

# Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 8 December 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

17 **Agenda Update Sheet 08-12-21** (Pages 1 - 6)

### 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



## Agenda Update Sheet

**Planning Committee  
Wednesday 8 December 2021**

### **Update regarding the consideration of the Chichester Local Plan Review**

#### **COMMENT:**

In respect of items 9, 10, 11 and 12 the paragraph referring to the status of the Local Plan Review should read as follows:

#### Chichester Local Plan Review Preferred Approach 2016 – 2035

Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in ~~March~~ **July** 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

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#### **ITEM: 6**

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

#### **COMMENT:**

#### Birdham Parish Council

Chichester District Council announced in its Press Release of 26th November 2021 (reference 4071), that it had reached the point where it could show it had a 5 year housing land supply.

The conclusion of the Officers' report for the planning application referenced above (8.37) states that "Whilst this application is being considered less than 3 years since the same proposal was refused at appeal - albeit it is now with 4 fewer dwellings - there has been a fundamental shift in planning policy circumstances which means that this time around it doesn't attract

the same recommendation. The fundamental policy shift is that whereas at the time of the appeal the Council could demonstrate that it had a 5-year housing land supply, it no longer has a supply, in fact it has a significant deficit.”

This is now no longer the case, as the council has a 5 year housing surplus. The government is also considering the way housing numbers are calculated, that should reduce the housing requirement for areas heavily constrained by National Parks, AONBs, and overloaded infrastructure. Additionally, the District Council is re-evaluating the number of houses the infrastructure can support in its Local Plan, which is also likely to reduce the total housing requirement.

It is, therefore, quite likely that the 5 year housing supply will remain satisfied for the foreseeable future.

The whole basis for overturning the appeal decision therefore no longer exists, and the application must be refused, particularly when taking into account the uncertainty of infrastructure provision, and the large number of objections.

### Selsey Town Council

Objection on the basis of the impact on the inadequate local infrastructure as follows:

- (i) there is not sufficient road infrastructure to handle the traffic for the additional 73 houses;
- (ii) not enough potential school places, especially at the Selsey Academy as it is already at 87% capacity;
- (iii) the site is within 9km of a SSSI
- (iv) the inadequate sewerage infrastructure

### Third party comments

20 Further Third Party Objections making 105 in total

Letters/emails received in addition to those in the report. Objections re-iterate those concerns summarised in the main report including foul drainage issues.

### Further reason for refusal

Following the September Planning Committee members required a clearer plan identifying a maintenance buffer around the boundary watercourses. The applicant has subsequently provided this on the illustrative layout. What the 3 metre wide maintenance buffer does not make clear however is that whether that buffer includes any part of the drainage ditch itself. To function effectively allowing access for machinery to periodically clear the ditch the 3 metre gap needs to extend from the back of the rear garden fences to the top of the ditch i.e. on level ground. That information is not clear and in the absence of such clarity and following further discussions with the Council’s Drainage Engineer, officers cannot be certain that the proposed quantum of development can all be delivered on the site without the necessary buffer in place. On that basis the long term surface water drainage proposals have not been demonstrated to be satisfactory for the development.

As a consequence, a fourth reason for refusal is added to the recommendation.

4) Notwithstanding the information shown on Illustrative Site Plan drawing number PI-01 Rev 2\_7 it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed 3 metre wide access buffer on the north, west and south site boundaries of the site provides a full 3 metres of level access at ground level above the ditch to enable the periodic long term maintenance of the drainage ditches. The absence of a sufficient buffer to maintain the watercourses is likely to impede the long term effectiveness and result in surface water flooding. This is contrary to policy 42 of the Chichester District Local Plan: Key Policies 2014-2029.

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**ITEM: 7**

**APPLICATION NO: LX/21/02054/FUL**

**COMMENT:**

Correction

Paragraph 8.9 – In addition to the ‘permitted works’ detailed in paragraph 8.9 of the main report, it has since been ascertained that the developer has actually commenced work on the construction of the houses themselves. Technically therefore until the point where condition 6 is no longer a pre-commencement condition – which is the proposed outcome of this application – the developer is in breach of the planning permission and were permission not granted at the Planning Committee, the Council would need to decide whether it was prudent to take any formal enforcement action in relation to the breach of planning control that has been identified. The Council’s Enforcement Officer has subsequently written to the developer to advise of this position.

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**ITEM: 8**

**APPLICATION NO: LX/21/02477/ADV**

**COMMENT:**

Addendum to report

Applicant should read: Stonewater

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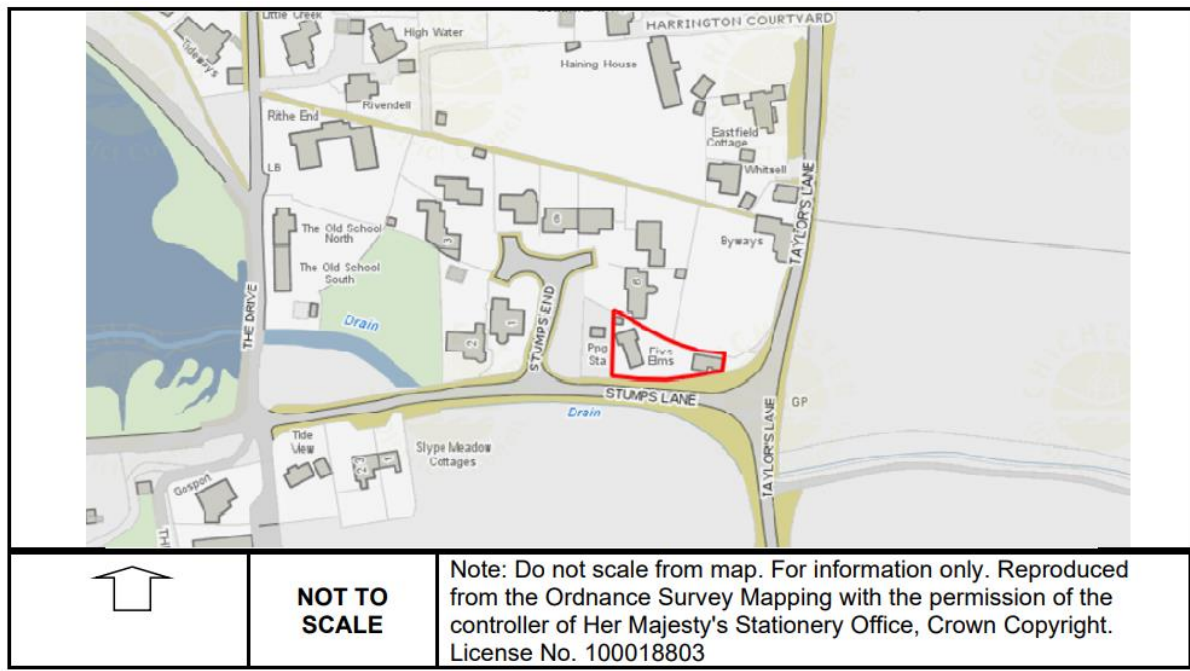
**ITEM: 9**

**APPLICATION NO: BO/20/03326/FUL**

**COMMENT:**

Addendum to plan on page 125

The 'red line' of the application site has been corrected to remove an area of land to the east. The corrected plan is below.



Addendum to report

- 2.1 The application site forms a corner plot located within the defined settlement boundary of Bosham and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site is located to the north of Stumps Lane, east of Stumps End, and to the west of Taylors Lane. There is a small parcel of land immediately to the **west east** of the site (**east west** of Taylors Lane) that falls outside of the application site and this land is not within the applicant's ownership. The site lies on the edge of the settlement, where there is a transition from the built up settlement into the rural open landscape. The site lies within Flood Zones 2 and 3.
- 2.2 There is an existing two storey dwelling at the **east west** of the site and an outbuilding to the **west east**. There is an extant permission for a replacement dwelling and garage on the site under application reference 18/00806/FUL, whilst previously following the grant of a certificate of lawfulness for the use of part of the outbuilding as a single dwellinghouse an application for 2 dwellings on the site was granted permission, albeit this has since lapsed.

Amended Condition:

11) Prior to the occupation of the dwelling hereby permitted, the existing outbuilding to the east of the site, shown on "Existing Site Plan" drawing number 002 B with a ridge height of 7.15 AOD, shall cease to be occupied, and within three months of that day, the outbuilding shall be demolished, the resultant materials cleared from the site and the land reinstated in accordance with the agreed landscaping details.

Reason: In order to secure the removal of the existing dwelling, to accord with the terms of the application, and in order to protect the character of the area.

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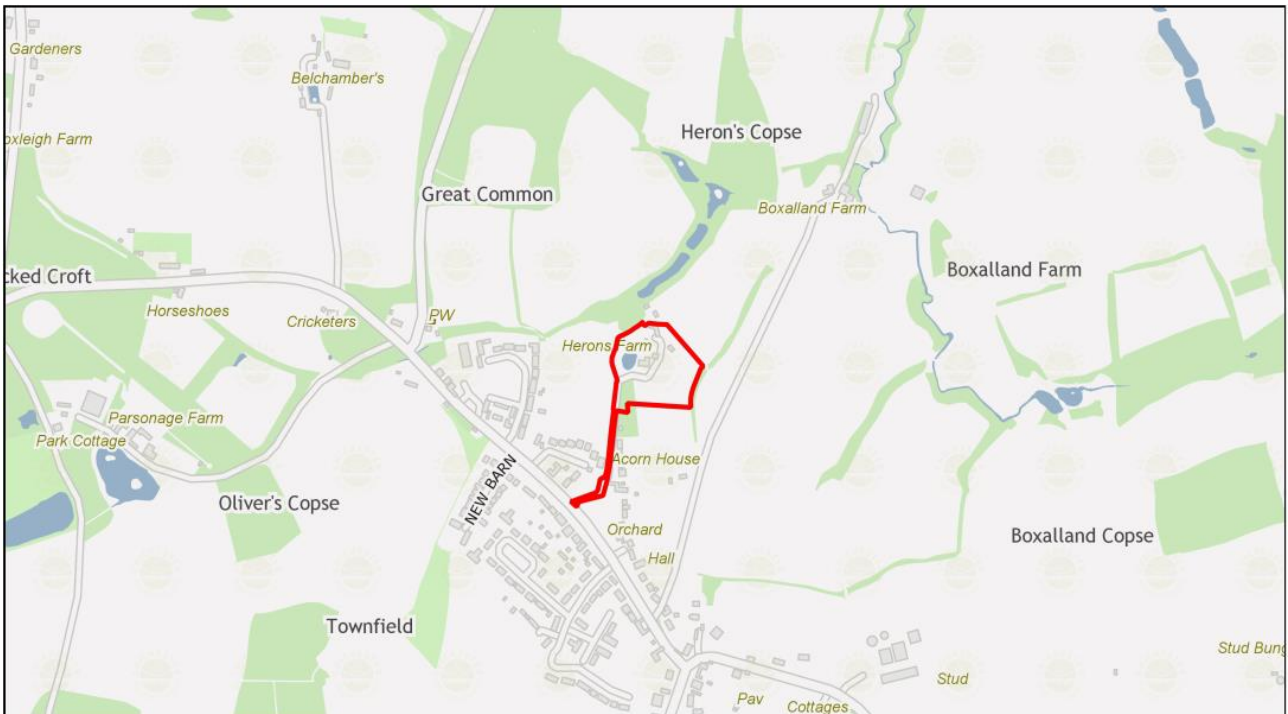
**ITEM: 11**

**APPLICATION NO: KD/20/00457/FUL**

**COMMENT:**

Addendum to plan on page 163:

The 'red line' of the application site has been corrected to include the access to the site from the public highway. The corrected plan is below.



Addendum to report

Paragraph 8.13 should state that regard has been had to the Natural England Position Statement for Applications within the Sussex North Water Supply Zone, September 2021 – Interim Approach.

Officer comment

For the reasons set out within paragraph 8.13 it considered that the proposal would not result in a material increase in water demand. As such the proposal would not likely have a significant effect on the ecology of the designated sites within the Arun Valley, and therefore the application has been screened out under the Habitat Regulations. A Habitat Regulations Assessment is therefore not required.

## Addendum to recommendation

Page 175, the recommendation should read 'Delegate to officers'

Page 176, Condition 6 reason should read:

'To encourage and promote sustainable transport and to ensure that the use does not **have** an adverse impact on the character and appearance of the area'.

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### **ITEM: 12**

#### **APPLICATION NO: WI/21/02059/DOM**

#### Additional information from applicant/agent

The agent has submitted 2 no. CGI images of the proposal; one showing a slate roof (as proposed) and the other showing a clay roof. The agent has indicated that the applicant would be agreeable for either roof material to be secured through a condition on the decision notice.

#### Officer comment

Whilst it is considered that the proposed slate roof would be acceptable, a clay roof to match the roof of the main dwelling would be equally acceptable, and this could be addressed via an amended condition requiring details to be submitted.

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### **ITEM:13**

#### **APPEALS, COURT AND POLICY MATTERS**

#### **6. COURT AND OTHER MATTERS**

#### **High Court Matters**

Site – Land at Bethwines Farm and South of Ivy Lodge, West of Blackboy Lane, Fishbourne.

Matter – Appellant's challenge of PINS decision letter dated 4<sup>th</sup> October 2021

Stage – Application lodged 22<sup>nd</sup> November 2021.