

Public Document Pack

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A meeting of **Planning Committee** will be held in Virtually on **Wednesday 3 March 2021** 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

15 **Agenda Update Sheet** (Pages 1 - 5)

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Agenda Update Sheet

Planning Committee
Wednesday 3 March 2021

ITEM: 5

APPLICATION NO: 20/01826/FUL

Further Information/Representations

6 Additional Third Party Objections received following publication of Committee report

- Need to protect a unique and precious rural setting
- Too many large scale housing developments in Hambrook and Chidham
- Future development should comprise 20-40 homes not one big housing estate
- Loss of valuable farmland, should be developing brownfield land
- Harmful to wildlife and local biodiversity
- Increase in traffic will lead to road safety issues

Agents Further Information

The agent has provided written confirmation of the interest of an existing 'Premier Local' franchisee keen to take on the convenience food store and that they are in discussions regarding the terms of a lease and/or freehold subject to planning permission being granted.

The agent has confirmed that the Community/business Resource Hub will be provided and equipped at the outset with the following:

- Meeting table and chairs in the 2 meeting rooms with coffee table and chairs in the open plan area
- Kitchen fitted with storage cabinets, sink, kettle and microwave
- Print room fitted with printer photocopier that will allow A4 and A3 volume printing and copying. It is envisaged that users will have an account and will input their unique reference number for charging purposes.
- The Resource Hub will also incorporate some wall space for displays either by simply having a blank wall or a wall with notice boards.

The Community/business Resource Hub will be run on a not-for-profit basis by a specialist Managing Agent appointed to manage the site by the Management Company with the freehold retained by Sunley.

A revised Travel Plan has been submitted where the applicant re-states its commitment to work with the Parish Council and the Local Highway Authority to deliver a change to the speed limit on Broad Road from 40mph to 30mph in the vicinity of the new site access.

Update to policy position

Revision to Local Development Scheme (LDS) 2021-2024 – March 2021

At the time of preparing this update (2 March), the decision of Full Council in respect of the Local Plan Review and proposed revisions to the LDS had not been made. The revised document proposes the following amended key milestones:

- Statutory Public Consultation document (Reg 19) (Publication) – Mar to Apr 2022
- Submission to Secretary of State - June 2022
- Examination Hearings - September 2022
- Adoption - March 2023

The Committee will be provided with a verbal update.

ITEM: 6

APPLICATION NO: 20/02473/REM

COMMENT:

Planning History

2 further reserved matters applications have been submitted relating to the SDL's Local Centre:

21/00460/REM – PCO - All outstanding Reserved Matters for the erection of buildings within the West of Chichester Local Centre to include a retail building with 8no. affordable dwellings, 4no. employment (office) buildings, 2no. health care facility buildings, a community centre and public open space to include a Locally Equipped Area of Play and Multi-Use Games Area; associated parking, landscaping and associated work in relation to the above; all pursuant to permission CC/14/04301/OUT.

21/00461/REM – PCO - All outstanding Reserved Matters for the erection of a one-form entry primary school and associated ancillary buildings, access, parking, landscaping and works in relation to the above pursuant to permission CC/14/04301/OUT.

ITEM: 7

APPLICATION NO: 20/02932/FUL

Parish Council Comments:

WWPC had a Planning Committee meeting yesterday where the above was discussed. It was agreed that, after considering all of the information now available, the Parish Council would withdraw their objection and therefore have no objection to 20/02932/FUL

ITEM: 8

APPLICATION NO: 20/03226/FUL

Additional applicant/agent information

The agent has provided additional information regarding nitrate mitigation land:

- The mitigation land is within the Donnington Manor Farm estate.
- The whole farm extends to 365 acres (147.7 ha) and the mitigation land comprises only 0.11 ha in a narrow strip along the footpath that leads to the dog walking compound accessed via members of the public through a booking system run by the Farm Estate.
- The narrow strip of land is only farmed for crops intermittently and by virtue of its small size in context with the whole farm, planting 10 trees would offer suitable nitrate neutrality for the 5 flats at Chichester without prejudicing the agricultural operations of the farm.
- The mitigation land connects directly to a ditch network to Chichester Harbour and runs parallel to a footpath used by dog walkers using the dog walking enclosure at Donnington Manor Farm – dog walking enclosure shown by a blue X on the aerial photo below.
- The mitigation land also adjoins the main farm complex where there are 7 (approved) seasonal workers caravans and close to a track that runs through the farm complex so the planting of 10 trees will bring wider benefit to local amenity as well as provide effective nitrate mitigation, all in line with the Natural England's advice for small scale development (para 5.11)

The agent has also written a letter to the committee in response to the City Council's objection to the application and clarifying the context of the nitrate mitigation proposals.

ITEM: 10

MHCLG Consultation on National Planning Policy Framework and National Model Design Code: consultation proposals

Clarification in respect of response to Q2 of the consultation:

In respect of paragraph 4.6 of the main report and the final sentence in the response to Q2 as presented on page 10 of Appendix 1; it is confirmed that the existing arrangements for the examination of local plans is considered to be appropriate, and therefore the proposed changes proposed in the consultation should not be implemented. The proposed response will be amended as such to ensure this is clear.

ITEM 11

CDC SCHEDULE OF PLANNING APPEALS, COURT AND POLICY MATTERS

<p>20/00046/PA3Q Sidlesham Parish Council Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>Land North Of 66 Street End Lane Sidlesham Chichester West Sussex PO20 7RG - Change of use of 2 no. agricultural buildings to 2 no. dwellings (Class C3).</p>
COSTS DECISION - Allowed	
<p>"... The applicant submits that the Council has acted unreasonably for a number of reasons, both substantive and procedural in nature. They assert that the Council made an unreasonable assessment that the proposed conversion project would represent a rebuild; continued to assert concerns regarding structural issues despite evidence confirming the building would be structurally sound; continued to contest the conversion capacity of the building contrary to caselaw and national guidance; showed an inconsistency in its decision making; and behaved unreasonably in refusing to agree an extended determination deadline.</p> <p>Whilst the Council was entitled to reach a different conclusion, it should have provided clear evidence to substantiate its reason for refusal. I have assessed the evidence provided alongside the national guidance and caselaw in reaching my decision and found that there is no evidence to indicate that the proposal would not constitute a conversion. No technical evidence has been provided by the Council to contest the technical evidence previously submitted by the appellant, or the subsequent clarification in respect of the structural survey.</p> <p>As such I find that the Council behaved unreasonably in asserting that the proposal would constitute a rebuild, and in continuing to pursue this position despite the available evidence. The Council did not provide any evidence to demonstrate that the buildings were not structurally sound, and it failed to substantiate its reason for refusal.</p> <p>The applicant contests that the Council behaved inconsistently in its approach to decision making in failing to determine this scheme in a similar manner to those preceding it... Each proposal should be assessed on its own merits having regard to the particular issues. As such I find that the Council has not behaved inconsistently such to be deemed unreasonable in its behaviour in this regard.</p> <p>Finally, the applicant contests that the Council was unreasonable in refusing to extend the determination period for the application. Whilst the position was clarified by way of a ministerial statement in March 2020, this was after the application had been determined. I am satisfied that the Council behaved reasonably in having regard to the somewhat challenging legal situation. With a number of high court challenges influencing the ability to extend determination periods, it was correct in determining the application within the 56 day time period.</p> <p>I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.</p>	

ITEM 12

SDNPA SCHEDULE OF PLANNING APPEALS, COURT AND POLICY MATTERS

<p><u>SDNP/19/05392/FUL</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Copyhold Copyhold Lane Fernhurst GU27 3DZ - Demolition of existing dwelling and detached self-contained ancillary accommodation replaced with 1 no. dwelling and linked self-contained ancillary accommodation.</p>
APPEAL DECISION - Dismissed	
<p>"... Within the context of the location of the site within the SDNP, the development would result in a dominant structure that would visually upset the existing proportional relationship between the built and natural environments. Moreover, it would not be representative of how, historically, rural buildings such as Copyhold developed. ... Moreover, the high level of classical detailing would make the dwelling conspicuously anachronistic within a setting that lends itself far more readily to the rural vernacular of the SDNP. The proposed dwelling would appear incongruous and jarring within a setting visible from the public realm. Consequently, taking into account that tranquility is considered to be a state of calm and is a perceptual quality of the landscape influenced by things that people can see in the landscape around them, the perception of relative tranquility or an 'expected' form of development would be diminished. ... Even if long views of the proposed dwelling would be limited due to woodland cover, the proposal would be unacceptable in design and conservation terms, because it would have a visually harmful effect on the immediate surrounding area and therefore fail to conserve the remote rural character of the landscape. ... The appellants suggest that measures such as electronically timed blinds/shutters/blackout blinds, low transmittance or tinted glass could be used to attenuate light spill from glazing, and this could be provided by way of condition. However, I have not been presented with any further information about the mitigation measures nor their effectiveness in reducing light spill to acceptable levels. Whilst blinds could be installed, such measures would be very difficult for the Authority to enforce. Thus, based on the evidence before me, I cannot be certain that this issue could be satisfactorily addressed by way of the imposition of a planning condition and so a precautionary approach is preferable in this case. ..."</p>	

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