

# 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 5 May 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

- (a) MHCLG and DCMS Consultation on Change to permitted development rights for electronic communications infrastructure: technical consultation (Pages 1 - 10)

The Planning Committee is asked to note the contents of the MHCLG and DCMS consultation on changes to the permitted development rights for electronic communications infrastructure: technical consultation and to comment on, and endorse, the proposed Council response set out in Appendix 1.

- 15 **Minutes for meeting held on 21 April 2021** (Pages 11 - 18)

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## Chichester District Council

### Planning Committee

Wednesday 5 May 2021

#### **MHCLG and DCMS Consultation on Change to permitted development rights for electronic communications infrastructure: technical consultation**

#### **1. Contact**

Fjola Stevens, Development Manager (Applications)

Tel: 01243 534734; Email: [fstevens@chichester.gov.uk](mailto:fstevens@chichester.gov.uk)

#### **2. Recommendation**

**2.1. The Planning Committee is asked to note the contents of the MHCLG and DCMS consultation on changes to the permitted development rights for electronic communications infrastructure: technical consultation and to comment on, and endorse, the proposed Council response set out in Appendix 1.**

#### **3. Background**

3.1 The Ministry for Housing, Communities and Local Government (MHCLG) and the Department for Digital, Culture, Media and Sport (DCMS) has published a consultation document titled 'Changes to permitted development rights for electronic communications infrastructure: technical consultation'. MHCLG and DCMS are seeking views on revisions to the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO).

3.2 At present, some electronic communications apparatus can be installed as permitted development under Part 16 of Schedule 2 of the GPDO, although there are limits on the scale of development permitted and in some circumstances prior approval is required. Permitted development rights do not generally apply in Conservation Areas, Areas of Outstanding Natural Beauty and National Parks, other than for small scale proposals. The consultation seeks views on amendments to Part 16 of the GPDO to increase the existing permitted development rights to allow operators to speed up the delivery of telecommunications equipment.

3.2 The consultation period runs from 20 April until 14 June 2021. A copy of the MHCLG/DCMS consultation document can be viewed online (see weblink below under 'Background Documents').

## **4.0 Consultation responses**

### **4.1 CDC Economic Development**

Chichester District is characterised by an SME [*Small and medium-sized enterprise*] economy, with 90% of businesses classified as micro as they employ less than 10 people. A recent report from [The Entrepreneurs Network \(2020\)](#) argued that small firms need to make better use of digital technologies to tackle the sluggish productivity seen pre-pandemic, in order to bounce back faster post lockdown.

West Sussex Councils share four digital infrastructure priorities:

1. encouraging the acceleration of the densification of network within and between key urban areas;
2. enabling the extension of the network into less densely populated areas including rural areas that would be slow to access connectivity or those that would be otherwise “left behind”;
3. getting ready for future commercial investments in Wi-Fi, 5G and the Internet of Things across the county;
4. lowering barriers for telecoms players in the county to encourage co-operation and develop a vibrant and diverse market providing choice of supplier and price.

Key to the digital vision is to maximise the potential of the digital infrastructure as an enabler for a ‘digital economy’ and for ‘digital participation and skills’. This is more critical than ever as we look to do what we can to support economic recovery, business survival and adaptation, and labour and workforce changes arising from the COVID-19 pandemic.

The range of technologies available will have an impact on inward investment and growth of businesses in the area, therefore it is important for digital infrastructure be able to develop in line with other areas in the South East. This unsurprisingly means a change to current guidelines that are in place in terms of planning constraints.

## **5.0 Consultation question responses**

- 5.1 The consultation document asks questions about changes to Part 16 of Schedule 2 of the GPDO. In addition changes to the safeguarding procedure and technical changes to update the definition of ‘small cell system’ are also proposed. The main changes to the permitted development rights would include the following:

### **Enabling deployment of radio equipment housing**

- Single developments of small radio equipment housing would be permitted without the need for prior approval, with larger equipment housing subject to prior approval, in all areas except land on or within sites of special scientific interest;
- Restrictions on singular developments and cumulative permitted development of radio equipment housing would be disapplied where these are located in an enclosed compound, subject to restrictions that ensure new equipment does not have an adverse visual impact on the local area;

### **Strengthening existing ground-based masts**

- For existing ground-based masts less than a metre in width, alteration or replacement of the mast with increases in width of up to two-thirds would be permitted without the need for prior approval. Greater increases in width would be permitted subject to prior approval;
- For existing ground-based masts more than a metre in width the government is consulting on two options: A) the alteration or replacement of the mast with increases in width of up to 150% or two metres (whichever is greater) without the need for prior approval in all areas; or B) the alteration or replacement of the mast with increases in width of up to 133% or one metre (whichever is greater) on Article 2(3) land without the need for prior approval, and 150% or two metres (whichever is greater) elsewhere. In either case, greater increases in width than those specified above would be permitted subject to prior approval;
- Alteration or replacement of existing ground-based masts which increases the height up to 25 metres would be permitted subject to prior approval on Article 2(3) land or land on a highway;
- Alteration or replacement of existing ground-based masts which increase the height up to 25 metres would be permitted without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest. Greater increases in height up to 30 metres would be subject to prior approval;

### **Building-based masts**

- Installation, alteration or replacement of building-based masts up to 10 metres in height above the tallest part of the building within 20 metres of the highway, on buildings less than 15 metres in height, would be permitted subject to prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;
- In addition, the government is considering permitting the installation, alteration or replacement of building-based masts up to 6 metres in height above the tallest part of the building without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;

### **New ground-based masts**

- With the exception of land on or within sites of special scientific interest, installation of new ground-based masts up to 25 metres on Article 2(3) land or land on a highway, and 30 metres on other land, would be permitted – in both cases subject to prior approval;
- In addition, the government is considering permitting the installation of monopoles up to 15 metres in height without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest.

5.2 There is a clear identified need to improve digital infrastructure and it is considered that the amendments sufficiently balance this need with protecting important landscapes and heritage assets. Therefore it is considered that relaxation of the permitted development rights would not result in harm to amenity or the character of designated areas such that the proposed measures should be resisted.

5.3 The document expressly confirms that the proposed changes would not apply within Sites of Special Scientific Interest (SSSI's). The document is silent on other designated sites i.e. European designated sites such as Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) Ramsar etc. This is not a concern; in accordance with Art 3.1 of the GPDO any development permitted by schedule 2 (including part 16) would not be permitted development if it would not comply with the Habitat Regulations 2017, as amended, and no development would comply with the Habitat Regulations if were to have a likely significant effect on a designated site. Therefore this is an issue that would be considered on a case by case basis in the same way that any type of permitted development is at present.

### **6.0 Proposed Council response**

6.1 Members are asked to;

- i. note the contents of the consultation proposals, and
- ii. comment on and endorse the proposed Council response set out in Appendix 1. Any further comments will be incorporated prior to the response being forwarded to MHCLG/DCMS.

### **7.0 Background documents**

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

[Changes to permitted development rights for electronic communications infrastructure: technical consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/consult/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation)

## **Appendix 1: Consultations responses to questions**

Question 1. The government has committed to make it easier to deploy radio equipment housing without the need for prior approval. This is to support the deployment of 5G and incentivise the use of existing sites for site sharing.

1A) To implement this, we would welcome your views on the following proposals:

On Article 2(3) land to:

- permit single developments up to 2.5m<sup>3</sup> without the need for prior approval;
- to permit single developments exceeding 2.5m<sup>3</sup> subject to prior approval.

The above proposals would not apply on land on or within sites of special scientific interest.

**Response - It is considered that the small scale developments that would not have a significant impact, and therefore the proposed changes are not of concern, provided prior approval is required in respect of siting and appearance.**

1B) To implement this, we would welcome your views on the following proposal:

- To permit the installation, alteration or replacement of radio equipment housing within the boundaries of a permitted compound, without the need for prior approval, subject to measures to mitigate visual impact. This proposal would apply on all land except land on or within sites of special scientific interest.

We recognise that conditions would be needed to ensure that new equipment housing does not have an adverse visual impact on the local area. We therefore particularly welcome comments on what measures would be most appropriate to mitigate visual impact.

**Response - It is considered that the intensification of the use of existing compounds would be preferable to the need for additional compounds. It is considered that this permitted development should be limited to ensure the height of any radio equipment housing does not exceed the height of the existing permitted within the compound, or it is no higher than any permitted perimeter fence, whichever is the highest.**

Question 2

2A) The government has committed to make it easier to strengthen existing masts without the need for prior approval to be given by the local planning authority. This is to encourage use and sharing of existing masts and so limit the need for new ones.

