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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 2 March 2022 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

SUPPLEMENT TO AGENDA

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Agenda Update Sheet
Planning Committee
Wednesday 2 March 2022

ITEM: 6

APPLICATION NO: CC/21/03166/ADV

COMMENT:

Addendum to report

~~8.9~~ **8.8** All advertisements permitted under The Regulations are subject to five standard conditions relating to matters including requirements for them to be maintained in the interest of public and highway safety and visual amenity. Further conditions are also set out in the recommendation below concerning compliance with the approved plans and removal after five years (unless further consent is given).

~~8.10~~ **8.9** Based on the above assessment of amenity and public safety, the proposed advertisements are considered to be acceptable. The revised proposal complies with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended, and the application is therefore recommended for approval.

~~8.14~~ **8.10** In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been considered and it is concluded that the recommendation to permit is justified and proportionate.

Additional conditions:

2) The works associated with the display of the advertisements hereby permitted shall not be carried out other than in accordance with the plans listed below under the heading "Decided Plans" and the materials and finishes specified therein.

Reason: To accord with the terms of the application and in the interests of the character and appearance of the locality.

3) The advertisements hereby permitted shall be removed before the expiry of 07.01.2027, unless further express consent is granted for their retention.

Reason: In the interests of amenity.

ITEM: 7

APPLICATION NO: CH/20/01854/OUT

COMMENT:

Third party objections:

Two further comments have been received concerning the following:

- Lack of infrastructure
- Impact upon wildlife corridor
- Amount of development along A259 from Fishbourne or Emsworth
- Environmental impacts, traffic, and noise

Additional information

In respect of the affordable housing provision detailed within paragraph 8.48 it is recommended that the provision is subject to a clause within the S106 planning obligation that secures no more or less than the proposed 8 units (31%).

Addendum to conditions

10) If the Phase 1 report submitted pursuant to Condition **9** above identifies potential contaminant linkages that require further investigation then {\b 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.

11) If the Phase 2 report submitted pursuant to Condition **10** above identifies that site remediation is required then {\b no development 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.

ITEM: 8

APPLICATION NO: 20/00185/FUL

COMMENT:

Addendum to report

- 3.2 The proposed shop building would be located to the north west of the existing canopy and would essentially replace the existing car wash building. The proposed shop building would be single storey with very shallow mono-pitched roof measuring a maximum of 3.9 metres in height. It would also measure 13 metres in depth by 18.7 metres in width. **The originally proposed materials showed the building and would be finished with a grey composite panelled roof and brickwork elevations with grey metal framed window and door units. Amended plans were submitted during the course of the application to show the elevations as being finished in red brickwork.** To the east of the existing canopy where the shop building is current located, 7 no. parking spaces are proposed, which include one disabled and two EV spaces. Behind the proposed shop building there would be an area for storage of bins and an area for power cabinets.
- 8.2 The application site is located within the settlement of Birdham, a designated Settlement which as defined by Policy 2 of the Chichester Local Plan is a suitable location for new development. A petrol filling station has been operating from the site for a number of years. The application site accommodates an existing sales building, which has a net retail area of 88 sqm. The proposed shop would provide 160sqm of retail space, an increase of 72sqm. It is not considered that such an increase in this location would be harmful to the character of the settlement. The site is also located within the Chichester Harbour Area of Outstanding Natural Beauty and as such Policy 43 must also be applied to the application. This Policy states that development proposals within the AONB will be permitted provided that they would not detract from the distinctive character and special qualities of the designation. Due to the nature of the proposals and the fact that the ~~host dwelling~~ **site** is situated within the built-up area, it is not considered that the application is contrary to the aims of Policy 43.
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ITEM: 9

APPLICATION NO: SDNP/21/03746/HOUS

COMMENT:

Additional Condition

- 10) Notwithstanding any detail to the contrary, a bat box shall be installed on the property facing south/south westerly positioned 3-5m above ground. Details of the bat box shall be submitted to the SDNPA within one month of the completion of the works.

Reason: To ensure that the protection of ecology and biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species and to accord with policy SD02 of the South Downs Local Plan 2014 - 2033.

ITEM: 10

APPEALS, COURT AND POLICY MATTERS

6. COURT AND OTHER MATTERS

High Court Hearings

Site: Land at Flat Farm, Broad Road, Hambrook, West Sussex PO18 8FT

Matter: Appellant's challenge of Planning Inspectorate's decision letter dated 14th January 2022.

Stage: Application lodged 24th February 2022

ITEM: 11

APPEALS, COURT AND POLICY MATTERS

2. DECIDED APPEALS

Amended appeal decision

Reference/Procedure	Proposal
<p data-bbox="204 273 544 376"><u>SDNP/20/04081/FUL</u> Petworth Town Council Parish</p> <p data-bbox="204 407 533 479">Case Officer: Beverley Stubbington</p> <p data-bbox="204 497 564 533">Written Representation</p>	<p data-bbox="646 273 1474 376">The Grove Inn Grove Lane Petworth GU28 0HY - Change of use to 1 no. dwelling and replacement garaging and associated alterations.</p>
<p data-bbox="571 560 1142 591">Appeal Decision: APPEAL ALLOWED</p>	
<p data-bbox="204 595 1497 2018">"The Council's statement of case explains that the reason for refusal relates to the impact of the proposal on the economic and social well-being of the local communities of the SDNP ... due to a resulting loss of a public house, a use which is defined as a 'community infrastructure facility', for the purposes of Policy SD43 ... As such, the Council's decision is based on an existing use of part of the property as a public house. This is disputed by the appellant, who considers the use to be that of a restaurant with living accommodation over. ... The Council has provided evidence to support its view that the most recent use was as a public house. ... The property was built as a dwelling, has been used as such for most of its existence, and I find that it has retained an outward appearance and structure that is clearly residential in character. The 1987 planning permission has not resulted in significant physical alterations to the building, and residential use was retained on the upper floors. There appears to be no dispute between the main parties that the building included a restaurant at the time of changes to the Use Classes Order (UCO) in May 2005, since the Council's documentary evidence post-dates this. These UCO changes introduced separate Class A3 (restaurant) and Class A4 (public house) uses, so that planning permission would thereafter be required to change from a restaurant to a public house. ... The premises were vacant at the time of my site visit, and have been unoccupied since May 2020. I saw evidence that supports a previous existence of bar fittings. However, it is not uncommon for restaurants to include small bar areas, and this, in itself, does not provide conclusive evidence of public house use. Taking the above factors into account ... find that there is no compelling evidence before me to enable me to conclude that the existing use of the premises is as a public house for the purposes of the determination of this appeal. Since a restaurant use is not included within the definition of 'community infrastructure facilities' for the purposes of Policy SD43, I therefore find that there is no requirement for the appellant to undertake the marketing requirements of Policy SD43, and that there is no cogent evidence that the proposal would conflict with the policy aim of protecting existing community facilities. My view is reinforced by a lack of evidence before me of any third party or Town Council objections to the proposal, which could reasonably be expected where the loss of an existing valued community facility is proposed. For the same reasons, I find no conflict with Local Plan Policy SD1 ... The Council's reason for refusal also refers to Local Plan Policy SD23 ... sustainable tourism ... Since the premises are not a recreational facility, I do not find this policy to be directly relevant to my determination of this appeal. ... The Council has not found any harm to the setting and any features of special architectural or historic interest of the listed building as a result of the proposed removal of the existing garage and its replacement with a new garage. Neither do I, on the basis of the scheme details and my site visit. The existing</p>	

subservient relationship with the main property, and would not visually compete with it. As such, the significance of the listed building would not be harmed. ... For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions."