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A meeting of **Planning Committee** will be held in Virtual on **Wednesday 9 December 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 R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp
and Mr P Wilding

SUPPLEMENT TO AGENDA

13 **Agenda Update Sheet** (Pages 1 - 8)

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Agenda Update Sheet

Planning Committee
Wednesday 9 December 2020

Minutes

155 (Page 7): First paragraph; first and second sentences amended to be a single sentence.

156 (Page 8): Amend outcome to; "Recommendation to endorse (as amended), agreed."

Declarations of Interests

The date should read 9 December 2020.

Personal Interests – Membership of Parish Councils

Additional

- Mr R E Plowman - Chichester City Council (CC)

Personal Interests – Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

Additional

- Mr R E Plowman - Chichester Conservation Area Advisory Committee

ITEM: 5

APPLICATION NO: NM/20/01686/FUL

COMMENT:

Planning History

A new hybrid planning application, on land immediately to the south of this application site, was validated on 23 November 2020. The details are:

20/02989/FUL – Land South of Lowlands, North Mundham - hybrid planning application comprising of full planning permission for 66 dwellings and associated development, including landscape, highways and parking, and outline planning permission with all matters reserved except access for a community hub building (Use Classes E and F),

provision of new 3.5m wide footway/cycleway link to West Sussex Alternative Provisions College with reconfiguration of existing car parking spaces and relocation of storage facility.

Amended Condition

19) No dwelling shall be first occupied until such time as the vehicular access to the site, the downgrading of the existing access and other related highways works serving the development, including provision and maintenance of appropriate visibility splays for both accesses and works along the footway on the south side of the B2166 fronting the application site (east of the proposed vehicular access), to provide a minimum width footpath of 1.5m and any other WSCC required footway vegetation clearance/maintenance works, have been constructed in accordance with the details shown on drawing number ITB15546-GA-001C and ITB15546-GA-002 and in general conformity with the requirements in the Transport Statement (para 8.1.7).

Reason: To accord with the terms of the application and in the interests of road safety.

Additional Condition

Prior to the first occupation, details showing the location, design, installation and ongoing maintenance of the bollard for the emergency access, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The installation and ongoing maintenance of the approved measures shall be carried out in accordance with the approved details and thereafter maintained in perpetuity.

Reason: In the interests of highway safety and ensuring correct operation of the emergency access to the development.

ITEM 6:

APPLICATION NO: SY/20/01574/DOM

COMMENT:

Further Third Party Comment Received:

One further letter of representation has been received, citing objections which can be summarised as follows:

- That the proposals would constitute an overdevelopment of the site.

ITEM: 7

APPLICATION NO: SI/20/01331/FUL

COMMENT:

Addendum to report

Recreational Disturbance

The application site is located within the zone of influence for the Chichester and Langstone Harbour Special Protection Areas (SPA) and the Pagham Harbour SPA where the net increase in residential accommodation would likely have a significant effect as a result of recreational disturbance. A Habitat Regulation Assessment has been undertaken and the proposed mitigation and avoidance measures are to be provided in-perpetuity through the secured contribution to the Bird Aware Solent and the Joint Pagham Nature Reserve Management schemes. Chichester District Council concludes that with mitigation the proposal will not have an adverse effect on the Integrity of the European protected sites. As such, the proposal is recommended for approval, subject to the deferral to obtain the necessary financial mitigation via a Unilateral Undertaking (S106) between the Council and the owners of the site. In this instance, the higher of the financial contributions would be £904 per net increase in dwellings as set by Pagham Harbour SPA, with the resultant mitigation payment split equally between both the Chichester and Langstone Harbour and Pagham Harbour SPAs.

ITEM: 8

APPLICATION NO: SI/20/01330/FUL

COMMENT:

Addendum to report

Recreational Disturbance

The application site is located within the zone of influence for the Chichester and Langstone Harbour Special Protection Areas (SPA) and the Pagham Harbour SPA where the net increase in residential accommodation would likely have a significant effect as a result of recreational disturbance. A Habitat Regulation Assessment has been undertaken and the proposed mitigation and avoidance measures are to be provided in-perpetuity through the secured contribution to the Bird Aware Solent and the Joint Pagham Nature Reserve Management schemes. Chichester District Council concludes that with mitigation the proposal will not have an adverse effect on the Integrity of the European protected sites. As such, the proposal is recommended for approval, subject to the deferral to obtain the necessary financial mitigation via a Unilateral Undertaking (S106) between the Council and the owners of the site. In this instance, the higher of the financial contributions would be £904 per net increase in dwellings as set by Pagham Harbour SPA, with the resultant mitigation payment split equally between both the Chichester and Langstone Harbour and Pagham Harbour SPAs

Item 9: Schedule of Appeals, Court and Policy Matters

2. DECISIONS MADE (officers will take members through these appeal decisions at the meeting)

<p>* <u>20/00128/FUL</u> Bosham Parish Case Officer: William Price Written Representation</p>	<p>Lower Hone Farm Lower Hone Lane Bosham Chichester West Sussex PO18 8QN - Change use of storage barn to 1 no. dwellinghouse and associated works, including natural swimming pond and landscaping.</p>
<p>Appeal Decision – Dismissed – Costs Refused</p>	
<p>“...This part of the AONB therefore has a somewhat open and expansive landscape and is likely to have relatively dark skies at night. The appeal proposal would create new openings for windows at ground and first floor level in three elevations of the barn and introduce windows over two stories in the fourth, which is currently blank. Many windows would include large plate glass panels, all would be rectangular in shape and none would replicate the position of existing windows. The single storey extension would utilise an existing hardstanding and be on the side of the barn that faces the countryside. It would have a rectangular floorplan, mainly glazed elevations and a flat roof. There would therefore be a substantial increase in the total area of fenestration, including in or next to parts of the building where no window or door openings exist or not to the same extent as is proposed. Furthermore, the placement of glazing would result in a distinct consolidation of fenestration, including an overly horizontal visual emphasis in the central part of both main side elevations over two floors and around one corner of the building at a first floor level. The proposed fenestration would therefore be a significant alteration to the building — an unduly dominant feature which would conflict with the prevailing character and appearance of the barn. The extension would protrude significantly from the side of the barn and also cause an abrupt, jarring reduction in the scale and massing of built form. It would therefore be out of keeping with the simple rectilinear floor plan and largely unadorned elevations of the barn, and the flat roof would be at odds with the pitched roof of the barn. The proposed layout and appearance of the extension would therefore be a significant alteration to the building — it would unduly erode the overall integrity of the external envelope of the barn and appear as an unsuitable adjunct. The proposed fenestration and extension would therefore be unduly conspicuous and incompatible with this rural context. ... Having regard to Policy 46(1) of the Chichester Local Plan Key Policies, July 2015 (the LP), I note that the appellant does not contend that the barn is not ‘capable’ of conversion ‘without the need for significant extension’ or any extension, including the proposed extension. ... On plain reading of this part of this policy it does not entertain any allowance or justification to extend a building for any other reason than it being reasonably needed to establish the intended use — for example (and having regard to LP Policy 46 as a whole) if the size of an existing building was insufficient for residential use. In the context of this appeal, LP Policy 46(1) does not therefore weigh in support of the proposed extension. ... In any event, the Framework states that planning decisions should recognise ‘the intrinsic character and beauty of the countryside’ (paragraph 170) and that ‘Great weight should be given to conserving and enhancing the landscape and scenic beauty in... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues’ (paragraph 172). Accordingly, the absence of public visibility does not mean absence of harm in these regards. ... These alterations to the external form of the barn would therefore be significant and cause substantial harm to its character and appearance, thereby also erode the positive contribution of the barn to the surrounding countryside and cause substantial harm to the landscape, scenic beauty and cultural heritage of the AONB. ... “</p>	

COST DECISION

“...I note that the applicant has concerns with the Councils conduct of the relevant planning committee meeting, including its format as a ‘virtual’ event, and considers that there was limited opportunity for him and his professional advisors to participate. However, having made the decision that it did the substance of the application is that officers gave members incorrect and misleading information which likely had a material impact on the decision of some members to refuse planning permission. In addition, that the Council did not provide a copy of its appeal questionnaire by the date that it should have and did not anyway include copies of all relevant documents. ... In explaining this policy to members, officers did transpose the order of the words ‘extension’, ‘alteration’ and ‘rebuilding’ after the word ‘significant’. However, I consider that the grammar and punctuation of this policy mean that the word significant applies to all three of the subsequent types of works. It therefore matters not in what order these trailing words are taken. On one occasion officers did incorrectly advise members that this policy prohibits extensions to a building as part of its conversion, though also did explain that a ‘significant variance from what the policy requires’ — ie to allow an extension to a building that was not needed to facilitate its conversion — would ‘risk... the agricultural character’ of the building. The clear balance of advice to members was therefore accurate, or of no material consequence, and accordingly I do not consider that officers misrepresented LP Policy 46(1) to members. ... In its response to the costs application the Council does not concede that it did not send the appeal questionnaire to the applicant by the requisite date, but it does accept that it has no record either way. ... The costs regime is intended to support a well-functioning appeal system and, amongst other things, to ensure that all those involved in the appeal process behave in an acceptable way, including good practice and timeliness. On the evidence before me, I am unable to reach a firm conclusion that there was a procedural failure by the Council to send the appeal questionnaire to the applicant on time. Nevertheless, the absence of a record in this regard kept by the Council is not good practice. Furthermore, the omission of a relevant document from the appeal questionnaire that was sent by the Council is also not good practice, nor was the document therefore received by the applicant in a timely manner. Consequently, I find that the Council has behaved unreasonably in these regards. ... I note that the applicant did not raise any concern with the Council in respect of the appeal questionnaire for over two weeks after the due date. Furthermore, the applicant accepts that the procedural delay in receipt of the CHC comments did not cause any prejudice. Moreover, the applicant does not claim that the Council’s behaviour in these matters has caused the applicant to incur unnecessary expense in the appeal process. For the reasons given, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense during the appeal process, as described in the PPG, has not been demonstrated and that a full award of costs is not therefore justified, nor is a partial award for the same reasons.”

<p>* <u>19/03008/FUL</u> Chichester Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>23 Lavant Road Chichester PO19 5RA - Erection of 5 no. flats and parking, landscaping and associated works.</p>
<p>Appeal Decision - Dismissed</p>	
<p>“...the main issues are the effect of the proposal on (i) the integrity of the Special Protection Area; and (ii) the character and appearance of the area. The Council’s third reason for refusal solely relates to the impact of treated effluent (nutrients) from the proposed development on the Special Protection Area (SPA). ... In respect of the impact of treated effluent, the proposal comprises new residential development with additional occupiers which would result in additional wastewater. The development would connect to the Apuldram Wastewater Treatment Works and so treated effluent would eventually discharge into the SPA, a European designated site. ... It is common ground between the main parties that there is a pathway for effect on the protected habitats and bird species of the designated European site and that significant adverse effects are likely. ... Therefore, based on the information before me, which includes the Council’s Appropriate Assessment and the appellant’s ‘Nutrient Neutrality Report’ there is no doubt that there is a need for mitigation to ensure that the integrity of the SPA is safeguarded, both in terms of recreational disturbance and additional nutrient input. The appellant has provided details of a parcel of land within the catchment which is currently used for cereal production but could be planted with trees in order to achieve nutrient neutrality. The appellant says that the use of the parcel of land as mitigation has been agreed with the landowner. However, I have not been presented with any compelling evidence to demonstrate that the landowner has agreed to its use in perpetuity. ... There is no legally binding agreement before me. ... on the information before me I cannot be certain that there would be no adverse effect on the integrity of the designated European site. ... For the reasons outlined above, the proposed development would be likely to have adverse effects on the integrity of the SPA, either alone or in combination with other plans and projects, due to the identified impacts and the lack of appropriately secured mitigation in relation to both recreational disturbance and nutrients. ...</p> <p><i>Character and appearance</i> - ... The proposed apartment building would be located roughly in the same position as the existing dwelling, albeit on a larger footprint, and so its siting would be in keeping with the prevailing pattern of development along this side of Lavant Road. ... Unlike an earlier proposal, dismissed at appeal... the proposed development would be set away from the northern and southern boundaries by distances comparable with the surrounding properties. ... the resultant size of the footprint of the development would be greater than most other properties in the area, except for some on corner plots including the new apartment building to the south of the appeal site. However, the height of the apartment building would be comparable to the height of neighbouring properties. Furthermore, although the building would incorporate an area of crown roof, it would have one gable to the front and the front, side and rear roofs would be hipped, thus the roof form would be similar to most other buildings in the area. The design of the building would be traditional with Arts and Crafts features, which would complement the built form of some properties in the area. In terms of appearance the materials palette would be reflective of the local vernacular and so the building would suitably integrate within the context of neighbouring development. ...</p>	

