

Public Document Pack

JOHN WARD
Director of Corporate Services

Contact: Sharon Hurr on 01243 534614
Email: shurr@chichester.gov.uk

East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY
Tel: 01243 785166
www.chichester.gov.uk



A meeting of **Planning Committee** will be held in Virtual on **Wednesday 21 April 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

AGENDA

9 **Minutes for 31 March 2021 and 7 April 2021** (Pages 1 - 19)

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
 - a) First 2 Digits = Parish

- b) Next 2 Digits = Year
- c) Next 5 Digits = Application Number
- d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTECT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held virtually on Wednesday 31 March 2021 at 9.30 am

Members Present: 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

Members not present:

In attendance by invitation:

Officers present: Mr M Bleakley (Planning Officer), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mr W Price (Planning Officer), Mr T Whitty (Divisional Manager for Development Management) and Mr J Bushell (Principal Planning Officer)

15 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

16 **Approval of Minutes**

The minutes of 3 March 2021 be approved.

17 **Urgent Items**

There were no urgent items.

18 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of O/20/02471/FUL and BI/20/02899/FUL as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in respect of TG/20/02893/OUT as a Member of Tangmere Parish Council and West Sussex County Council, and O/20/02471/FUL also as a Member of West Sussex County Council.

Mr Potter declared a personal interest in respect of TG/20/02893/OUT as a Member of Boxgrove Parish Council.

Mrs Purnell declared a personal interest in respect of TG/20/02893/OUT and O/20/02471/FUL as a Member of West Sussex County Council.

19 **TG/20/02893/OUT Land Adjacent To A27 Copse Farm, Tangmere Road, Tangmere, West Sussex**

Mr Bleakley presented the item to Members and provided a verbal update, confirming a minor amendment to the application relating to of a small area of land to the west of Saxon Meadows has been excluded from the application.

Information provided in the Agenda Update Sheet:

- Further response from Natural England confirming agreement with the Council's Habitats Regulations Assessment.
- Additional representations from Boxgrove Parish Council, regarding the lack of detail in relation to the off-site junction mitigation measures and the proposals for monitoring traffic movements. The requirement to maintain bus service route 55 serving Boxgrove and Halnaker. That the Construction Management Plan prohibits construction traffic from using The Street, Boxgrove. A requirement to further develop safe walking and cycling routes connecting Tangmere and South Downs National Park.
- Representations from Lavant Parish Council regarding the issues related to additional traffic on minor roads.
- Further information from the applicant providing agreement to fund two cycle improvement studies, relating to the possible widening of the Temple Bar bridge footpath and potential improvements for the existing Westhampnett cycle route, in addition to the £630,000 contribution currently offered.
- Amendment to paragraph 8.59 within the report, deleting 'up to' in the first sentence, to read 'Policy 18 allocates the site for 1,000 new dwellings, but emerging Policy AL14 recognises the potential of the site to satisfactorily accommodate a higher number of dwellings and consequently proposes a minimum of 1,300 dwellings on the site'.
- Additions to the Heads of Terms for a Section 106 Agreement in paragraph 8.214 regarding 'Community Buildings', 'Public Transport', 'Direct Highways Works', and 'Off-site Highway works and contributions'.
- Changes to recommended conditions including, Condition 4 (Design Code), Condition 11 (CEMP) and updates to Condition 35 and 38.

The Committee received the following Speakers:

Andrew Irwin – Tangmere Parish Council
Philip Maber – Objector
Ian Sumnall – Supporter
Ellen Timmins – Agent

Russell Henderson – Agent

Officers responded to Members' comments and questions:

Mr Bleakley confirmed that in relation to the A27 Temple Bar junction, the costs of providing the pedestrian and cycle crossing would not be taken from the £630,000 contribution, which was allocated to cycleway improvements. With regards to the north-east corner of the site and connectivity of the cycleway to the existing network, as the connection was shown on the Parameter Plan which was conditioned, its delivery should be ensured and would be further considered at the reserved matters stage. Mr Bleakley advised that officers do not currently have details regarding access to the allotments or the car park for the allotments, although these could be sought and a condition added, although he did not consider this to be necessary. On the matter of planting or building within three metres of water courses, Mr Bleakley advised that a condition recommended this, but was aware the Parameter Plan appeared to show this as closer than three metres. Mr Bleakley confirmed that the condition would be the over-riding factor. The requirement for keeping land to the west of Mannock Road open and whether a condition was required, would also be considered at the reserved matters stage. Mr Gledhill advised that the footway width on the south-east corner of Tangmere Road was adequate, and could not be increased as this would result in the necessity to narrow the carriageway. On the matter of the crossing at Malcolm Road the applicant had agreed to a condition for this installation.

Mr Bleakley confirmed that planting next to watercourses might be possible and it was important not to be overly prescriptive regarding the Parameter Plan in terms of measurements. They were intended to provide a picture of the development, and further detail would be brought forward at the reserved matters stage. However, further conditions could be added, should the Committee wish to do so. Mr Gledhill confirmed he had not received any other information regarding crossings within the vicinity of Malcolm Road. With regards to the desire line south of Gamecock Terrace, in the south-east corner, of the south-east corner parcel, Mr Gledhill confirmed that there was sufficient flexibility within the condition for the south-east corner access to be moved to accommodate the desire line and the details of which could be further examined once submitted.

On the matter of housing delivery, Mr Bleakley advised that the development consisted of up to 1,300 homes, which would be constructed over a ten to twelve year period, with an average of around 145 homes constructed each year. Realistically, these could probably not be delivered at a higher rate as houses had to be marketed and sold. At the present time, the site was not making a contribution to housing land supply, because the expectation was that completions would not be achieved until after current five year supply period had ended. However, if this application was to be approved, development should commence next year, with first occupations later in 2023. Therefore, some completions would be achieved within the relevant period which would assist the Council's position and the site would continue to make a contribution over a significant period of time. Mr Whitty added that although delivery was important, it was not material for the determination of the application.

With regards to the spine road, Mr Bleakley confirmed that the detail at either end, which was the access onto the A27 at the north and the Tangmere Road to the south was part of the application, but that the other detail within the site was only indicative at this stage of the process. On the matter of concerns in relation to an increase in traffic off-site, Mr Bleakley advised that within the proposed legal agreement there were a variety of measures proposed, including direct highway improvements and the monitoring of off-site traffic to help inform further actions that might be required. Consequently, a commitment to the full details was not being made at the current time. Mr Gledhill further advised that the only matter the Committee could not approve was a Traffic Regulation Order for a 40mph speed limit on the Tangmere, as that would be subject to a separate legal process.

Mr Bleakley confirmed that land to the west of Malcolm Road (as referred to within the Tangmere Neighbourhood Plan Policy) actually lies to the south of the proposed village centre and also outside the application site. It had been a long-standing aspiration of Tangmere Parish Council for this land to be developed. The land was partially owned by the District Council and partially owned by a housing association. Discussions were on-going regarding this area and decisions would be made in the future.

With regards to the current Local Plan revision, due to the likely length of time for the build out of the site and which might require a higher level of affordable housing, Mr Bleakley confirmed that it would follow appropriate policy that applied at that time, with the two relevant matters being the Local Plan and the Neighbourhood Plan. The current mix of housing was in accordance with the approved Tangmere Neighbourhood Plan and there was no scope for this to be changed at a later date. Mr Whitty also confirmed that the housing mix would be established in line with current policy and therefore would be 30%.

With regards to sustainability, Mr Bleakley advised that a study setting-out the approach had been submitted. Mr Bleakley drew Members' attention to a condition which outlined the sustainability measures required for each phase, as they were likely to alter over the period of the development and it would be important to ensure changes were taken into account. On the matter of increasing the widths of the footpaths at the Temple Bar junction, Mr Bleakley confirmed that the applicant had agreed to fund a study in advance of decisions being made regarding the best option for the future cycle link to Chichester. On the matter of existing cycle routes, Mr Bleakley responded that he was aware of the options and that this was the reason for recommending that a decision was not taken at the current time. The delivery of the alternative route along the side of the A27 could not be guaranteed and, therefore, it would not be apposite to agree this as the most appropriate or correct option, at this time. Mr Bleakley advised that agreement should be given to accept the contribution offered by the applicant and a further decision made quickly to help inform the best way forward. On the matter of the speed of the spine road and Malcolm Road, Mr Bleakley explained that he did not currently have the detail, but the expectation was of 20mph and 30mph in various locations. With regards to the occupation of the first 300 houses and whether residents would have access to the cycleway, Mr Bleakley believed this would be the situation. He also drew Members' attention to Condition 7 which was a recommendation for a phasing plan. On the matter of the three metre bund to the north of the site, Mr Bleakley advised

that he did not consider that would have an adverse impact on the water courses, and that it had been specifically designed not to do so. On the suggestion of a 'car club', Mr Bleakley advised that was a detailed matter which was as yet unknown but reminded Members that there was recommendation for a condition for a Travel Plan to be required. Mr Bleakley confirmed that it was likely that some of the development would be carried out by house builders, other than the applicant. With regards to cycleways and the spine road, Mr Bleakley drew Members' attention to the proposed separate segregated cycle and footpath route proposed within the site from the north to the south which would be a footway and cycleway approximately four metres wide. Mr Bleakley added that with regards to the aspiration of an increase in cycling from 4% to 7%, there were a number of sustainable proposals for the site which would encourage the option to cycle.

Mr Oakley proposed a number of amendments to conditions and new conditions:

- A scheme of minor footway improvements were submitted, approved and implemented along the Tangmere Road, from Gamecock Terrace to Meadow Way
- That Condition 36 was added to, with regards eastwards and northwards cycle connectivity immediately adjacent to the east side of the south east crossing
- That an additional condition was included for the allotment car park access
- That the trigger point for Condition 35, the Church Lane footway was amended to include an allotment trigger (if that was first)
- Amendment to the Parameter Plans with regards to the planting and alignment of the foot/cycleway in the area west of Mannock Road and Campbell Road

Mr Whitty advised that it was not possible to amend Parameter Plans as already submitted, but agreed with Mr Oakley that it was not just the access but also the matter of principle which were being established. Parameter Plans provided an indication of where roads were likely to be built only. Mr Whitty suggested that with regards to Mr Oakley's final proposed amendment, that it was made clear through an informative that it was expected that the landscaping would extend further and that the segregated cycle access was aligned appropriately. Mr Whitty further added that it could be stated 'Notwithstanding the Parameter Plans' in relation to these matters.

With regards to reducing the timing for the future implementation of cycling infrastructure, Mr Bleakley confirmed he had recommended what he believed would be achievable but that it may be possible for this to be shorter than five to ten years. Mr Bleakley suggested that as this would form part of the Section 106 agreement, it would be further considered and the outcome could be reported to Mr Oakley and Mrs Sharp.

Mr Whitty responded that on the matter of Highways England being satisfied with the scheme, Mr Bleakley could ensure local Members were updated.

In a vote Members agreed the application.

Recommendation to **Permit** agreed, subject to Highways England withdrawing its holding objection following an agreed approach to the access proposals for the A27 Temple Bar junction, defer for section 106, based on the general Heads of Terms set out in section 8 of this report.

Members took a ten minute break.

20 **O/20/02471/FUL Land at the Corner Of Oving Road, and A27, Chichester, West Sussex**

Mr Bushell presented the item to Members and clarified that the proposal was for an additional 43 dwellings to the 100 currently permitted. Mr Bushell drew Members' attention to the Agenda Update Sheet which included the deletion of the provision of an off-site pedestrian/cycleway link to Oving Road from the anticipated Section 106 agreement Heads of Terms, which would now be secured by condition only. There was also an amendment to Condition 17 to require the developer before the commencement of the development to enter into a Section 278 Agreement with West Sussex County Council to secure the off-site pedestrian/cycleway link to Oving Road.

The Committee received the following Speaker:

Mr Craig Burden – Agent

Officers responded to Members' comments and questions:

With regards to design, Mr Bushell explained that currently there was a permission granted on the site for a hundred dwellings and the design of the additional 43 dwellings would follow the approved scheme. On the matter of the north-west pedestrian/cycleway link, the majority of the three metre wide path would be on Highways England land, but there would also be some adjustments to the surrounding road network, principally associated with the Oving Road traffic light junction, hence the necessity for the involvement of the County Council. Mr Bushell added that at Condition 17 there was a requirement for consultation with Highways England. In relation to the emergency access at Condition 30, Mr Bushell explained that in an earlier iteration of the drawings there had been an acoustic fence shown across the frontage of Oving Road which had now been removed to ensure unobstructed access for emergency vehicles and the condition would be amended to indicate this requirement. With regards to internal roads, they would be built to adoptable standards, with a standard clause in the Section 106 regarding private roads and those for adoption, to ensure County Council had some control. Dog and litter bins would be looked at further, could be included in the landscape condition and would be managed by the estate management company. On the matter of foul drainage, Mr Bushell explained that there was a signed deed of easement between Redrow, Cala Homes, and Hanbury Properties who were the landowners at

Shopwhyke Lakes to allow Redrow to discharge foul water from up to 143 dwellings to the Cala Homes pumping station on the Shopwhyke Lakes site which had sufficient capacity for both developments. This was under the supervision of Southern Water, which would also be responsible as the statutory undertaker for foul water disposal between the Cala Homes pumping station and Tangmere pumping station.

On the matter of the clustering of a line of affordable housing on the eastern side of the site, Mr Bushell confirmed this had previously been approved for the 100 dwellings. This pattern was repeated on the western side, but the line was sufficiently broken with gaps, a mix of affordable and market properties, roads and parking, to ensure it was not a continuous line of affordable housing and it was therefore considered acceptable in terms of the pepper-potting approach.

Mr Bushell confirmed that an agreement was in place with the two major house-builders (Redrow and Cala), the Shopwhyke Lakes land owner (Hanbury Properties) and Southern Water to ensure that the capacity of the Cala Homes pumping station was not exceeded and due to the long lead-in period in terms of occupations of dwellings there was sufficient time for the installation of the necessary foul drainage infrastructure to service the proposed development. Mr Bushell reminded the Committee that it was the responsibility of the statutory undertaker to determine the correct level of infrastructure to dispose of the waste.

With regards to the bus services, Mr Bushell responded that on the Shopwhyke Lakes spine road there was a bus service with associated bus stops which provided a more frequent service than the Compass bus service on Oving Road but it was difficult to establish new services in advance of dwellings being occupied as the bus companies were reluctant to create a provision without an understanding of the demand. The County Council as part of the Section 106 agreement required a contribution for bus stops and real time passenger information. On the matter of landscaping, Mr Bushell confirmed that the applicant's fall-back position was for the hundred permitted dwellings, but as part of this scheme the five metre landscape buffer would be re-imposed including protection of the hedgerow adjacent to the A27. The details of the acoustic fence would be required by condition including planting to soften its appearance and Mr Bushell advised that the Council's Environmental Health officers confirmed that subject to the usual requirements regarding fabric and glazing for buildings within a higher noise level environment, the site provided an acceptable living environment.

With regards to noise from the A27, Mr Bushell confirmed a detailed report had been submitted by the applicant, providing details of the glazing for the windows which would potentially have trickle vents or mechanical ventilation. Mr Bushell added that a balance was required between providing new housing and ensuring suitable amenity and an appropriate living environment, which he considered had been met. In addition to the three storey block of affordable housing flats located on the west boundary there would also be a further block of market flats to the north which was closer to the A27.

On the suggestion of a bund to part screen the acoustic fence, Mr Bushell concurred that the difficulty was utilising the area where the Sustainable Drainage System was located, as there could be an implication for surface water drainage. Mr Bushell

assured the Committee that the details of the acoustic fence would be carefully considered for function and appearance. Mr Bushell confirmed the potential for a bund could be explored with applicant.

Miss Golding explained that discussions had been taking place regarding a revocation order for the hundred dwellings permission, as there was the potential for two planning applications to be in place which would then allow the applicant to adhere to different conditions from each of the permissions, which the Council would wish to avoid. Miss Golding advised therefore it may be necessary to amend the recommendation to defer for a revocation order, and a Section 106 and then permit. Mr Bushell responded that the applicant's wish was to implement the new application should it be permitted rather than the permission for the hundred dwellings. Mr Bushell suggested that this matter could be dealt with by the wording of the Section 106 agreement stating that at the commencement of the 44th dwelling the applicant would need to decide whether to continue with the hundred dwellings scheme or implement the 143 dwelling scheme currently being considered by the Committee, which would avoid an overlap. This could further be discussed outside the Committee meeting. Miss Golding responded that it would be preferable to defer for a revocation order and leave this open by stating 'if appropriate' in the resolution and confirmed that there would be a clause to reflect this in the Section 106 agreement.

With regards to gas contamination, Mr Bushell confirmed that as part of the discharge of the pre-commencement conditions for the hundred dwelling scheme, the applicant had provided information in respect of gas contamination. The Environmental officer had re-imposed the relevant condition for the proposed extra 43 dwellings as a standard safeguard.

Mr Bushell confirmed that with regards to Condition 8, the 'commencement' of development would be defined in the Section 106 with the construction of the 44th dwelling as the trigger point. On the matter of the surface water swales, Mr Bushell responded that he believed they would not be lined which therefore would permit potential planting on the sloping embankment and there may be the possibility of moving the swales slightly to the east to allow for planting a tree line adjacent to the acoustic fence. Mr Bushell further advised that the detail of the acoustic fence was yet to be submitted and it may for example be a green wall. With regards to Condition 17, Redrow were working with Cala Homes on the Section 278 agreement for the north-west link, a consultant had been jointly appointed and a small amendment to the Section 278 drawing to accommodate the link would be submitted to the County Council as the most appropriate authority, with Highways England also having an input as to their requirements. On the matter of the onward movement of foul water from the Cala Homes pumping station, Mr Bushell reiterated that this was the responsibility of Southern Water.

On the matter of the position of the settlement boundary, Mr Bushell confirmed reference to the Local Plan review under draft policy AL3 which showed the settlement boundary for Chichester being revised to include the site. With regards to the bus patterns, Mr Bushell advised that these were more relevant to the Shopwhyke Lakes site as had been agreed. Mr Bushell confirmed that traffic emerging from the site would only be able to travel east towards Tangmere Road or

divert through Shopwhyke Lakes on the spine road and then enter the A27, and only buses would be permitted to use the Oving Road/A27 junction. There would be onward connectivity for pedestrians and cyclists over the new bridge to be constructed over the A27 and the toucan crossing on the A27 would remain.

In a vote Members agreed the application.

Recommendation to **Permit** to defer for a revocation order if appropriate, and a Section 106 agreement, agreed.

Members took a five minute break

21 **BI/20/02899/FUL Houseboat Water Gypsy, Chichester Marina, Birdham, Chichester, West Sussex**

Mr Price presented the item to Members and drew Members' attention to the Agenda Update Sheet, which confirmed the recommendation to 'permit'.

The Committee received the following speakers:

Graham Campbell – Parish Council
Jonathan Hogan – Agent

Officers responded to Members' comment and questions:

With regards to the character of the Area of Outstanding Beauty (AONB) Mr Mew responded that the presentation had shown a number of other examples of houseboats, some more traditional and some more contemporary, and Chichester Harbour Conservancy had not objected. Mr Mew also confirmed that the application was for a replacement houseboat and therefore the requirement for nitrate mitigation did not apply.

In relation to the Birdham Neighbourhood Plan, Mr Mew explained that policy 1 referred to heritage assets and their setting which identified the canal and lock as a heritage asset. The policy referred to support for the continued presence of houseboats, and that any development must conserve or enhance the heritage asset of the parish. Mr Whitty added the photographs exhibited in the presentation showed the range of similar developments, and therefore it would be difficult to make the argument that this development was not in character or in keeping with what was already in existence.

In regards to the utilities, Mr Mew confirmed that a specification document had been submitted with the application which was conditioned, and utilities were accessed via a utilities pole. Mr Mew also confirmed that the plans showed a walkway to the canal side which would be fixed to the boat. On the matter of use of the land adjacent to the houseboat for any structure, this would require a separate planning application.

Mr Mew advised that the dimension of the proposed houseboat was 14 metres in length, by 4.3 metres in width, and 3.77 metres tall. The previous houseboat at this mooring was granted permission in 2013, and was 15 metres in length, and therefore longer, but more narrow, less tall, and was more traditional in appearance. Mr Mew added that policy 5 of the Neighbourhood Plan in terms of light pollution did carry weight and was in the AONB, but the Chichester Harbour Conservancy had not raised an objection. The rear of the houseboat, at the position of a balcony above water level, had glazing across the width of the boat with an over-hang, which would assist to mitigate light spillage upwards and glazing on the sides of the houseboat was limited. Mr Mew also confirmed that there would be sufficient width across the canal for another boat to pass the proposed development.

Mr Whitty advised that Birdham Neighbourhood Plan was not specific in terms of setting any design code, it just sought to preserve and enhance the AONB. Design was subjective, and there was an existing eclectic mix, it was stated in an AONB that the local authority should not be subjecting personal views on design, and it should be only a matter of whether a development was in character and in keeping.

Mr Barrett proposed that the application was refused on the grounds that it does not enhance the environment within the AONB, contrary to policies 1 and 5 of the Birdham Neighbourhood Plan, which was seconded by Rev Bowden.

In a vote Members agreed the proposal to refuse the application.

Recommendation to **refuse** the application, against officer recommendation.

22 **Exclusion of the Press and Public**

There were no part two items.

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

There were no late items.

The meeting ended at 1.33 am

CHAIRMAN

Date:



Minutes of the meeting of the **Planning Committee** held virtually on Wednesday 7 April 2021 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Mr G Barrett, Mr R Briscoe, 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

Members not present: Rev J H Bowden and Mrs J Fowler

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mr S Harris (Principal Planning Officer), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)), Mr H Whitby (Tree Officer) and Mr T Whitty (Divisional Manager for Development Management)

24 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

Apologies for absence had been received from Rev Bowden and Mrs Folwer.

25 **Urgent Items**

There were no urgent items.

26 **Declarations of Interests**

Mr Oakley declared a personal interest in respect of CC/20/03108/REM and CC/20/01897/FUL as a Member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of CC/20/03108/REM and CC/20/01897/FUL as a Member of Chichester City Council.

Mrs Purnell declared a personal interest in respect of CC/20/03108/REM and CC/20/01897/FUL as a Member of West Sussex County Council.

Mrs Sharp declared a personal interest in respect of CC/20/03108/REM as a Member of Chichester City Council, and CC/20/01897/FUL also as a Member of Chichester City Council and a resident of Chichester Conservation Area.

CC/20/03108/REM Land West Of Centurion Way And West Of Old Broyle Road, Chichester

Mr Harris presented the item to Members, provided a verbal update regarding a change to Condition 3 to reflect a recent revision and drew Members' attention to the Agenda Update Sheet which included amendments to two conditions relating to approved plans and tree protection.

The Committee received the following speaker:

Rob Collett – Applicant (statement read)

Officers responded to Members' comments and questions:

With regards to the green space (pocket park) between the parcel and adjacent parcel, Mr Harris explained that the routing of the spine road had already been permitted under phase one, and that re-routing the access to the south of the park would not be possible as it would involve land that was outside of the Phase 1 application site. The path shown along the southern side of the park was a cycleway with the aim of improving facilities for cyclists, and contributing to what was intended to be a pedestrian friendly area.

On the matter of issues which had occurred with the applicant on sites elsewhere in the District in relation to drainage and lighting problems for existing residents and negative impact on wildlife during construction work, Mr Whitty responded that although this should not be referenced with regards to this application, he was aware of the issues and that developers use different contractors for different sites. The Council's enforcement officers were involved in such matters across the whole of the site under discussion and would keep the works in progress under review in relation to any problems which may occur.

