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A meeting of **Planning Committee** will be held virtually on **Wednesday 6 May 2020 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 H Potter, Mr D Rodgers, Mrs S Sharp, Mr A Sutton and Mr P Wilding

SUPPLEMENT TO AGENDA

Agenda Update Sheet (Pages 1 - 5)

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Agenda Update Sheet

Planning Committee
Wednesday 6th May 2020

ITEM: 6

APPLICATION NO: WH/19/03202/FUL

Amendments to conditions

Condition 9 is deleted, as it was duplicated within Condition 4, and conditions 3, 4 and 7 are updated as set out below.

3) No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

4) Prior to operation of the vehicle wash (comprising the jet wash area and vehicle wash), a sound test shall be conducted, by a competent person, and the results of the sound test shall be submitted to and approved in writing by the Local Planning Authority. In order to meet approval, the vehicle wash (comprising the jet wash area and vehicle wash) shall not give rise to a Rating Level that is above the background sound level at any neighbouring residential dwelling, or in excess of 5dB above the background sound level at any pitch at the neighbouring temporary Traveller's site. Representative background sound levels are set out in the Noise Impact Assessment (September 2019) submitted as part of the application (namely 50dB LA90 weekday and 45dB LA90 Saturday). The Rating Level shall be determined in accordance with BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound" and determined 1m from the façade of sensitive receptors. Once installed, the vehicle wash shall at no time exceed the above permitted noise levels and shall fully comply with the findings sound test unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect the amenities of the area and neighbouring properties.

7) Prior to the installation of the lighting, details showing the position of the lights shall be submitted to the Local Planning Authority and agreed in writing. The lighting hereby approved shall be installed in strict accordance with the agreed details and the submitted Lighting Assessment report compiled by MLB Ltd dated 16.09.2019. The lighting hereby approved shall be maintained in an operational manner thereafter in perpetuity. Should the lighting become damaged or faulty then it shall be replaced by a light of the same luminaire luminous flux. The lighting hereby permitted shall not be operated between the

hours of 20:00 to 04:00 Monday to Sunday, except in cases of emergency or exceptional circumstances to be agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of the surrounding area

ITEM: 8

APPLICATION NO: CC/19/02579/FUL

Corrections

Page 62 Section 8.15, line 3 - the word 'there' should be omitted

Additional applicant/agent information

The applicant has submitted a response to the landscape and visual issues raised within the committee report by way of a report carried out by Furse Landscape Architects. In summary the report questions the use of the West Sussex Landscape Character Assessment (WSLCA) and highlights the land allocated to the west of Chichester. The WSLCA forms part of understanding the character of the area while the WSLCA was carried out in 2003 the immediate area has remained largely unchanged. The response from the agent also considers that the concerns raised within the committee report relating to landscape impact could be addressed via planning conditions.

Recommendation

Landscaping should not be relied upon to hide development which is fundamentally harmful to the landscape within which it is located. Any such landscaping would take time to establish and would not be able to be secured in perpetuity. Having considered the additional information submitted, officers remain of the view that the impact on the landscape is significant and that the harm could not be overcome by the use of a planning condition to secure further landscaping, either in the short or long-term.

In addition, the site lies within a proposed wildlife corridor within the emerging Local Plan Review. With the passage of time, as the Local Plan Review progresses, the wildlife corridor will carry more significant weight, and in the event of an appeal it may be necessary to demonstrate that the proposal would not undermine the connectivity and ecological value of the corridor.

For the reasons set out above the recommendation remains to refuse, as amended, and with an additional informative:

- 1) The proposal, by reason of the undeveloped nature of the site and the introduction of significant built form comprising 4 pitches over an extensive area of land and a resultant excessive amount of hardstanding and driveways, combined with the prominence of the proposal adjacent to a public footpath, the access road and also close to the A27, would give rise to significant adverse impacts on the character of the undeveloped rural landscape, causing harm to the rural landscape character of this countryside location. The proposal would therefore be contrary to policies 1 and 45 of the Chichester Local Plan 2014-2029 and paragraphs 17 of the National Planning Policy Framework.

INFORMATIVE

The applicant's attention is drawn to the location of the site within a proposed strategic wildlife corridor which has been identified as part of the Chichester District Local Plan Review. In the event of appeal the onus will be upon the applicant to demonstrate that the proposal would not undermine the connectivity and ecological value of the corridor.

ITEM: 9

APPLICATION NO: FU/19/00445/FUL

Further planning assessment – Dominance in relation to the nearby settled community

Policy 36 of the Chichester Local Plan states that in rural and semi-rural areas sites should not dominate the nearest settled or Gypsy, Traveller and Travelling Showpeople communities. The application site is located within the Parish of Funtington and proposes an additional 6 pitches, with a total of 8 pitches on the site. It is also part of wider area characterised by Gypsy and Traveller development.

To the south of the application site there has been a recent appeal (APP/L3815/W/19/3220300; Application Reference: FU/18/00402/FUL), which sought permission for 5 no. pitches, and was allowed at appeal. As part of his considerations, the Inspector considered the matter of the appeal dominance on the nearest settled communities. The Inspector commented that *"it seems reasonable to me to suggest that site residents would normally look towards West Ashling as the community hub. ... Taking the scattered dwellings identified to the north of the A27, adding to them Edith Cottages and at least the western part of West Ashling, the settled community can therefore be seen to be relatively extensive both in numerical terms and in area. The pitches to be provided on the appeal site would be of minor significance however assessed. There would be a relatively modest number of residents and in my judgement this addition to the locality would not dominate the settled community. In this regard there is no conflict with criterion 6 of Policy 36."*

The character of the wider area remains largely unchanged from what the Inspector identities within the above decision. The application site forms part of a cluster of gypsy and travelling people plots and pitches. Given the size of the surrounding community it is not considered that an additional 6 pitches on this site would result in the dominance of the existing nearby settled or gypsy communities by reason of scale and would not significantly harm social cohesion.

The recommendation therefore remains to permit with amendments to the conditions to control the total number of pitches and plots permitted and the number of caravans allowed on each pitch and plot.

Amendments to conditions

- 15) At no time shall there be more than 6 gypsy and traveller pitches and 2 travelling showpeople plots on the site. The 6 gypsy and traveller pitches hereby permitted shall be occupied only by persons meeting the definition of gypsies and travellers as defined in Appendix 1 of the Planning Policy for Traveller Sites (August 2015), and the 2 travelling

showpeople plots hereby permitted shall be occupied only by persons meeting the definition of travelling showpeople as defined in Appendix 1 of the Planning Policy for Traveller Sites (August 2015).

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

16) No commercial activities shall take place on the site at any time, including the storage of materials, and no burning of any item or waste materials of any kind may take place at the site.

Reason: In the interests of protecting the amenity of the surrounding area.

17) At no time shall more than 2 caravans be stationed at any one time on each of the 6 gypsy and traveller pitches hereby permitted, of which only 1 caravan shall be a static caravan, and at no time shall more than 1 caravan be stationed at any one time on the travelling showpeople plots hereby permitted. All caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act, as amended.

Reason: To accord with the terms of the application and to ensure satisfactory planning of the area.

ITEM: 10

APPLICATION NO: CC/19/02584/REM

Amendments to conditions

6) The sports pavilion hereby permitted shall not be brought into first use until the solar panels associated with the sports pavilion have been installed in accordance with the details approved pursuant to condition 28 on application reference 14/04301/OUT and are ready for use.

Reason: To secure an energy supply from renewable resources, to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

Additional informative

5) For avoidance of doubt in relation to condition 3 above, the soft landscape plans do not apply to the playing pitch areas. The detailed specification for the playing pitches, including planting, will be approved pursuant to condition 33 on application reference 14/04301/OUT.

ITEM: 11
APPLICATION NO: CC/19/02626/REM

Updates/corrections to conditions

- Condition 1 – the Bird and bat box and hedgehog hole locations plan has been updated to reflect the latest layout. Consequently, the plan reference listed in the condition is to be updated to **Plan 1. Ecological Enhancements Rev A**.
 - Condition 2 – the report reference should read MILL22604aia_ams Revision D
 - Condition 10 – the quoted outline planning condition should read condition 28
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ITEM: 14
South Downs National Park Schedule of Planning Appeals, Court and Policy Matters
Lithersgate Common Bedham Lane Fittleworth West Sussex - Appeal against FT/10
Appeal Decision – APPEAL PART ALLOWED/PART DISMISSED

Officer explanatory comments – The Inspector supported the case made by the SDNPA in respect of the ground (c), (e) and (f) appeals that is that the development enforced against did require planning permission, that the enforcement notice was served correctly, and that the requirements of the notice were reasonable. In respect of the ground (g) appeal (the time limit to comply with the notice) the Inspector varied the notice from 6 months to 12 months.

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