Appeal Decision – Dismissed - continued

Thus, whilst the proposal would result in a building with increased bulk and massing compared to the existing dwelling on the site, taking into account the aforementioned factors, it would not result in a development that would appear dissimilar in its form and scale to that of a substantial detached dwelling. The proposed development would not, therefore, appear out of place within the context of the prevailing form of existing development in the area, nor would it appear cramped considering the spaciousness of the plot and the space that would remain between the proposed apartment building and the neighbouring properties. ... the landscaping to the front of the site would soften the appearance of the development, even with the proposed front gates in the open position. ... For the reasons outlined above, the scale, form and design of the proposed development would be sympathetic to the prevailing residential built form and verdant character of the surrounding area. Thus, it would not cause harm to the character and appearance of the area. ...

20/00926/FUL
Plaistow And Ifold Parish
Case Officer: Rebecca Perris
Householder Appeal

Barton Farm The Forestry Road Plaistow RH14 0PA -
Erection of replacement timber entrance gate.

Appeal Decision – Allowed

“...Despite serving access to a paddock as opposed to a residential driveway, their appearance would not be alien or entirely out of place within their wider setting. In addition, they would be deeply recessed behind the narrow road’s edge and largely screened from sight in the vistas along The Forestry Road by the hedgerows and other mature vegetation that generally prevails. ... My impression overall is that, by reason of their position, appearance, and materials, the gates would merely reflect the established pattern of sporadic gated entrances in the locality, with minimal impact on the landscape and rural character of the area. ...”

<p>* <u>19/01622/FUL</u> West Wittering Parish Case Officer: Daniel Power Written Representation</p>	<p>Surbitonia 45 Howard Avenue West Wittering PO20 8EX - Demolition of an existing bungalow with a garage and erection of 2 no. replacement two storey dwellings with separate access and parking.</p>
<p>Appeal Decision – Allowed</p>	
<p>“...The main issue is the effect of the proposal on the character and appearance of the area. ... The existing No.45 is relatively small and its hipped roof creates open space about the dwelling. The increased bulk would diminish this, but unlike the nearby areas predominated by bungalows, this characteristic does not play a significant role in creating the spacious residential environment in this part of Howard Avenue. Although the dwellings would have high eaves compared to some others, the proposal would incorporate a set back and openness to the site frontage that would maintain the spacious existing character. The proposal would incorporate parking through an increase in hard surfacing to the front. However, this arrangement is not unusual around the appeal site and beyond the roadside verges, the varied front garden areas themselves do not make a strong contribution to the character and appearance of the area. Therefore, the proposal would ensure that adequate on-site parking was provided to avoid excessive pressure to on-street availability, without causing visual harm. ...”</p>	

Addendum to p. 138 19/00845/FUL
Appeal Decision - Dismissed

6. COURT AND OTHER MATTERS

High Court.
Site: 23 Southgate, Chichester (The Vestry)
Matter: Challenge to issue of planning permission dated 9th December 2019
Stage: Virtual hearing held on 15th September 2020. Judgement awaited.