To implement this, we would welcome your views on the following proposals:

- To permit the alteration or replacement of existing masts with wider masts, subject to the following limits: on all land, for existing masts less than one metre wide, permit increasing the width by up to two-thirds without the need for prior approval;
- where an existing mast is greater than one metre wide, permit increases in width without the need for prior approval. Subject to consultation responses this would be by either:
  - a) up to one half or two metres (whichever is greater) on all land (including Article 2(3) land and land on a highway); or
  - b) up to one third or one metre (whichever is greater) on Article 2(3) land and land on a highway, and one half or two metres on all other land.
- on all land permit greater increases in width than proposed above subject to prior approval
- that any change in width is calculated by comparing the widest part of an existing mast with the widest part of the new altered or replacement mast.

The above proposals would not apply on land on or within sites of special scientific interest.

**Response – It is considered that the limited increase in width without prior approval would be acceptable, and that prior approval should be required for any greater increase in width in respect of the siting, height, scale and appearance.**

2B) For existing masts greater than one metre wide we have proposed two alternative options:

Permit the alteration or replacement of existing masts with wider masts, subject to the following limits:

- Option A) up to one half or two metres (whichever is greater) on all land (including Article 2(3) land and land on a highway), or
- Option B) up to one third or one metre (whichever is greater) on Article 2(3) land and land on a highway, and one half or two metres on all other land.

Greater increases in width than proposed above would be subject to prior approval. The above proposal would also not apply on land on or within sites of special scientific interest.

Which of these two options do you consider to be most appropriate? If you would make any further comments, please include these in your response to Question 2A (above).

**Response – It is considered that option B would be more appropriate to ensure that the special qualities and character of landscapes and the built environment within areas designated as Art 2(3) land are protected. It is a concern that option A would have a harmful impact on designated Art 2(3) land.**

Question 3. The government has committed to make it easier to strengthen existing masts without the need for prior approval to be given by the local planning authority. This is to encourage use and sharing of existing masts and so limit the need for new ones. To implement this, we would welcome your views on the following proposals:

To permit the alteration or replacement of existing masts up to a new height of 25 metres, without the need for prior approval, outside of Article 2(3) land. The government also proposes to align permitted development height limits for alterations to existing masts with those proposed for new masts. This would permit the alteration or replacement of existing masts subject to the following limits:

- on Article 2(3) land and land on a highway, up to a new height of 25 metres subject to prior approval;
- on all other land, up to a new height of 30 metres, subject to prior approval;

The above proposals would not apply on land on or within sites of special scientific interest.

**Response – In principle there are no concerns with the increased heights given that prior approval would be required.**

Question 4. The government has committed to make it easier to deploy building-based masts nearer to highways, subject to prior approval. This is to support deployment of 5G and extend mobile coverage encourage using existing structures.

To implement this, we would welcome your views on the following proposal:

Permitting the installations of masts within 20 metres of the highway on buildings that are less than 15 metres in height. Existing limits to the location and heights of masts and number of antennae that can be deployed on building would remain. This proposal would not apply on article 2(3) land or land on or within sites of special scientific interest.

**Response – It is considered that provided the existing limitations are imposed this amendment would be acceptable in principle.**

Question 5. The government wishes to go further to enable the deployment of building-based masts nearer to highways. This is to support deployment of 5G and extend mobile coverage encourage using existing structures.

5A) Do you agree with the government's proposal to permit shorter masts on buildings without the need for prior approval, subject to measures to mitigate visual impact?

**Response – It is considered that provided the limitation requiring that a building based mast is no more than 6 metres higher than the highest part of the building the amendments would be acceptable in principle**

5B) We would welcome your views on this proposal. We particularly welcome comments on the measures proposed to mitigate visual impact:

- limiting the height of masts that can be deployed without the need for prior approval to a height of no more than 6 metres above the highest part of the building, and
- only applying this permitted development right outside of Article 2(3) land and sites of special scientific interest.

**Response – yes it is considered that the proposed limitations are essential to manage the impact on visual amenity and areas designated as Article 2(3) land.**

Question 6. The government has committed to enable higher masts, subject to prior approval. This is to support deployment of 5G and extend mobile coverage encourage using, and to support the sharing of masts.

To implement this, we would welcome your views on the following proposals:

- On Article 2(3) land, and land which is on a highway, to permit new ground-based mast up to 25 metres in height, subject to prior approval
- On all other land, to permit new ground-based mast up to 30 metres in height, subject to prior approval

The above proposals would not apply on land on or within sites of special scientific interest.

**Response – this would be consistent with the proposals for replacement masts, and provided prior approval would be required this would not be a concern.**

Question 7. The government has considered whether further measures are needed to support deployment of 5G and extend mobile coverage.

We are considering whether permitting monopoles up to 15 metres in height outside of Article 2(3) land and land on or within sites of special scientific interest without the need for prior approval would support the government's ambitions for 5G deployment.

We would welcome your views on this proposal. We particularly welcome comments on the restrictions, limitations and conditions that would be required to ensure this permitted development right would only apply to monopoles, and to mitigate visual impacts.

**Response - It is considered that in principle monopoles no higher than 15m in height are unlikely to have a significant adverse impact on the character or amenity of an area. However, this would largely depend on their appearance and colour and therefore it is considered that it would not be appropriate to allow such masts without prior approval. A prior approval process should be required to ensure that the design, appearance and colour of the mast would not be harmful to amenity. It would also be important that the GPDO included a clear definition of a monopole, i.e. a single pole with no additional antennas attached to the**

**structure. In addition, for all masts that are permitted development there should be a condition requiring the masts to be removed within 3 months of the cessation of use should they no longer be operational. There is a concern that cumulatively the masts may have a harmful impact, and therefore the GPDO should include a limit to how many masts can be erected within a specific area.**

Question 8. The government wishes to ensure that appropriate measures are in place to mitigate the impact of development from the proposals on safeguarded areas. To achieve this, we are proposing to amend the General Permitted Development Order for all developments relating to masts within official safeguarded areas related to Aerodromes, Technical Sites and Military Explosives Storage Areas.

8A) Do you agree with the government's proposal to amend the General Permitted Development Order to include a prior notification procedure relating to safeguarded areas, and to require prior approval for proposed mast developments in proximity to a defence asset?

**Response - Yes**

8B) We would welcome your views on the proposed prior notification procedure and prior approval requirement.

**Response – It will be important that local planning authorities are provided sufficient time to carry out the necessary consultations, and there should be a duty on the consultees to respond within a set period to ensure that the application for prior approval can be fully assessed prior to determination.**

Question 9. The government wishes to update the definition of small cell systems in the General Permitted Development Order. This is to ensure that there is no uncertainty about the types of technology that fall within the definition.

9A) Do you agree with the government's proposal to amend the definition of 'small cell systems' in the General Permitted Development Order?

**Response - Yes**

9B) We would welcome your views on this proposal.

**Response – It is important that the definition is updated to clearly relate to current and emerging technologies.**

Question 10. We welcome comments on what more, if anything, the government should do to ensure successful implementation of the proposed planning reforms to support the deployment of 5G and extend mobile coverage.

**Response - No comments to make.**

Question 11. The proposals outlined in this technical consultation build upon the principles that the government has established to enable the deployment of 5G and extending mobile coverage, and have been considered under [section 149 of the Equality Act 2010](#).

Considering the technical detail of the proposals, we would welcome views on the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

**Response - No concerns to raise.**

Question 12. We welcome further any further evidence specifically on the regulatory impacts of the proposed changes to planning regulations set out in this technical consultation.

**Response - No comments to make.**



Minutes of the meeting of the **Planning Committee** held Virtually on Wednesday 21 April 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:** Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

**35 Chair's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

**36 Approval of Minutes**

The Minutes of 31 March 2021 be amended as follows:

Planning Application TG/20/02893/OUT Land Adjacent to A27 Copse Farm, Tangmere Road, Tangmere -

- Reference to Temple Bar junction and the costs of providing the pedestrian and cycle 'crossing', should read 'crossings'
- Reference to existing cycle routes, and 'The delivery of the alternative routes along the side of the A27...', should have the word 'south' included to read 'The delivery of the alternative routes along the 'south' side of the A27....'
- The recommendation to Permit, should include reference to the amended and additional Section 106 Heads of Terms elements in the Agenda Update Sheet and the additional Conditions/Informatives accepted by officers at the end of the debate

and be approved.

The Minutes of 7 April 2021 be amended as follows:

Mrs Fowler's name had been misspelt under Chairman's Announcements.

Planning Application: CC/20/03108/REM Land West of Centurion Way and West of Old Broyle Road, Chichester

- With reference to an amendment to Condition 5, as accepted by Mr Harris, Principal Planning Officer, should also have been reflected within the recommendation.

and be approved.

Mr Plowman made a further general comment regarding the inclusion of voting numbers within the Minutes.

***Post Meeting:** Mr Whitty will give further consideration to this request and respond to the Committee in due course.*

**37 Urgent Items**

There were no urgent items.

**38 Declarations of Interests**

Mr Barrett declared a personal interest in respect of Chichester Harbour Conservancy Consultation on Planning Principle 19: Houseboats as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in respect of CH/20/00593/FUL as a Member of West Sussex County Council.

Mrs Purnell declared a personal interest in respect of CH/20/00593/FUL as a Member of West Sussex County Council.

**39 CH/20/00593/FUL Appleton House Farm, Drift Lane, Chidham**

Mr Mew presented the item to Members and drew Member's attention to the Agenda Update Sheet providing revised wording for Condition 14 and confirming details relating to the waste treatment plant to ensure the proposal was nitrate neutral and did not result in an increased nitrate level within the Chichester Harbours. The Agenda Update Sheet also included a further amendment to include the word 'not' in reference to resulting in loss of habitat or biodiversity, and an additional clarification regarding foul sewage.

The Committee received the following Speakers:

Jane Towers – Parish Council  
Andrew Kerry-Bedell – Objector  
Clare Hawkins – Objector

Mr McAra left the meeting

Officers responded to Members' comments and questions:

With regards to the boundary, Mr Whitty confirmed that regardless of any issues relating to boundaries, planning permission may be granted, as boundary matters were a separate legal issue. The Council had a duty with all applications in terms of 'best endeavours' to ensure the ownership certificate was correctly completed, following submissions from both the applicant and third parties, officers were satisfied that the certificate had been completed correctly, for the purposes of determining the planning application.

With reference to the National Planning Policy Framework (NPPF) paragraph 77, Mr Mew confirmed that the scheme was not being put forward as an exception. The principle was established through the Neighbourhood Plan (NP) Policy LP1 which referred to windfall sites, and which applied to developments of ten or less and therefore a distinction was required to be drawn between larger developments and this site for a single unit. With regards to not meeting housing need, the proposal was for a three-bedroomed dwelling, which was not a new build and therefore had to be accommodated within the existing building. The site was within the proposed wildlife corridor, but both the building, the hardstanding and access were in situ, and the environmental strategy unit had been consulted and did not have any objections to the proposal, and had recommended the inclusion of a condition regarding bat and bird boxes.

With regards to the length of time taken for the application, Mr Mew explained that this was related to the matters of boundary dispute, and the research and correspondence which had been undertaken as part of due diligence to ensure the correct certificate had been secured, and associated revisions of the plans.

On the matter of maintenance of the foul drainage, Mr Mew confirmed a condition had been included to secure the details of the maintenance and a separate planning application was not required for the drainage as this formed part of the proposals. Part H of the building regulations would apply to the sewerage system and an Environment Agency permit would not be required.

With regards to the character of the area, Mr Mew reminded Members that the proposal was for an existing building and hardstanding, there was no additional built form for the current proposal. On the matter of the Interim Position Statement (IPS), Mr Mew confirmed that the application was not being put forward as IPS scheme, with the principle established through the NP, therefore the criteria differed. Mr Mew also advised that the distance from the reedbed to the neighbouring outbuilding was ten metres and thirty metres to the dwelling to the north, and added that building regulations seek ten metres to the nearest neighbouring building.

Mr McAra returned to the meeting

On the matter of neighbouring outbuildings, Mr Mew confirmed that other future permitted development changes which may occur could not be considered, and explained that currently they were used as a home office and games building, and

garage. With regards to the ditch, details had been provided by the agent, and it ran along the northern boundary of the site and to a stream and eventually the harbour, and in terms of the mitigation, the details of the reedbed and treatment plant had been forwarded to Natural England who had no objection to the proposals as part of the necessary assessment, and officers were satisfied that would mitigate the release of nitrates into the harbour. In regards of the weight that should be afforded to the proposed wildlife corridor, Mr Mew advised this would be limited and was dependent on the function of it and this instance, the proposal was for an existing building and hardstanding. On the matter of disturbance, the applicants had entered into a unilateral undertaking, and Mr Mew confirmed that there would be no restriction on ownership of pets in the garden area of the existing dwelling.

With regards to thermal efficiency, Mr Mew explained that these details were not required as the application was for an existing building. Mr Whitty added that there was currently no policy in place for this in reference to existing buildings but building regulation requirements would need to be adhered to. In relation to asbestos, Mr Whitty confirmed this was also a matter for building regulations.

Mr Mew provided further historical details explaining that the outbuilding was granted permission in 2005, pre-dating the Local Plan and Neighbourhood Plan (2016), and required planning permission for any proposed future changes to the building or its use.

Mr Whitty advised that the principle development was acceptable, although in a rural area, and there was a policy in the NP which allowed for windfall developments, which had been actively been sought to be used by the Parish Council for other developments. The NP post-dated the Local Plan and did not have the same restriction on requiring windfall sites to be within settlement policy areas. The question was whether the proposal would have harm on the landscape, character and wildlife corridor. The proposal was for an existing building and hardstanding, therefore the only change would be to the use, which would result in the building being more heavily used as another dwelling and the Committee needed to determine whether that was of sufficient significance and would change the character of the area. In terms of the wildlife corridor it was within in the draft Local Plan only, so the key consideration was whether this proposal would impact on the proper formation of the policy going forward. Mr Whitty advised that the Council's Ecologist considered that was not an issue with the reuse of a building within the corridor, so there was no conflict.

With regards to sufficient access to the rear of the building, Mr Mew confirmed there was an existing driveway which would allow access for the maintenance of foul drainage. On the matter of the sustainability of the location, Mr Mew explained that it was outside a settlement boundary and there would be a reliance on private transport, but the policy been applied in other locations and cited the outline planning permission to the north east of the application site.

Mr Mew confirmed the footprint of the building would remain the same, and Condition 6 included all the details of the required maintenance for the foul water drainage system. Mr Whitty added that the condition required a management plan which would follow the manufacturer's maintenance schedule and could be included

within the condition and the condition could require that equipment would be maintained in perpetuity.

On the matter of the ditch, Mr Mew confirmed that officers did not a plan showing the connection to the ditch but that would be secured by way of the condition regarding drainage details, and the outline plan was not at an advanced stage currently and those details would be provided at the reserved matters stage.

Mr Mew confirmed that within the scope of policy 40, it was currently not possible to insist upon installing an air source heat pump, and the applicant was just required to demonstrate how they had considered the measures of policy 40 and the application included solar panels and therefore the policy had been met. Mr Whitty added that it would be possible for the Committee to add an informative that an air source heat pump should be considered by the applicant and confirmed that would form part of the officer recommendation.

On the matter of nitrate mitigation, Mr Mew drew Members' attention to the Agenda Update Sheet and the revised wording of Condition 14 which reflected the appropriate assessment that had been sent to Natural England to which they had no objection and therefore officers were satisfied that the proposal would provide adequate mitigation.

In a vote Members agreed the recommendation to permit.

Recommendation to **Permit** agreed, subject to Section 106, the conditions and informatives as listed, including the additional informative regarding the consideration of an air source heat pump.

Members took a ten minute break

#### 40 **Chichester Harbour Conservancy Consultation on Planning Principle 19: Houseboats**

Mrs Stevens presented the item to Members and drew Members' attention to the Agenda Update Sheet and confirmed 'boathouses', should read 'houseboats' and provided a further verbal update which confirmed that the word 'now' should read 'no' under the title 'Chichester Canal' in the report and on the Agenda Update Sheet to read '...any increase in size is limited to 'no' more than 25% greater than the existing.'

The Committee received the following Speaker:

Timothy Firmston – Birdham Parish Council

The Chairman advised Mr Firmston that he should also pass his comments to Chichester Harbour Conservancy as this was their consultation.

Officers responded to Member's comments and questions:

On the matter of the definition of a houseboat, Mrs Stevens explained that this was a complex area and there was no definition of such in planning law and was a matter of fact and degree, considering the form of the houseboat, whether it floated or was attached to a bank, and was dealt with in a similar manner to a caravan, whereby permission was

required for the change of use of the land for the siting of a caravan for human habitation. There was significant and complex planning law relating to houseboats and planning units, when it was a change of use or when it would become a building. If a houseboat was permanently attached to a bank this may be operational development, and work to the bank which may require planning permission. Mrs Stevens cited instances of Inspectors concluding that a houseboat was no longer a vessel and was a building due to its structure or the extent of building above the boat and therefore it was difficult to present a definition and each application was required to be considered on its own merits. The British Waterways Act 1971 provided a definition which had been used by Inspectors in their consideration, and was as such a starting point. Mrs Stevens suggested that included within the consultation response was that anyone considering a houseboat should approach the planning authority for advice regarding whether or not planning permission was required. On the matter of 25% increase in size, Mrs Stevens agreed and advised that should be more closely defined, for example similar to buildings, and length and silhouette above the waterline were considered. With regards to navigational safety, Mrs Stevens confirmed it was also not clear within the document as to what would be taken into consideration by Chichester Harbour Conservancy although there were many rules relating to use of the harbour. Mrs Stevens added that by the principle of having a change of use and stopping a water way being used for navigation may present a concern to the Harbour Conservancy although the key issue was likely to be with regards to the main channels within the harbour, but this was not clear within the guidance, and therefore clarification may be required as to how it would be applied.

With regards to having a baseline for the silhouette, Mrs Stevens agreed that there was a concern in terms of cumulative impact of growth over the years, but it was difficult to have a baseline based on previous houseboats as plans would not necessarily be available, and advised that it may be easier to use the baseline from the date of the adopted guidance. Mrs Stevens added that the document would be part of the management plan for Chichester Harbour which would have less weight than the Area of Outstanding Natural Beauty Supplementary Planning Document and the Development Plan. Mrs Stevens clarified that with regards to issues such as foul drainage and canal width, the policies within the adopted Local Plan would be a consideration as part of an application, so did not need to be repeated within the guidance. On the matter of lighting, a condition could be imposed as was usual in rural locations to protect the character of the area, but could not be conditioned specifically for the purposes of navigational safety.

On the matter of nitrate neutrality, Mrs Stevens responded that the Council did not have a policy related to this matter at the current time but it was a consideration for this type of application as a net gain in residential use, within the harbour. These applications would require a habitat regulations assessment and would require mitigation, so this matter would not need to be included within the guidance. In relation to thermal efficiency, there was scope for inclusion within the guidance, as the current adopted policy did not include this type of use, as it referred only to new dwellings and non-domestic buildings. When officers had dealt with planning applications, the aim had been to seek both ecological enhancements and also sustainability measures, such as sedum roofs or solar panels and there had been some resistance in trying to secure these matters. This issue could also be taken forward in regards to sustainability within the Local Plan review to ensure it encompassed all the different types of dwellings for which applications were received.

On the matter of a 'design guide', Mr Whitty advised that Chichester Harbour Conservancy were often referred to as the custodians of the harbour and were seeking comment from the Council with regards to what was now in front of the Committee, the Council had its own Local Plan and its own policies and those encapsulated much of the descriptive items mooted within the debate. Mr Whitty added that the focus should be on the feedback to the Harbour Conservancy on what they wished the Council to consider, which was set out in the

document, and a design guide would go far beyond the consultation. With regards to navigation, there was insufficient detail within the document and clarification was required. Officers were not concerned with having this within the document as a consideration, and ultimately officers must focus on how a refusal of application would be presented to an Inspector in terms of the harm.

Mr Briscoe left the meeting and did not return

On a request of the Chairman, the link for the recording of the meeting would be forwarded to Mr Barrett as the Chichester District Council appointed Member of Chichester Harbour Conservancy for him to pass on as appropriate, and the Mr Barrett confirmed he would also pass on other comments forwarded to him by Committee members in writing.

Mrs Stevens confirmed that in addition to the recommendation, and the issues included in existing policies, the consultation response would be amended to:

- encourage consideration for renewable and sustainability measures as part of the guidance
- include the heritage considerations concerning Chichester Canal
- include consideration regarding ancillary buildings and ancillary development which may or may not require planning permission specifically, but to note this within the document
- note the necessity for customers to contact the planning authority to establish if planning permission was required and to obtain guidance
- note the necessity to establish a baseline for the silhouette increase to provide clarity within the considerations

In a vote the Members agreed the recommendation with the addition of matters outlined within the debate.

Recommendation **agreed**.

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

There were no late items.

42 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 11.39 am

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CHAIRMAN

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Date:

