

# Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 8 September 2021 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

## AGENDA

### Part 1

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

### 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 within Part 1 of the agenda on Chichester District Council's website at <http://www.chichester.gov.uk/committees>.
3. 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]
4. 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

Committee report changes appear in bold text.

**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

## 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  
**CRTACT** 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



## Agenda Update Sheet

Planning Committee  
Wednesday 8 September 2021

### ITEM: 5

#### APPLICATION NO: BI/20/02066/OUT

##### Change to description of development

To reflect procedural changes brought about by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into effect from 1 September 2020 at and around the time when the outline planning application was submitted and being registered, it is necessary to amend the original description of the development so that it refers to the current use classes.

As submitted the development is described as:

Outline Application with all matters reserved apart from access for the erection of 73 dwellings, open space and associated works, Class B1 floorspace and retail floorspace.

This description is now amended to read:

*Outline Application with all matters reserved apart from access for the erection of 73 dwellings, open space and associated works, Class E(g) floorspace and Class E(a) retail floorspace.*

The new Class E(g) floorspace is the direct equivalent of the previous Use Class B1 i.e. for use either as an office to carry out any operational or administrative functions; or the research and development of products or processes; or any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area. Class E(a) is the new direct equivalent of the previous Use Class A1.

The change to the description of development is procedural only and does not materially alter the nature or form of the application. It is necessary to make the change so that any planning permission given for the development is legally sound.

##### Amended conditions 26 and 27

Arising out of the changed description of the application there is a need to modify the content of conditions 26 and 27 on the recommendation to reflect the amendment to the Use Classes. The two conditions are now re-worded so that they shall read:

26) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the proposed Use Class E(g) building shall not be used for any purpose other than a use within Use Class E(g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To accord with the terms of the application and to ensure that the use of the building does not have a harmful environmental effect in the interests of protecting the character of the area and protecting residential amenity.

27) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the proposed retail unit shall not be used for any purpose other than a use within Use Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To accord with the terms of the application and to ensure that the use of the building does not have a harmful environmental effect in the interests of protecting the character of the area and protecting residential amenity.

#### Amendments to report

Various references in the report to Use Classes B1 and A1 should now be read as Use Classes E(g) and E(a) respectively.

8.36 (page 47) Delete '- Arrangements for management and on-going maintenance of the B1 employment building and retail building'.

Such day-to-day arrangements will be met by either the leaseholder or freehold interest in the buildings in the normal way and are not required or necessary to be included within the S.106 agreement.

#### Further Representations

East Wittering Parish Council – letter of objection direct to members of the Planning Committee.

#### 19 Further Third Party Objections making 85 in total

Letters received after Committee report compiled re-iterating those concerns summarised in the main report.

**ITEM: 6**

**APPLICATION NO: 21/01789/DOM 125 Cedar Drive, Chichester**

Reason for committee referral

01/09/2021

Cllr Bowden removed his red card

01/09/2021

Cllr Sarah Sharp submitted a red card

Reason for Red Card: When the member has information or an opinion which he/she wishes to raise in debate:

The Planning Committee previously imposed a condition requiring windows to be obscure glazed. It now seems that this condition has been ignored and the applicant is wanting to revoke this.

The amenity of the neighbouring properties is the same as what is was previously when the condition was imposed.

I think it is important to hear from both the neighbours and the applicant as to their views about this window.

Now that the window has been in place for some time it is important for the Committee to hear all views so as to determine whether the original condition imposed should be revoked or remain in place.

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**ITEM: 7**

**APPLICATION NO: 20/02989/FUL Land South of Lowlands, North Mundham**

Amended conditions

The two conditions below have been amended so that their text refers to the correct previous condition number.

10) If the Phase 1 report submitted pursuant to condition 9, identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. This is a pre-commencement condition as it goes to the heart of the permission.

11) If the Phase 2 report submitted pursuant to condition 10, identifies that site remediation is required then **no development, other than demolition, shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy. This is a pre-commencement condition as it goes to the heart of the permission.

Amendment to paragraph 3.14 (on page 73 of the agenda)

3.14 A total of 173 car parking spaces are proposed for the residential dwellings, comprising 111 allocated spaces, 30 allocated garages, 12 allocated car ports and 20 visitor spaces. Cycle parking for the houses would be within garages or garden sheds capable of accommodating 2 bicycles while a communal cycle facility would be provided for the flats.

Additional information from applicant

The applicant has submitted their Biodiversity Net Gain Calculation that had been undertaken by the applicant's Ecologists, Eco Support. This shows that the application proposal will deliver a 61.62% biodiversity net gain (using Natural England Metric Calculation).

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**ITEM: 8**

**Consultation on proposed Nationally Significant Infrastructure Project (NSIP) – 21/02208/ADJ Rampion 2, Offshore Windfarm**

Amendment to recommendation

**9 Recommended CDC Consultation Response**

9.2 Chichester District Council **SUPPORTS, IN PRINCIPLE**, the development of renewable energy sources and offers **NO OBJECTION** to the proposals at Rampion 2, subject to:

- a) Chichester District Council's Environmental Protection Team being included in the dissemination of survey findings in relation to any assessments of noise and vibration;

- b) the implications for ornithological and marine species and commercial fishing to be minimised as part of the final application preparation and submission and that any mitigation measures approved are retained for the lifetime of development and;
- c) maintaining and avoiding disruption to routes and passageways for fishing and other small vessels through the development
- d) the implications of the construction and maintenance works and any future decommissioning works on diving for all purposes to be minimised and mitigated as part of the final application preparation and submission.

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