With regards to the comments that Newlands Lane may have been a lost opportunity at outline stage in terms of it not being identified as a cycleway at that stage, Mr Harris responded that he did not consider this to be the case. In relation to the outline application for phase one, there was unlikely to be a significant volume of cycle traffic and it would not have been justified. On the matter of future vehicular traffic on Newlands Lane and phase two, Mr Harris advised this had not been shown on part of any approved parameter plan to date, but could be considered in the future if required. In regards to unauthorised vehicle access where the cycle link emerged onto Newlands Lane, it would cross a deep drainage ditch and therefore this would prevent unauthorised access. Mr Harris explained that Condition 5 included the requirement of details of the transition between the parcel and Newlands Lane which was likely to require bollards, and an informative could be added with regards to the expectation of such installation. Mr Harris confirmed that surface water drainage was to be dealt with subsequently under the outline conditions, and therefore the details were not yet known. Mr Harris added that he understood the location did not drain well due to ground conditions and therefore that a significant proportion of drainage would be directly into the wider network, designed at the outset for this eventuality, although the surface drainage had been better than expected in terms of the detailed drainage schemes that had been

approved for parcels thus far. The drainage would be reviewed by the Council's drainage engineer officer when details were submitted. Mr Harris further explained that silting issues with paved areas and the routine maintenance would be dealt with under the relevant conditions and common areas would in future be maintained by the Management Company.

With regards to where the cycleway emerged onto Newlands Lane, Mr Harris agreed this was a valid point but there was a difficulty in both stopping unauthorised vehicles and facilitating other users, and this matter would be considered carefully when the relevant condition was discharged. County Council Highway officer Mr Shaw did not want staggered barriers as this caused a hindrance for some users, but measures would be required in order to slow cyclists where they emerged onto Newlands Lane.

Mr Harris confirmed that the protection of the chalk stream was being regularly monitored by enforcement officers, and the route of the chalk stream was protected under the conditions in terms of the environmental construction management plan. Mr Harris further confirmed that there had been some issues in relation to the chalk stream and some reinstatement works would take place and replanting to a small area in the south east corner of the parcel. Significant planting would take place in the southern open space and this would include meadow grass. Mr Harris added that with regards to Newlands Lane, there was no intention for the Country Park to be accessed by vehicles from this road but only by pedestrians and signage had been positioned to remind people that the private road should not be accessed by vehicles unless they were residents. Mr Harris further responded that the aspirations of a bridleway along to Salthill Road were noted, but the developers only had control up to Salthill Lodge.

On the matter of building control Mr Whitty confirmed that the Council only had enforcement control. The developers had appointed approved inspectors for building control purposes and consequently, this was not within the Council's control.

With regards to parking issues, Mr Harris advised that the Country Park was intended as an attractive location but there had not been a plan in this part of the site for a car park, although there was a car park located off Old Broyle Road. Should a problem arise, the County Council would need to monitor and put any necessary measures in place.

With regards to Condition 5, Mr Harris confirmed that this could be amended to make specific reference to measures to prevent unauthorised access across the parcel. On the matter of the roof run-off, this would be dealt under the conditions on the outline application and had been included within the calculations considered by the drainage engineer officer. Mr Harris agreed that in relation to the maintenance of the shared surface areas, there would be a reliance on compliance with the plans and subsequent conditions when discharged.

In relation to the chalk stream, Mr Harris confirmed that the whole drainage strategy had been developed around protecting the chalk stream. In the south east corner,

drainage works had caused some short-term and localised issues, which were being resolved and local Members had been kept updated on this matter.

In a vote Members agreed the recommendation to permit.

Recommendation to **Permit** agreed.

Members took a ten minute break.

28 **CC/20/01897/FUL 22A and Land to the Rear of 24 Lavant Road, Chichester, West Sussex**

Mr Mew presented the item to Members and provided a verbal update relating to an additional objection regarding the character of the area, privacy of neighbouring properties and the request for hedge planting. Mr Mew also drew Members' attention to the Agenda Update Sheet regarding a third party representation which cited the lack of clarification relating to the construction method and any associated fire risks.

Mr Plowman left the meeting and did not return.

The Committee received the following speakers:

Simone Ivatts – Objector
Richard Zipeure – Objector
Nick Sutherland – Objector (statement read)
Paul White – Agent

Officers responded to Members' comments and questions:

Statement provided Mr Plowman read in his absence.

With regards to consulting Southern Water, Mrs Stevens confirmed that there was no statutory requirement to do so on schemes under ten dwellings which was also in line with the adopted position statement. It was acceptable for the scheme to discharge to Apuldram Wastewater Treatment Works subject to the mitigation for nitrates. On the matter of the protection of boundary vegetation, the trees and shrubs had been assessed as not worthy of a Tree Preservation Order but a plan had been submitted with the ecological mitigations and enhancements proposed as part of the scheme and Mrs Stevens confirmed that Condition 26 could be amended to clarify that the vegetation along the boundaries should be retained. In terms of the wider approach to nitrate mitigation, in line with advice from Natural England, which the Council were working with, in regards to one-off schemes and also a broader approach going-forward, there was not a requirement for authorities to look at discreet areas within specific parts of Chichester Harbour as an example, or the wider Solent which had been divided into areas, which was the reason for Natural England accepting the type of mitigation proposed. On the matter of the use of the agricultural land to be used for the mitigation scheme, this was grade 3 or 4, had been in recent use and officers were satisfied would provide an appropriate level of mitigation.

With regards to the affordable housing provision, Mrs Stevens confirmed that within the development plan it was not possible to require a contribution for this size of development, and should this be a concern, it would have to be addressed by planning policy. On the matter of the materials proposed, Mrs Stevens advised that there was a mix of materials within the locality and the cedar cladding on the rear properties was considered acceptable, but the materials condition could be amended to include a requirement for materials to be negotiated as part of the discharge of conditions application.

Mrs Stevens explained that the previous appeal scheme had included two detached properties to the front of the site and a row of three link-detached properties to the rear. The current scheme included part of the adjacent neighbouring garden with two semi-detached properties to the front of the site and two chalet bungalows to the rear of the site and therefore the previous proposal had been greater in density. The current proposal was considered by officers to be appropriate, provided housing in a sustainable location, supported the lack of a five year housing land supply and provided space around the dwellings with garden areas. The housing team had previously raised an objection to the four-bedroomed units, and the scheme had been amended to two four-bedroomed and two three-bedroomed units. Mrs Stevens added that it was difficult to have a Housing and Economic Development Needs Assessment (HEDNA) compliant scheme on such a small number of units and to do so it would have required a two-bedroomed unit in place of a three-bedroom unit, but the current scheme was now considered not materially different to the HEDNA to warrant refusal, as concluded by the housing team. Mrs Stevens advised that the mitigation management would form part of the Section 106 agreement to ensure on-going management of the nitrate mitigation land.

Mr Whitby confirmed that his assessment of the vegetation had been concluded as not worthy of preservation but could be considered important in terms of softening the boundaries between residents and for the wildlife. The protection could be made more stringent but not under a preservation order. Mrs Stevens also confirmed the site was not within a conservation area and the tree specifically cited was not protected, therefore the Council did not have control, but Condition 26 could be enhanced and amended.

Mrs Stevens confirmed that Condition 15 prevented any external lighting other than in accordance with a scheme which must be agreed. In regards to the distances from neighbouring properties, Mrs Stevens advised that the proposal provided distances over and above the Council's guidance. In terms of the quality of the existing buildings, Mrs Stevens added that it was accepted that they form part of the character of the area but the demolition of a house does not require planning permission and only prior approval for the method of demolition.

With regards to housing land supply figures Mrs Stevens advised that a windfall site was separate within the Local Plan and Mr Whitty added that windfall sites assisted in demonstrating delivery.

With regards to the Tree Preservation Order (TPO) tree, Mrs Stevens confirmed that tree 7 was an oak in a neighbouring site, and tree on the highway land was owned

by the County Council and was not the subject of a TPO. Mrs Stevens also responded that the case officer had looked at the evidence provided for the previous use of the nitrate mitigation land and Natural England had not raised an objection. On the matter of ground water monitoring, Mrs Stevens responded that Condition 6 was a standard condition which required that this must take place over the winter period following the grant of planning permission and construction could not take place until the information had been submitted and agreed in consultation with the drainage engineer officer.

Mr Whitty summarised a number of points including the principle of development of the site and explained that this proposal would maximise the efficient use of land and with regards to the erosion of character, this was not contained within any adopted policy and all decisions of the Committee must be based on policy. There was other back land development within the vicinity with larger houses being removed for the construction of smaller dwellings and therefore this now formed part of the character of the area. With regards to the trees and boundaries, the level of threshold for creating a TPO tree, this was set at high public amenity not a private amenity. It could however be ensured that planting to the rear aimed at retaining privacy and was maintained via a condition. On the matter of nitrate mitigation land, it was grade 3 or 4 land, and the Council's policies sought to protect grade 1, 2 and 3 land, therefore the lowest grade was looked at for loss in the first instance. There was ploughed evidence for the land and Natural England's approach was that it was not possible to establish the regularity or time period in which ploughing had taken place or crops grown, but that the land would make a contribution to mitigating nitrates within the harbour. The Council had engaged with a specialist regarding the Solent to draw-up a longer term solution. In the intervening time, the solutions put forward by developers had to be accepted and secured by a Section 106 with the requirement to plant, and this could be reviewed in the future to ensure this was taking place. Mr Whitty added that Natural England required the nitrate mitigation land was taken out of all farming production and using the land for animal husbandry would still produce a level of nitrates.

Mr Whitty confirmed the amendments to the conditions as discussed during the debate.

In a vote the recommendation was **not carried** against officer recommendation.

The Chairman proposed that the application was deferred. This was seconded by Mr Briscoe.

In a vote Members **Agreed** to **Defer** for further negotiation with the applicant on the retention of hedging and trees and for comment from Southern Water on the Apuldram Wastewater Treatment Works capacity for the extra three houses and cumulative effect. The application to be brought back to Committee for determination.

Members took a ten minute break

Mrs Stevens presented the item to Members.

Officers responded to Members' comments and questions:

With regards to the replacement tree, Mrs Stevens confirmed that the relevant condition required a suitable replacement of at least two metres tall which could be for example an oak or field maple but that decision would be made by the applicant.

On the matter of pruning, Mr Whitby advised a tree would recover, and the tree would compartmentalise such wounding, but the general condition of the tree was worsening.

Mrs Stevens advised that in accordance with the tree's protected status, only one tree was required as replacement, and it was only in relation to planning applications that two replacements were required for each single tree removed and Mr Whitty added that Natural England would need to lobby to seek a change in this legislation to require a two for one replacement.

Mrs Stevens confirmed that a condition stated the requirement for the tree to be replaced within the first planting season.

In a vote Members agreed the recommendation to permit.

Recommendation to **permit** agreed.

30 **Control of Estate Agent Signs within the Chichester Conservation Area**

Mrs Archer presented the item to Members. The Agenda Update Sheet provided two corrections regarding the dates of the relevant legislation.

Mrs Archer responded to Members' comments and questions:

Mrs Archer confirmed that the reasoning for seeking agreement to the recommendation in the report was in part due to the number of students lets and explained that this matter was under Regulation 7 of the Town and Country Planning (control of Advertisements) (England) Regulations, and an application would therefore not be a planning application. The report proposed that within the Chichester Conservation Area an application for permission to display signage would be required. Mrs Archer also commented that other marketing methods were available.

Mrs Archer advised that if this was to apply to Midhurst Conservation Area, further work would be required with South Downs National Park, and confirmed that she would discuss this with the authority at her next meeting with them. Mrs Archer also confirmed that further matters relating to the boarding-up of premises was also being considered, but this was part of separate legislation.

With regards to the number of signs displayed for a single premises and the condition of the signage, Mrs Archer responded that a separate application would be

required for each sign, which must be clean and safely displayed. Each application would cost £132. On the suggestion of the use of QR bar codes, Mrs Archer agreed that may be an idea which could be considered by the Business Improvement District group. Mrs Archer was unable to provide statistics in relation to the number of student lets.

In a vote Members agreed the recommendation that officers make an application to the Secretary of State under Regulation 7 of the Town and Country Planning (control of Advertisements) (England) Regulations 2007 for a Direction that deemed consent shall not apply for the display of Estate Agent Boards within the Chichester Conservation Area of a period of ten years.

Recommendation **Agreed.**

31 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 10 February 2021 and 9 March 2021**

Mr Whitty confirmed that with regards to Land North of Stane Street, Westhampnett, the Parish Council and the Ward Members were advised of the variation to the Section 106 agreement. The Government were currently encouraging changes to be accepted due to the current Covid-19 pandemic where they did not have a significant impact on delivery of housing. The Parish Council did object, however the Council's own advisor in relation to the sport and recreation need, had no objection and therefore did not find it would have a significant impact upon the provision and timing for development, and people wishing to use the facility. With regards to Covid-19, the Council would not seek for a developer to have to fund further costs for work where not necessary. If there was a reasonable assumption on the basis of a letter from an applicant, that there is a need to delay provision and that delay would not cause significant impact, the Council would accept such a situation particularly considering the Government's current stance. However, should it be considered appropriate to challenge a delay, the Council would be more robust or seek further evidence, but proportionality was key.

On the matter of Land West of Birdham Farm, Birdham Road, Mr Whitty reported that the order required occupation to cease on 31st March 2021 and for the site to be cleared by 30th April 2021. The occupants may apply for a later date for compliance and the courts were likely to agree an extension until 30th June 2021 for occupation to cease and 31st July 2021 for the site to be cleared, but that was dependent upon an application being made. The current plan was for officers to gather evidence and consider legal proceedings on the basis of that evidence. Mr Whitty agreed to provide an update report for the Parish Council and confirmed that other interested parties were being kept updated.

With regards to Land at the Corner of Oving Road and A27 for the erection of 143 dwellings, and the withdrawal of the application, Mr Whitty responded that he did not have any further information at the current time.

On the matter of new units on Gypsy sites, Mr Whitty confirmed that appeals were being requested by way of hearing, in order to fully present evidence and allow third parties to participate in the process, but this was a decision of the Planning

Inspectorate. With regards to Land North West of Newbridge Farm, Salthill Road, Mrs Stevens confirmed had been requested as hearing by the appellant, and the Planning Inspectorate had been in communication with them early this year, as they had not submitted all of the required information, and added that the appeal schedule would be updated for the next meeting.

Mr Whitty explained that the procedure for Section 106 agreements was set out in the Council's constitution and the procedure states that applications were determined and reported to Committee but prior to determination, comments were sought from the Parish Council, Ward Members and other consultees in regards to any matters raised.

32 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 10 February 2021 and 9 March 2021**

Members agreed to note this item.

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

There were no late items.

34 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.25 pm

CHAIRMAN

Date:

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