



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 3 November 2021 at 9.30 am

Members Present: 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 D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mr H Potter

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Mr S Harris (Principal Planning Officer), Miss N Golding (Principal Solicitor), Mr D Price (Principal Planning Officer), Ms J Prichard (Senior Planning Officer), Mrs F Stevens (Development Manager (Applications)), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr T Whitty (Divisional Manager for Development Management) and Mr D Henly (Senior Engineer (Coast and Water Management))

129 **Chair's Announcements**

The Chairman welcomed everyone present to the meeting and read out the emergency evacuation procedure.

The Chairman explained that agenda item 14; Five Year Housing Land Supply (5YHLS) Update; would be deferred for further information.

Due to expert officer availability agenda Item 9 would be taken before agenda item 8.

Apologies were received from Mr Potter. Mrs Johnson, Mrs Sharp and Mr Oakley also offered apologies as they would have to leave the meeting early.

130 **Approval of Minutes**

The minutes of the meeting held on 6 October 2021 were agreed as a true and accurate record.

131 **Urgent Items**

There were no urgent items.

132 **Declarations of Interests**

Mrs Johnson declared a personal interest in;

- Agenda Item 5 - CC/21/00461/REM – as a member of West Sussex County Council
- Agenda Item 6 – CC/21/01309/FUL – as a member of West Sussex County Council
- Agenda Item 7 – SB/21/02603/FUL – as a member of West Sussex County Council
- Agenda Item 8 – SI/21/01234/FUL – as a member of West Sussex County Council
- Agenda Item 9 – WW/21/02102/FUL – as a member of West Sussex County Council
- Agenda Item 10 – SDNP/2002840/FUL – as a member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 5 - CC/21/00461/REM – as a member of West Sussex County Council
- Agenda Item 6 – CC/21/01309/FUL – as a member of West Sussex County Council
- Agenda Item 7 – SB/21/02603/FUL – as a member of West Sussex County Council
- Agenda Item 8 – SI/21/01234/FUL – as a member of West Sussex County Council
- Agenda Item 9 – WW/21/02102/FUL – as a member of West Sussex County Council
- Agenda Item 10 – SDNP/2002840/FUL – as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 - CC/21/00461/REM – as a member of West Sussex County Council
- Agenda Item 6 – CC/21/01309/FUL – as a member of West Sussex County Council
- Agenda Item 7 – SB/21/02603/FUL – as a member of West Sussex County Council
- Agenda Item 8 – SI/21/01234/FUL – as a member of West Sussex County Council
- Agenda Item 9 – WW/21/02102/FUL – as a member of West Sussex County Council
- Agenda Item 10 – SDNP/2002840/FUL – as a member of West Sussex County Council

133 **CC-21-00461-REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH**

Before starting his presentation Mr Harris passed on the apologies from the Lead Officer from West Sussex County Council Education Authority who was unable to attend the meeting.

Mr Harris presented the report to the Committee. He explained that the developers had submitted two REM applications in relation to the Local Centre, the final aspect of the SDL to require detailed permission. The application being considered by the Committee was the first and related to the one form entry primary school and the adjacent public square.

Mr Harris outlined the proposed site layout and its location to the Committee; highlighting the public square, school car park, playing field and school building. Mr Harris explained that the school was being developed to accommodate future expansion of a second form entry.

Mr Harris provided an overview of how access to the school site was anticipated to operate, the key aim of the application was to provide as safe a route and access to the school as possible. He informed the Committee that the design of the road had been subject to much scrutiny during the development of the application. Developers had indicated that they would be willing to offer the road for adoption to the local highway authority; and its layout had been through an initial road safety audit to ensure that it would meet the required standards of an adopted highway.

A key feature of the site is that there will be no dedicated drop off/pick up zone for pupils to encourage sustainable travel, however, parking would be available in the Community/Health Centre car park should it be required. Control over the on-going operation of this car park would be provided by a management plan, the production of which would be a requirement of any consent for the second Local Centre reserved matters application.

Mr Harris informed the Committee that the name of the school had not yet been decided; however details of any lettering, emblem or signage to be erected to the part of the school facing onto the square are secured through a planning condition.

On the matter of ecological enhancements Mr Harris confirmed that these were secured by conditions included within the report, and included enhancements such as bat boxes and swift bricks.

With regards to the sustainable design and construction of the development Mr Harris explained that the final details would be secured through the outline permission's planning conditions, however, the developers had offered significant enhancements including a fabric first approach which would contribute to providing a further 10% reduction in CO₂ emissions relative to the building regulations requirement. In addition Solar PV panels will now cover 80m² of the roof and Air Source Heat Pumps will be installed for heating and hot water, with these measures delivering a 60% reduction in the building's overall CO₂ emissions above building regulation requirements.

The Committee received representations from;

Mr Nick Billington – Agent (statement read out by Mrs Fiona Baker)

Officers, including Mr Shaw from West Sussex County Council Highways; responded to Members' comments and questions as follows;

On the matter of noise generated by the Air Source Heat Pump, Mr Harris confirmed that noise generation would need to be attenuated. He explained that all phases of the development were subject to the condition on the outline consent which requires details of a noise control scheme to be submitted and approved before building commencement.

With regards to how children would enter the building and where wet coats could be stored; Mr Harris informed the Committee that this issue would form part of the separate process known as a Developer Agreement which was taking place between the developer and local education authority. This process considers the detailed technical matters which do not impinge on planning matters, such as internal classroom layout.

On the issue of the public square being exposed to the natural elements; Mr Harris acknowledged the concerns raised, however, he explained that the square was much smaller in size than the Chichester Gate development and more intimate in terms of scale. It would also be edged by buildings on three of the four sides which will also assist in limiting exposure to the elements.

On the matter of parking provision for scooters and bicycles; Mr Shaw explained that there would be three separate banks of scooter and cycle parking available. He highlighted to the Committee where these sites were located including; cycle parking by the main entrance, further provision is made to the north east of the property, with long term storage provision provided in the school playground. He confirmed that the longer term parking would be covered.

With regards to the adoption of the road; Mr Shaw clarified that at this stage there can be no guarantees that the road will be adopted, however, he confirmed that the applicant has indicated they would like to offer it for adoption. Mr Shaw drew the Committee's attention to Condition 4 which offered a degree of control over the development of the road in the unlikely event of it not being adopted. In addition, the Highway Authority have undertaken early 'checks' to ensure that during the development stage there is nothing to prevent it from becoming adopted at a future date; he explained that the adoption of a highway is a separate decision that takes place post planning.

Mr Shaw confirmed that it was expected the speed limit would be set at 20mph, with a range of traffic calming measures to support the limit.

On the issue of the need for the school; Mr Harris confirmed that the single form entry was justified as it met the demand created by the development. With regards to the future development of Phase 2, the education authority has confirmed that the core facilities, such as the kitchens and playing fields will be sufficient to serve a second form entry.

On the issue of the Health Centre; Mr Harris explained this element of the proposal had not yet been decided, but confirmed there was provision and flexibility within the S106 agreement for maintaining the land for some form of health use.

With regards to the possibility of including a pond in the development; Mr Harris explained surface water drainage will be dealt with under the terms of the outline permission's condition and detailed designs were still to be developed and this could be considered when detailed proposal were drawn up.

On the matter of solar panels; Mr Harris acknowledged that further solar panels could be installed on the roof; however, he informed the Committee, that in line with current policies the authority were not able to request the developer to do this. Through negotiations the developer has agreed to treble the amount of solar panels, however, the system will be set up so that further panels can be added at a future date without the need for significant enabling works.

On the issue of no designated school drop off spots; Mr Shaw acknowledged concerns raised and agreed everyone would not walk or cycle to school. He explained the reasoning for not offering this provision was to make the front of the school as safe as possible for those who did walk, scoot or cycle and also prevent double parking. In addition, informal parking provision would be available in the local centre car park.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit** subject to the conditions and informatives set out in the report.

**Mrs Sharp left the meeting at 9.50am*

***Mr Oakley left the meeting at 10.05am*

****The Committee took a ten minute break*

134 **CC-21-01309-FUL - Pizza Hut Restaurant, Portfield Way, Chichester, PO19 7WT**

Mrs Stevens presented the report to the Committee. She drew the Committee's attention to the Agenda Update sheet which set out an amendment to the report recommendation and was now to 'delegate to officers'. Mrs Stevens explained the reason the recommendation had been amended was to allow the publicity period to conclude and finalise the S106 agreement.

The Agenda Update sheet also included an amendment to the report and an amendment to the Decided Plans table.

Mrs Stevens informed the Committee the application was for a change of use of a vacant restaurant; formerly Pizza Hut. The proposal included the installation of a drive-thru lane and some alterations to the external appearance of the building. She highlighted the site location and explained how the site would be accessed.

A key issue that has required careful consideration is the impact on the highway network. Mrs Stevens confirmed a transport assessment had been submitted with relevant transport modelling and no objections had been raised by either West Sussex County Council or National Highways. In addition, she showed the Committee how the additional traffic flow could be accommodated at the site.

Mrs Stevens highlighted some of the proposed amendments and alterations to the Committee including the provision of cycle parking at the front of the building and a new access to the building.

The Committee received representations from;

Mr Kevin Hydes – Applicant

Officers responded to Members' comments and questions as follows;

With regards to TRICs data used for the transport modelling; Mrs Stevens agreed that some of the transport data used was taken from the Salford location; however, the transport assessment also took into account the current base position, alterations to the highway network as a result of the Shopwhyke Lakes development and baseline data used in the Costa Coffee assessment. She confirmed both National Highways and West Sussex County Council approved of the methodology used and had raised no objections. WSCC have requested a Travel Plan and are currently in the process of drafting a S106 agreement to help manage the way staff travel to work and encourage sustainable travel such as car sharing; a monitoring cost for WSCC is included within the agreement. In addition, Mr Whitty reminded the Committee that the Travel Plan cannot control the way that customers choose to access the site.

On the issue of a granting a temporary permission to allow time for the traffic impact to be measured; Mrs Stevens advised that it was not reasonable, given the size of the development and level of investment required, to grant a temporary permission. She explained that it would not be possible to differentiate the impact from this development and the Costa Coffee and McDonalds that were already on site. In addition, Mr Whitty explained in further detail the road access to the site and how the new drive-thru would operate and highlighted how the additional drive-thru may actually assist in reducing the traffic impact. Mr Whitty reminded the Committee that the building already had an existing A3 use and could be occupied and operated by Tim Hortons, albeit without the drive-thru or exterior alterations.

With regards to the possibility of widening the road at the entrance to the site; Mr Whitty agreed this may be a potential option but it would be a matter for Highways to consider whether it was possible.

With regards why the site was not Class E; Mrs Stevens explained the site would be offering a significant amount of hot food takeaway which was an A5 use and therefore required planning permission as a mixed sui generis use.

With regards to advertising signage; Mr Whitty confirmed that this was being considered via a separate application.

In a vote the Committee agreed to the report recommendation as amended in the Agenda Update to **delegate to officers**

Recommendation; **delegate to officers.**

* the Committee took a ten minute break.

135 **SB-21-02603-FUL - 1 Green Acre, Inlands Road, Nutbourne, PO18 8RJ**

Ms Thatcher presented the report. She drew the Committee's attention to the Agenda Update sheet which included an amendment to Condition 4.

Ms Thatcher detailed the site location and explained that the site falls within the Southbourne and Prinsted settlement boundary. Apart from some open space to the west of the site, the site is surrounded by residential properties.

She explained that the site had previously been used for Gypsy and Traveller accommodation, and the caravans currently located on the site are being used to support the construction of a neighbouring dwelling.

Ms Thatcher explained the application requests planning permission for the variation of Condition 1 of the planning appeal decision and seeks to extend temporary permission until 31 December 2021. She confirmed that West Sussex County Council had been consulted and raised no objection to the application.

Ms Thatcher confirmed that the conditions dictated by the inspector; prohibiting the use of access via Inlands road and restricting the hours of use of site would remain in place.

The Committee received representations from;

Cllr Amanda Tait – Southbourne Parish Council
Mr William Saywell – Objector
Cllr Jonathan Brown – CDC Ward Member

Officers responded to Members' comments and questions as follows;

On the matter of a new access being created; Ms Thatcher confirmed that no new access was being created as part of the proposal.

With regards to the enforcement case; Ms Thatcher informed the Committee that following a recent site visit she could confirm the site was nearly vacant; however, she was awaiting an official update from the Enforcement Team.

On the matter of extending the permission; Mr Whitty explained that the Enforcement Team had visited the site and were satisfied that the site was no longer

being used as a transfer station. By submitting the application the applicant has done the right thing and the extension will result in the site being cleared and restored quicker than if Enforcement proceedings were started. He assured the Committee that the enforcement case would continue to remain open to ensure that the 31 December 2021 deadline is adhered to.

In response to observations made regarding why caravans were currently located on site; Ms Thatcher informed the Committee that it was her understanding the caravans were left from when the site had previously operated as a Gypsy and Traveller site and were currently being used to provide site offices and welfare facilities. In addition, Mr Whitty explained the removal of the caravans from the site would depend on its final use, if it is agriculture then it would be the land owners responsibility to remove them from site, whereas, if the land reverts back to a gypsy and traveller use they would not need removing.

Mr Whitty agreed to write to the developer to pass on the Committee's expectation about how the site should be left.

In a vote the Committee agreed to the report recommendation to **permit**

Recommendation; **permit** subject to the conditions and informatives set out in the report and Agenda Update.

136 **SI-21-01234-FUL - Melita Nursery, Chalk Lane, Sidlesham, PO20 7LW**

Mrs Stevens presented the report to the Committee. Mrs Stevens highlighted the site location and layout to the Committee. She explained the application sought permission for an alternative layout and access arrangement as approved under the previous application SI/20/01331/FUL.

Mrs Stevens explained that in the previous application consent had been given to remove five trees, with a requirement to replace the trees with five further trees in a suitable location, a new site access had been created where the trees have been removed. This application proposes more planting than was approved in the original permission including a new native hedge, two poplar trees and five field maples. Mrs Stevens informed the Committee that the Tree Officer had reviewed this proposal and raised no objections.

Mrs Stevens highlighted the area close to the application site to the Committee, and explained that this area in question was subject to a separate appeal, it was not in the same ownership and bore no relevance to the application that the Committee were being asked to consider.

Whilst there were no public representations, the Chairman did make the Committee aware that a representation had been received from Sidlesham Parish Council. This representation had been received after the 12 noon deadline and had been circulated to all members of the Committee via email.

Officers responded to Members' comments and questions as follows;

In response to concerns raised regarding retrospective Planning permission; Mr Whitty acknowledged comments made by the Committee, however; he explained that within the planning system there is provision for retrospective planning applications to be brought forward. He advised the Committee that when considering this application they must do so without any prejudice to the fact that it is a retrospective application.

Mr Whitty agreed to write to the applicant's agent after the Committee meeting, he explained that he would not be able to reference the Committee directly but would inform them concern was raised regarding the nature of how this application had come forward.

On the matter of ensuring any future gates remain sympathetic to the rural location; Mrs Stevens agreed that Condition 21 could be amended to ensure that no permitted development would take place along the front of the site.

With regards to Chalk Lane; Mr Whitty confirmed that it was an unadopted road, but he was unaware who was responsible for the maintenance of the site.

In a vote the Committee agreed to the report recommendation to **permit with S106**

Recommendation; **permit with S106** subject to the conditions (including the amendment to condition 21) and informatives set out in the report.

*The Committee took a five minute break

**Mr Briscoe left the meeting at 12.38pm

***Mrs Johnson left the meeting at 12.38pm

137 **WW-21-02102-FUL- East Head, Snow Hill, West Wittering, West Sussex**

Mrs Prichard presented the report to the Committee; Mr Dominic Henly was also in attendance to answer questions. Mrs Pritchard gave a verbal update to the Committee and informed them that there had been a change to the report recommendation; the updated recommendation is to delegate to officers, she explained that this was to allow for an amended location plan to be developed which highlighted the proposed excavation site within the development and then permit.

Mrs Prichard drew the Committee's attention to the Agenda Update sheet which included; a point of clarification confirming that Chichester District Council is the applicant; additional consultation responses from Chichester Harbour Conservancy and Natural England; and an amendment to paragraph 8.14 of the report.

The purpose of the application is to provide some form of adaptive management to this section of coastline, to reduce the risk of a tidal breach which would result in loss of access to the spit at East Head.

Mrs Prichard highlighted the site location, the proposed excavation site and the size and scale of the proposed bunds.

There are three key ecological issues associated with the site; overwintering and nesting birds; invertebrates and sand dunes. Measures to protect these species and habitats are included within the method statement and secured by Conditions 3, 4 and 5 of the proposed application.

There would be a loss of car parking (approximately 20 spaces) due to the creation of the bund, however, overflow car parking can be provided in the grassed area at peak times.

There were no public representations.

Officers responded to Members' comments and questions as follows;

On the matter of the Tamarix Hedge; Mr Henly informed the Committee that there are no plans to either preserve or remove the hedge. However, he explained that there is an expectation for the new bund to naturally roll back which will mean that over time the hedge will be lost to the sea. The hedge is a non-native species and there is no desire to retain it at this location.

With regards to the access road; Mr Whitty confirmed that there were no proposed alterations to the access road.

On the issue of the extraction site; Mr Henly informed the Committee that the same extraction site had been used for three previous extractions and it was not anticipated that there would be any negative impact to the coast as a result of the extraction. There is a coastal monitoring programme in place that undertakes annual surveys, previous data shows that there has been no negative impact due to previous extractions.

In a vote the Committee agreed to the report recommendation to **delegate to officers**.

Recommendation; **delegate to officers to amend the location plan to include the excavation site**, subject to the conditions and informatives set out in the report.

138 **SDNP-2002840-FUL - The Angel Inn, Ryde House, Wedgewood House & Augustus Brandt Editions, Angel Street, Petworth, GU28 0BG**

Mr Price presented the report to the Committee. He explained that the application involved four properties; the Angel Inn, Ryde House, Wedgewood House and Augustus Brandt (previously a small retail unit) and highlighted the site location within the town centre.

Mr Price informed the Committee that a change of use was required for Ryde House, Wedgewood House and Augustus Brandt to allow for serviced bedroom accommodation in association with the Angel Inn.

The Committee received an overview of the proposed work and how it would link the Angel Inn with the other three properties, as well as the removal of later additions and a new entrance feature. He also highlighted the part of the wall of the existing store building to Augustus Brandt Editions which would be rebuilt to improve the existing access and the inclusion of a vehicular turntable to improve accessibility and highway safety. Mr Price explained that this was not a precedent and there were a number of turntables within the town.

Mr Price confirmed that the plans had all been reviewed by the Historic Buildings Advisor, the Design and Conservation Officer and West Sussex County Council Highways who have raised no objections to the proposals.

The Committee received representations from;

Mr Robert Kerr - Agent

Officers responded to Members' comments and questions as follows;

On the issue of staff parking; Mr Price drew the Committees attention to Condition 7 of the report. This requires the applicant to submit a detailed travel plan; part of the discussions in developing the Travel Plan can include staff travel, advising that they use the car parks within town to park during the hours of employment.

On the matter of the colour pallet of the buildings; Mr Whitty suggested that the Historic Buildings Advisor and applicant are consulted outside the meeting.

In a vote the Committee agreed to the report recommendation to **approve**

Recommendation; **approved** subject to the conditions and informatives set out in the report.

139 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

Mr Whitty provided the Committee with a verbal update on Bethwines Farm and South of Ivy Lodge (page 123 of the agenda pack). He informed the Committee that the authority has received a 'Pre Action Protocol' letter from the appellant challenging the Inspectorate's decision.

The Committee agreed to note the item.

140 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters**

The Committee agreed to note the item.

141 **Schedule of Contraventions**

Mrs Archer presented the Schedule of Contraventions to the Committee.

Officers responded to members comments as follows;

On the matter of Land East of Brook House (p.185); Mrs Archer informed the committee that an internal inspection would be undertaken to ascertain whether there was compliance or whether further action was required.

On the matter of Wayside (p180); Mrs Archer explained if the case was presented at court, the courts could not overturn the planning decision. The court would determine whether an offence has been committed and whether a fine should be applied or not.

The Committee agreed to note the item.

*Cllr Oakley rejoined the meeting at 13.05

142 Five Year Housing Land Supply (5YHLS) Update - Report to follow

As announced by the Chairman this item is deferred for further information.

143 Consideration of any late items as follows:

There were no late items.

144 Exclusion of the Press and Public

There were no part two items.

The meeting ended at 1.17 pm

CHAIRMAN

Date: