



Minutes of the meeting of the **Planning Committee** held Virtually on Wednesday 21 April 2021 at 9.30 am

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

**Members not present:**

**In attendance by invitation:**

**Officers present:** Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

### 35 **Chair's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

### 36 **Approval of Minutes**

The Minutes of 31 March 2021 be amended as follows:

Planning Application TG/20/02893/OUT Land Adjacent to A27 Copse Farm, Tangmere Road, Tangmere -

- Reference to Temple Bar junction and the costs of providing the pedestrian and cycle 'crossing', should read 'crossings'
- Reference to existing cycle routes, and 'The delivery of the alternative routes along the side of the A27...', should have the word 'south' included to read 'The delivery of the alternative routes along the 'south' side of the A27....'
- The recommendation to Permit, should include reference to the amended and additional Section 106 Heads of Terms elements in the Agenda Update Sheet and the additional Conditions/Informatives accepted by officers at the end of the debate

and be approved.

The Minutes of 7 April 2021 be amended as follows:

Mrs Fowler's name had been misspelt under Chairman's Announcements.

Planning Application: CC/20/03108/REM Land West of Centurion Way and West of Old Broyle Road, Chichester

- With reference to an amendment to Condition 5, as accepted by Mr Harris, Principal Planning Officer, should also have been reflected within the recommendation.

and be approved.

Mr Plowman made a further general comment regarding the inclusion of voting numbers within the Minutes.

***Post Meeting:** Mr Whitty will give further consideration to this request and respond to the Committee in due course.*

### 37 **Urgent Items**

There were no urgent items.

### 38 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of Chichester Harbour Conservancy Consultation on Planning Principle 19: Houseboats as a Chichester District Council appointed Member of Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in respect of CH/20/00593/FUL as a Member of West Sussex County Council.

Mrs Purnell declared a personal interest in respect of CH/20/00593/FUL as a Member of West Sussex County Council.

### 39 **CH/20/00593/FUL Appleton House Farm, Drift Lane, Chidham**

Mr Mew presented the item to Members and drew Member's attention to the Agenda Update Sheet providing revised wording for Condition 14 and confirming details relating to the waste treatment plant to ensure the proposal was nitrate neutral and did not result in an increased nitrate level within the Chichester Harbours. The Agenda Update Sheet also included a further amendment to include the word 'not' in reference to resulting in loss of habitat or biodiversity, and an additional clarification regarding foul sewage.

The Committee received the following Speakers:

Jane Towers – Parish Council  
Andrew Kerry-Bedell – Objector  
Clare Hawkins – Objector

Mr McAra left the meeting

Officers responded to Members' comments and questions:

With regards to the boundary, Mr Whitty confirmed that regardless of any issues relating to boundaries, planning permission may be granted, as boundary matters were a separate legal issue. The Council had a duty with all applications in terms of 'best endeavours' to ensure the ownership certificate was correctly completed, following submissions from both the applicant and third parties, officers were satisfied that the certificate had been completed correctly, for the purposes of determining the planning application.

With reference to the National Planning Policy Framework (NPPF) paragraph 77, Mr Mew confirmed that the scheme was not being put forward as an exception. The principle was established through the Neighbourhood Plan (NP) Policy LP1 which referred to windfall sites, and which applied to developments of ten or less and therefore a distinction was required to be drawn between larger developments and this site for a single unit. With regards to not meeting housing need, the proposal was for a three-bedroomed dwelling, which was not a new build and therefore had to be accommodated within the existing building. The site was within the proposed wildlife corridor, but both the building, the hardstanding and access were in situ, and the environmental strategy unit had been consulted and did not have any objections to the proposal, and had recommended the inclusion of a condition regarding bat and bird boxes.

With regards to the length of time taken for the application, Mr Mew explained that this was related to the matters of boundary dispute, and the research and correspondence which had been undertaken as part of due diligence to ensure the correct certificate had been secured, and associated revisions of the plans.

On the matter of maintenance of the foul drainage, Mr Mew confirmed a condition had been included to secure the details of the maintenance and a separate planning application was not required for the drainage as this formed part of the proposals. Part H of the building regulations would apply to the sewerage system and an Environment Agency permit would not be required.

With regards to the character of the area, Mr Mew reminded Members that the proposal was for an existing building and hardstanding, there was no additional built form for the current proposal. On the matter of the Interim Position Statement (IPS), Mr Mew confirmed that the application was not being put forward as IPS scheme, with the principle established through the NP, therefore the criteria differed. Mr Mew also advised that the distance from the reedbed to the neighbouring outbuilding was ten metres and thirty metres to the dwelling to the north, and added that building regulations seek ten metres to the nearest neighbouring building.

Mr McAra returned to the meeting

On the matter of neighbouring outbuildings, Mr Mew confirmed that other future permitted development changes which may occur could not be considered, and explained that currently they were used as a home office and games building, and

garage. With regards to the ditch, details had been provided by the agent, and it ran along the northern boundary of the site and to a stream and eventually the harbour, and in terms of the mitigation, the details of the reedbed and treatment plant had been forwarded to Natural England who had no objection to the proposals as part of the necessary assessment, and officers were satisfied that would mitigate the release of nitrates into the harbour. In regards of the weight that should be afforded to the proposed wildlife corridor, Mr Mew advised this would be limited and was dependent on the function of it and this instance, the proposal was for an existing building and hardstanding. On the matter of disturbance, the applicants had entered into a unilateral undertaking, and Mr Mew confirmed that there would be no restriction on ownership of pets in the garden area of the existing dwelling.

With regards to thermal efficiency, Mr Mew explained that these details were not required as the application was for an existing building. Mr Whitty added that there was currently no policy in place for this in reference to existing buildings but building regulation requirements would need to be adhered to. In relation to asbestos, Mr Whitty confirmed this was also a matter for building regulations.

Mr Mew provided further historical details explaining that the outbuilding was granted permission in 2005, pre-dating the Local Plan and Neighbourhood Plan (2016), and required planning permission for any proposed future changes to the building or its use.

Mr Whitty advised that the principle development was acceptable, although in a rural area, and there was a policy in the NP which allowed for windfall developments, which had been actively been sought to be used by the Parish Council for other developments. The NP post-dated the Local Plan and did not have the same restriction on requiring windfall sites to be within settlement policy areas. The question was whether the proposal would have harm on the landscape, character and wildlife corridor. The proposal was for an existing building and hardstanding, therefore the only change would be to the use, which would result in the building being more heavily used as another dwelling and the Committee needed to determine whether that was of sufficient significance and would change the character of the area. In terms of the wildlife corridor it was within in the draft Local Plan only, so the key consideration was whether this proposal would impact on the proper formation of the policy going forward. Mr Whitty advised that the Council's Ecologist considered that was not an issue with the reuse of a building within the corridor, so there was no conflict.

With regards to sufficient access to the rear of the building, Mr Mew confirmed there was an existing driveway which would allow access for the maintenance of foul drainage. On the matter of the sustainability of the location, Mr Mew explained that it was outside a settlement boundary and there would be a reliance on private transport, but the policy been applied in other locations and cited the outline planning permission to the north east of the application site.

Mr Mew confirmed the footprint of the building would remain the same, and Condition 6 included all the details of the required maintenance for the foul water drainage system. Mr Whitty added that the condition required a management plan which would follow the manufacturer's maintenance schedule and could be included

within the condition and the condition could require that equipment would be maintained in perpetuity.

On the matter of the ditch, Mr Mew confirmed that officers did not a plan showing the connection to the ditch but that would be secured by way of the condition regarding drainage details, and the outline plan was not at an advanced stage currently and those details would be provided at the reserved matters stage.

Mr Mew confirmed that within the scope of policy 40, it was currently not possible to insist upon installing an air source heat pump, and the applicant was just required to demonstrate how they had considered the measures of policy 40 and the application included solar panels and therefore the policy had been met. Mr Whitty added that it would be possible for the Committee to add an informative that an air source heat pump should be considered by the applicant and confirmed that would form part of the officer recommendation.

On the matter of nitrate mitigation, Mr Mew drew Members' attention to the Agenda Update Sheet and the revised wording of Condition 14 which reflected the appropriate assessment that had been sent to Natural England to which they had no objection and therefore officers were satisfied that the proposal would provide adequate mitigation.

In a vote Members agreed the recommendation to permit.

Recommendation to **Permit** agreed, subject to Section 106, the conditions and informatives as listed, including the additional informative regarding the consideration of an air source heat pump.

Members took a ten minute break

#### 40 **Chichester Harbour Conservancy Consultation on Planning Principle 19: Houseboats**

Mrs Stevens presented the item to Members and drew Members' attention to the Agenda Update Sheet and confirmed 'boathouses', should read 'houseboats' and provided a further verbal update which confirmed that the word 'now' should read 'no' under the title 'Chichester Canal' in the report and on the Agenda Update Sheet to read '...any increase in size is limited to 'no' more than 25% greater than the existing.'

The Committee received the following Speaker:

Timothy Firmston – Birdham Parish Council

The Chairman advised Mr Firmston that he should also pass his comments to Chichester Harbour Conservancy as this was their consultation.

Officers responded to Member's comments and questions:

On the matter of the definition of a houseboat, Mrs Stevens explained that this was a complex area and there was no definition of such in planning law and was a matter of fact and degree, considering the form of the houseboat, whether it floated or was attached to a bank, and was dealt with in a similar manner to a caravan, whereby permission was

required for the change of use of the land for the siting of a caravan for human habitation. There was significant and complex planning law relating to houseboats and planning units, when it was a change of use or when it would become a building. If a houseboat was permanently attached to a bank this may be operational development, and work to the bank which may require planning permission. Mrs Stevens cited instances of Inspectors concluding that a houseboat was no longer a vessel and was a building due to its structure or the extent of building above the boat and therefore it was difficult to present a definition and each application was required to be considered on its own merits. The British Waterways Act 1971 provided a definition which had been used by Inspectors in their consideration, and was as such a starting point. Mrs Stevens suggested that included within the consultation response was that anyone considering a houseboat should approach the planning authority for advice regarding whether or not planning permission was required. On the matter of 25% increase in size, Mrs Stevens agreed and advised that should be more closely defined, for example similar to buildings, and length and silhouette above the waterline were considered. With regards to navigational safety, Mrs Stevens confirmed it was also not clear within the document as to what would be taken into consideration by Chichester Harbour Conservancy although there were many rules relating to use of the harbour. Mrs Stevens added that by the principle of having a change of use and stopping a water way being used for navigation may present a concern to the Harbour Conservancy although the key issue was likely to be with regards to the main channels within the harbour, but this was not clear within the guidance, and therefore clarification may be required as to how it would be applied.

With regards to having a baseline for the silhouette, Mrs Stevens agreed that there was a concern in terms of cumulative impact of growth over the years, but it was difficult to have a baseline based on previous houseboats as plans would not necessarily be available, and advised that it may be easier to use the baseline from the date of the adopted guidance. Mrs Stevens added that the document would be part of the management plan for Chichester Harbour which would have less weight than the Area of Outstanding Natural Beauty Supplementary Planning Document and the Development Plan. Mrs Stevens clarified that with regards to issues such as foul drainage and canal width, the policies within the adopted Local Plan would be a consideration as part of an application, so did not need to be repeated within the guidance. On the matter of lighting, a condition could be imposed as was usual in rural locations to protect the character of the area, but could not be conditioned specifically for the purposes of navigational safety.

On the matter of nitrate neutrality, Mrs Stevens responded that the Council did not have a policy related to this matter at the current time but it was a consideration for this type of application as a net gain in residential use, within the harbour. These applications would require a habitat regulations assessment and would require mitigation, so this matter would not need to be included within the guidance. In relation to thermal efficiency, there was scope for inclusion within the guidance, as the current adopted policy did not include this type of use, as it referred only to new dwellings and non-domestic buildings. When officers had dealt with planning applications, the aim had been to seek both ecological enhancements and also sustainability measures, such as sedum roofs or solar panels and there had been some resistance in trying to secure these matters. This issue could also be taken forward in regards to sustainability within the Local Plan review to ensure it encompassed all the different types of dwellings for which applications were received.

On the matter of a 'design guide', Mr Whitty advised that Chichester Harbour Conservancy were often referred to as the custodians of the harbour and were seeking comment from the Council with regards to what was now in front of the Committee, the Council had its own Local Plan and its own policies and those encapsulated much of the descriptive items mooted within the debate. Mr Whitty added that the focus should be on the feedback to the Harbour Conservancy on what they wished the Council to consider, which was set out in the

document, and a design guide would go far beyond the consultation. With regards to navigation, there was insufficient detail within the document and clarification was required. Officers were not concerned with having this within the document as a consideration, and ultimately officers must focus on how a refusal of application would be presented to an Inspector in terms of the harm.

Mr Briscoe left the meeting and did not return

On a request of the Chairman, the link for the recording of the meeting would be forwarded to Mr Barrett as the Chichester District Council appointed Member of Chichester Harbour Conservancy for him to pass on as appropriate, and the Mr Barrett confirmed he would also pass on other comments forwarded to him by Committee members in writing.

Mrs Stevens confirmed that in addition to the recommendation, and the issues included in existing policies, the consultation response would be amended to:

- encourage consideration for renewable and sustainability measures as part of the guidance
- include the heritage considerations concerning Chichester Canal
- include consideration regarding ancillary buildings and ancillary development which may or may not require planning permission specifically, but to note this within the document
- note the necessity for customers to contact the planning authority to establish if planning permission was required and to obtain guidance
- note the necessity to establish a baseline for the silhouette increase to provide clarity within the considerations

In a vote the Members agreed the recommendation with the addition of matters outlined within the debate.

Recommendation **agreed**.

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

There were no late items.

42 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 11.39 am

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CHAIRMAN

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Date:

