



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 10 July 2019 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr C Page, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mr R Briscoe

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

17 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting, and explained the emergency evacuation procedure.

An apology had been received from Mr R Briscoe.

18 **Approval of Minutes**

That the minutes of the meeting held on 6 June 2019 be approved and signed by the Chairman as a correct record.

19 **Urgent Items**

There were no urgent items.

20 **Declarations of Interests**

Rev J-H Bowden requested that his membership of Chichester City Council was recorded for future agendas.

Mr H Potter requested that his membership of South Downs National Park Authority was recorded for future agendas.

Mrs Purnell declared a personal interest in planning application SY/19/00910/FUL as a member of Selsey Town Council, and SY/19/00910/FUL and SI/19/00892/FUL as a member of West Sussex County.

Mr Barratt declared a personal interest in planning application BO/19/01264/DOM as a member Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in planning applications SY/19/00910/FUL and SI/19/00892/FUL as a member of West Sussex County Council.

Mrs Johnson declared a personal interest in planning application and SY/19/00910/FUL as a member of Selsey Town Council.

21 **BO/19/01264/DOM - The Anchorage, Smugglers Lane, Bosham, Chichester, West Sussex, PO18 8QW**

Additional information was reported on the agenda update sheet regarding a change in roof finish from mineral green felt to charcoal capsheet.

During the discussion Members sought clarification regarding 'Decided Plans'. Mr Whitty drew Members attention to a table in the report which referenced the approved plans, and explained the condition is set out as it will be worded on the decision notice. Mr Whitty explained as this is a committee item recommendation, the label 'Decided Plans' does not appear in the report, but will do so on the decision notice.

Recommendation to **Permit** agreed.

22 **CC/19/01018/DOM - 25 Fishbourne Road East, Chichester, PO19 3HS**

Members sought clarification regarding cycle storage. Mrs Stevens responded that a secure cycle store could be provided under permitted development and it would not be reasonable to require a cycle storey via a condition.

Recommendation to **Permit** agreed.

23 **SI/19/00892/FUL - Yeomans, Mill Lane, Sidlesham, PO20 7NA**

During the discussion it was confirmed to Members that the dwelling was in the ownership of West Sussex County Council. Members further debated the preference for the property to remain tied to agriculture, potential flood risk due to the location of the dwelling in flood zone two or three, vehicle access and parking, and the evidence that the dwelling had been appropriately marketed with the current condition of limitation of occupancy. Mrs Stevens responded that with regards to the flood risk, there was an existing residential use albeit a restricted one, but the use

would be no more vulnerable than currently. Mrs Stevens further clarified the location of the access, parking and garage, and confirmed the description included the building as the application is for a variation of condition.

Recommendation to **Permit** agreed.

24 **SY/19/00910/FUL - J and B Drinks Trading, 153 High Street, Selsey, Chichester, West Sussex, PO20 0QB**

Additional information was reported on the agenda update sheet regarding five additional letters of support received since the report was finalised. The letters do not cite any new comments which have not been previously raised and are therefore addressed within the main report. Further information on the update sheet confirmed an application had been received and made valid for the change of use of the existing micro-pub to retail.

The following members of the public addressed the committee:

Mr R Dyer – Supporter
Ms H Platts – Supporter
Mr E Sye – Applicant
Cllr J Elliot – CDC Member
Cllr T Johnson – CDC Member (read by Cllr Elliot)

During the discussion Members debated opening times, the application in relation to Local Plan Policy 29, the need for a flexible approach and promotion of economic development, a noise management scheme, and the lack of marketing as required by Appendix E of the Local Plan. Mrs Stevens responded that the opening hours set out in the report were long, but the applicant did not necessarily intend to use all of the hours and if the application was permitted, a condition could be added to limit the hours. Mrs Stevens confirmed that a noise management plan had not been submitted with the application but that the submission and approval of a noise management plan prior to first occupation could be required by a planning condition. Mrs Stevens further explained that with regards to policy the National Planning Policy Framework (NPPF) is supportive of town centres having a range of uses and Planning Policy 29 is in line with that by allowing the flexibility to move away from retail use providing the marketing process has been undertaken, and it has been demonstrated that there is no longer a requirement for on-going retail use. Mrs Stevens confirmed that she did not have any information regarding the marketing or the impact on the business should a move be delayed whilst the marketing process is completed.

Members further discussed Local Policy Plan 29 in relation to local need as there are currently eight empty units within the area, and that the Ward Members and local people were supportive of the application. Mrs Stevens confirmed that Policy 29 states the lack of local need must be demonstrated by a marketing exercise and without, it cannot be confirmed that there is no local need, as it has not been tested. With regards to the opening hours, a consistent approach would be taken with the

license to ensure conflict does not exist and Mrs Stevens also explained she understood an application for a licence had been made.

The Chairman commented that there is concern relating to making a decision which is contrary to policy, but with knowledge of the site, which is set-back and less prominent and therefore does not provide an effective retail space, it may be appropriate to make such a decision. Mr Whitty responded that having a sense from the discussion of how Members are considering the application, he wished to clarify the material considerations, advising this policy in within the CDC Local Plan and is also reflected in the emerging Selsey Neighbourhood Plan and both require marketing to be completed. There is a concern about taking a decision contrary to policy without good reason, as it may impact on applying that policy consistently and fairly at a future date. Members had received training that stated that the starting point for decision making is policy unless material considerations suggest otherwise. During the discussion there had been a number of valid material considerations such as the set-back position of the unit, which does not lend itself to retail and which would allow for outdoor seating, which are material considerations. Mr Whitty also noted that the existing unit will be given over to an A1 use in mitigation, but this has not yet reached determination point. If granted permission, it may not potentially progress, but that could be considered as part this permission. Mr Whitty added that it could not be presumed that as there were vacant units in the area that this unit would not be taken for retail, which is the reason for the marketing requirement, and this could lead to future applicants to consider that the marketing requirement is not necessary.

The Chairman confirmed that the recommendation was to refuse the application and asked if any Member would like to put forward a proposal. A proposal to permit the application was both put forward and seconded. Miss Golding added that it was important to minute the reasons for permitting the application and the vote would be whether to permit the application. The Chairman requested Mr Whitty to clarify the conditions. Mr Whitty responded that there is some delegated authority for officers to add conditions to decisions of the committee and these would relate to time limit and plans, a noise management plan, and finalising the hours of opening as the primary conditions. Mr Whitty added that there was also the potential for a 106 to ensure that the existing unit is brought into use as an A1 unit prior to the site being occupied. Members sought further clarification in relation to the licensing and Mr Whitty responded that the role of the Planning Committee and Licensing Committee were different, and the licence may provide the opportunity to open until midnight but that may not be acceptable under planning permission. The noise management plan would also have to be considered, and the conditions would be formed from that in accordance with environmental health officer recommendations. Mr Whitty added that Miss Golding had advised that as the existing unit had not yet been granted permissions, it would not be advisable to tie that with this application.

The Chairman confirmed that the proposal was a recommendation to permit the planning application with delegated powers to allow the officers to create the conditions as explained by Mr Whitty.

Recommendation to **Permit** agreed contrary to officer recommendation.

Cllr Oakley left the meeting at 10.40am and did not return.

25 **Design Strategy for the West of Chichester Strategic Development Location (Phase 1)**

The following members of the public addressed the Committee:

Mr Plowman – Parish Representative

Ms P Gaskin – Objector (speaking on behalf of Ms V Briginshaw)

Mr B Ballie – Agent (Designer)

Cllr C Apel – CDC Member

During the discussion Members debated the lack of solar panels, UPVC window frames, whether the design of the dwellings were overly traditional in appearance without having the benefit of period features such as chimneys. Whether modelling new houses on older properties within the vicinity was appropriate, and if the dwellings should be designed for the future with sustainability as a focus. Members further debated the opportunity for construction with green roofs, encouraging walking and cycling, more trees and hedging, and the need to be more aspirational. Members also sought clarification on the Eastern Square. Ms Bell responded that the Eastern Square is covered in the eastern character area. The layouts and street scenes shown were illustrative layouts and street scenes, and that there was a substantial amount of new planting and the landscaping which will be covered by the reserved matters elements. The Eastern Square will have formal planting, and development fronting the open spaces, which the design strategy relates to.

Ms Bell confirmed that she understood the comments in relation to the climate emergency, which has just been declared by CDC Cabinet, and the environmental elements of the scheme. Miss Bell explained that the over-arching design strategy is required by condition 27 on the outline planning permission, to ensure that design is not just viewed in isolation as part of each reserved matter but to ensure that there is consistency across the whole development. Condition 28 on the outline planning application requires details of the environmental elements and Policy 40 of the Local Plan and covered electric charging points, energy and water consumption. It is this condition together with the reserved matters application that will consider these elements. Miss Bell explained that although these elements were not covered within design strategy, this does not preclude them from being included in the design strategy.

Miss Bell further explained that in terms of the design, the developers had created 'character areas', with the influence taken from the surrounding areas for the residential areas. A more modern approach is being considered for the local centre.

Mr Whitty reminded the Committee that this item was not to approve design, but to endorse the strategy for design. This item would be brought back to the Committee with the reserved matters application for consideration in due course, but by bringing this matter to the Committee at an early stage it allows the issues to be examined. With regards to the suggestion by some Members for more modern design, the developer was present and had heard the comments, although the authority's policy does not prescribe the requirement for a modern approach. The NPPF is clear that

whilst ensuring good design, the Committee should not be prescriptive regarding a particular design. Mr Whitty also confirmed as explained by Miss Bell, there were a number of solutions other than solar panels to ensure Policy 40 of the Local Plan was met, which would primarily be brought to the Committee via reserved matters. Mr Whitty advised that on this occasion the Committee was being asked to consider and endorse the design strategy.

The Chairman queried if the pallet of materials could include solar panels and green roofs, but considered it was positive as a design strategy with distinct areas. Mr Whitty responded that the strategy appears to be broadly accepted, although with the requirement for further planting and green roofs, which the developer had heard through the Committee's comments and could provide as an addition for the reserved matters.

In response to further discussion by the Committee, Mr Whitty confirmed that solar panels could be installed to be more aesthetically pleasing, although it may not be appropriate to insist that all houses had solar panels but the developer could be requested to consider this recommendation. Mr Witty advised that with regards to aluminum windows, these are more commonly used for commercial or more contemporary buildings, and advised that UPVC windows are normally acceptable for these types of buildings, which are not listed or in a conservation area.

The Committee further debated sustainability and appearance of the dwellings. Mr Whitty reminded the Committee that details did not need to be considered, in order to endorse the design strategy. Members further commented on the need to make a stance regarding the impact on the climate of not including specific features and in response Mr Whitty confirmed he understood the comments being made and explained that the options were to either refuse to endorse the design strategy, endorse the design strategy or endorse the design strategy with comments.

The Chairman asked members to vote on whether they agreed to endorse the design strategy, which was not carried. A proposal was put forward to endorse the general approach of the design strategy but request the developer to further consider a greater range of designs and materials in the Design Strategy, to reflect the climate emergency which was seconded and carried.

Endorse as amended.

Mrs Fowler left the meeting at 11.55pm and did not return.

26 **SDNP/10/00893/MPO - The Croft, Bignor Road, Sutton, Pulborough, West Sussex, RH20 1PL**

Mr Saunders introduced this application and explained that it was a request to deal with the discharge of a Unilateral Undertaking (UU) and sought approval not to defend an appeal against the non-determination of the application to discharge the UU relating to retrospective planning permission granted in 2011.

Mr Saunders explained that the UU and the conditions of planning permission achieved the same objective of effective control of the use of the building and therefore the UU served no useful purpose, and for these reasons the officer recommendation was to have been to permit the application. Mr Saunders further explained that before this application could be brought to the Committee for a decision, the applicant had appealed against the non-determination of the UU application and that appeal was due to be heard in November and therefore the decision would now be made by a Planning Inspector.

Mr Saunders confirmed the matter was brought to the Committee to seek approval to either defend or not defend the appeal against the non-determination of the UU.

Agreement not to seek to defend appeal.

27 **New charging procedure for water and wastewater connections and network capacity upgrades**

During the discussion it was confirmed that the procedure included both water and waste water. Members further debated the connection of new developments to the sewer. Miss Bell confirmed that all the strategic sites would be connected to the strategic sewer, and that any new dwellings which are occupied before the strategic sewer was operational would initially have sewage removed by tanker. Costs are funded by the developer with Southern Water.

The Chairman clarified that the Committee were being asked to note the report and that Southern Water were due to attend the meeting, but were unavailable. Mr Whitty confirmed a representative of Southern Water will attend a future meeting.

The report was noted.

28 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters between 16 May 2019 and 21 June 2019**

Mrs Stevens draw the Committee's attention to three planning appeals.

18/00798/FUL - The inspector had agreed with the Committee on one point only but dismissed the appeal.

17/03547/FUL – The inspector had disagreed with the Committee's refusal to grant planning permission and allowed the appeal.

18/01353/PA3Q - The inspector had dismissed the appeal as the proposed works were too significant to be a conversion. Mrs Stevens advised that this may not be the case for all future applications concerning similar buildings.

29 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 16 May 2019 and 21 June 2019**

There were no further comments from officers on this item.

30 **Schedule of Contraventions**

With regards to WD/SDNP/16/00747/OPDEV Members asked for clarification in respect of a mobile home on site. Miss Golding confirmed that an enforcement notice had been issued against the occupant.

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

There were no late items.

The meeting ended at 12.31 pm

CHAIRMAN

Date: