justified for both appeals.

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