



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 10 January 2024 at 9.30 am

Members Present: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Ms B Burkhart, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter and Ms S Quail

Members not present: Mrs S Sharp

In attendance by invitation:

Officers present: Mrs F Stevens (Divisional Manger for Planning), Miss N Golding (Principal Solicitor), Miss J Bell (Development Manager (Majors and Business)), Mr S Harris (Principal Planning Officer), Mr P Thomson (Environmental Health Officer), Mrs K Simons, Miss D Smith (Development Manager (Applications)), Mr O Broadway (Principal Conservation and Design Officer), Mr M Mew (Principal Planning Officer), Mr C Thomas (Senior Planning Officer), Mr J Saunders (Development Manager (National Park)), Miss C Cranmer (Senior Planning Officer) and Miss L Cripps (Senior Planning Officer)

139 **Chairman's Announcements**

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

The Chairman informed those present that Agenda Item 12 had been withdrawn as the applicant - National Highways had withdrawn their application.

Apologies were received from Cllr Sharp.

140 **Approval of Minutes**

The minutes of the meeting held on 22 November 2023 and 6 December 2023 would be agreed at the next meeting on 7 February.

141 **Urgent Items**

The Chairman announced that the response to the public consultation on Street Vote Development Orders would be considered as a late item at agenda item 17(b). The reason for the item being allowed was due to the consultation closing on 2 February 2024 which was before the next Planning Committee.

142 **Declarations of Interests**

Cllr Quail declared a predetermination in Agenda item's 5, 6 and 7 as she had already expressed opinions on the applications when they were considered by Chichester City Council.

143 **CC/22/01485/OUTEIA - Land to The West of Centurion Way; Land at Bishop Luffa School; Land at And Adjoining Westgate and; Land to The North-east of Old Broyle Road and St Pauls Road, Chichester**

Having declared a predetermination in this item Cllr Quail withdrew from the meeting.

Mr Harris introduced the report. He clarified the application proposals and reminded the Committee that the application was an outline application with all matters reserved expect for access. As part of the application approval was also sought for a number of Parameter plans which any subsequent REM application would need to be compliant with.

Mr Harris went through the proposed parameter plans which included; the Site Framework; the Street Hierarchy (and how it linked into site 1); Storey Heights; Pedestrian/Cycle routes; Density; Play Space, Public Open Space, Drainage and Cathedral Views.

Mr Harris confirmed that the Lead Local Flood Authority had confirmed that the approach to surface water drainage was satisfactory and that any residual surface water from the phase 2 development parcels would be accommodated in the attenuation ponds located in the Southern Country Park.

Mr Harris explained how the street orientation had been designed to maintain views of Chichester Cathedral.

Mr Harris showed the Committee a number of illustrative plans which had been submitted including the site masterplan. He explained the development would deliver a biodiversity net gain and would satisfactorily mitigate impacts on The Chichester Harbour SPA/SAC.

Mr Harris detailed the proposed access arrangements and the development of the new Southern Access Road (SAR). He showed how it would link into the Phase 1 development, highlighting where new pedestrian crossings would be installed; the proposed amendments to the Centurion Way and the new traffic arrangements for Bishop Luffa School including a new footpath to the drop off and pick up point. The works would be completed prior to the occupation of the 151st dwelling.

Mr Harris concluded the site offered a sustainable mixed-use development which would enhance the city and strengthen the council's five-year housing land supply.

Representations were received from;

Cllr Stuart Loxton – Chichester City Council
Mr Richard Plowman – Objector
Mr Mark Record – Objector
Mr Ian Sumnall – Objector
Mr Nick Billington – Agent
Cllr Clare Apel – CDC Member

Officers responded to comments and questions as follows;

On the matter of the traffic data; Mr Shaw, West Sussex County Council (WSSCC) Highways Manager, assured the Committee the traffic data used was compliant and in accordance with national guidelines. He detailed the counts that had been undertaken as part of the application process, explaining data from 2014 had been used to compare with results from 2019. In addition, the applicant had undertaken a further survey in 2022 and verified the modelling based on the results. Mr Shaw assured the Committee the proposed highway arrangements were based on a solid set of data and offered the most robust approach.

Responding to concerns regarding the TRICS system used to forecast trips; Mr Shaw explained TRICS was the recognised system used to forecast the number of additional trips generated because of new development. Research had shown that it was very accurate in its forecasting.

Mr Shaw explained the applicant would be required to undertake an ongoing programme of monitoring, even after the development is completed to ensure proposed measures are effective. This was a new approach which would allow the highway authority to request further mitigation if journeys associated with the development exceeded the applicants' predictions.

Regarding the staggered junction at Sherbourne Road; Mr Shaw explained how the junction would allow better pedestrian and cycle movement. A number of rigorous road safety audits had been undertaken and the proposal would offer a significant improvement on what was currently in place. Mr Shaw further explained how the developer had considered a wide variety of options including an additional arm off the college roundabout. WSSCC had reviewed the options and it was their opinion the staggered junction provided the best solution in terms of safety and congestion.

Mr Shaw confirmed the highway arrangements conformed with the recent 1/22 circular and LTN 1/20.

Regarding the cycle routes; Mr Shaw detailed how the cycle lanes had been designed to provide a safe link for cyclists. The link would be staggered in height providing separation between pedestrians and cyclists. He confirmed the cycle way would be two way. In addition, Mr Harris explained that cyclist and pedestrians

would have priority at junction. He acknowledged that it was unfortunate the Centurion Way would be severed, however, the overall scheme would offer significant benefits.

Mr Shaw confirmed the varying speed limits proposed as part of the development, including a 40mph limit from the A27 to A259 which would be funded by the developer through a post planning TRO consultation process.

On the matter of the sports pitches; Mr Harris clarified the layout of the proposed sport pitches, how they would be used and their classification. He informed the Committee that the new pitches would provide Bishop Luffa School with the standard of facilities expected from a school of its size.

Regarding flooding in the southern part of the development: Mr Harris acknowledged the comments made and confirmed drainage officers were currently investigating this to understand the cause and how it can be best managed.

On the matter of flooding along Clay Lane; Mr Harris informed the Committee discussions were ongoing, however, early investigation showed that there was no evidence the new development was exacerbating the problem.

Regarding the provision of healthcare facilities; Mr Harris explained this had been provided as part of the phase one development.

Mr Harris assured the Committee that any planting failures on the phase 1 site were being rectified.

Regarding the impact of the development on the 5YHLS; Mr Harris acknowledged the Committee's discussion around deferring the item for further information. However, he explained the development was plan led and in officer opinion was acceptable. If deferred, there was a risk of speculative development coming forward as the Council would likely have a less robust 5YHLS position.

Following a vote, the Committee voted in favour of the report recommendation to **defer for S106 then permit.**

Resolved; **defer for S106 then permit.**

**Members took a ten-minute break.*

**Cllr Briscoe left the meeting following the conclusion of the item.*

144 **CC/23/00600/FUL - Duke and Rye, St Peters Market Formerly St Peters Church, West Street, Chichester, PO19 1QU**

Having declared a predetermination in this item Cllr Quail withdrew from the meeting.

Mr Mew introduced the report. He drew the Committee's attention to the Agenda Update Sheet which included an additional comment from the CDC Environmental Protection team and two additional third-party comments objecting to the proposal.

Mr Mew outlined the site location, which was near the city centre and within the Chichester Conservation Area.

Mr Mew showed the existing floor plan and confirmed there would be no material changes to the building. He clarified the amendments to conditions being applied for and how they differed from the existing conditions.

Mr Mew highlighted the number of listed buildings in the area, the building's proximity to The Prebendal School and other public houses in the area.

Representations were received from;

Cllr Anne Scicluna – Chichester City Council
Mrs Jane Langford – Objector
Canon Simon Holland – Objector
Mr Paul Nichols – Objector
Mr Colin Rhodes – Objector
Mr Alan Green – Objector
Mr Michael Robson – Agent
Cllr James Vivian – CDC member

**The Chairman had used his discretion to merge the objector and supporter allocations on Agenda Items 6 and 7.*

Before opening the debate, the Chairman invited Mr Mew and Mr Thomson to comment on some of the concerns raised by the representors.

Addressing concerns raised over the playing of amplified music, Mr Mew drew the Committee's attention to Condition 3, which set out the proposed details the applicant must adhere to if they were to play such music at the venue.

Addressing concerns of a 'dancefloor;' Mr Mew confirmed the term had been referenced in some of the application papers, however, he assured the Committee this did not mean the venue was a night club nor did it mean it could become a nightclub.

Responding to a noise assessment prepared by local residents, Mr Thomson confirmed that officers had considered the report. However, the report had misinterpreted information and did not use the correct parameters for noise assessment associated with this type of establishment.

Officers responded to comments and questions as follows;

Mr Mew reiterated the building was not a nightclub.

Mr Mew clarified Condition 16 of the existing application was enforceable, he informed the Committee the enforcement team had served a notice on the applicant; however, this was currently being held in abeyance whilst the submitted application is determined. The proposed condition 3 offered a more robust approach to managing the impact of music played at the venue, in officer opinion the amendment would still conserve the character and setting of heritage assets within the location.

On the matter of Anti-Social Behaviour; Mr Mew drew attention to comments received from Sussex Police (paragraph 6.2, page 111). He acknowledged there had been some sensitivity and had followed up initial comments up with the Sussex Police Licensing officer who confirmed there were no current issues with the pub and did not object to the hours being brought in line with the hours permitted in the premises licence.

Responding to whether the permitted noise limit could be made lower than 80 decibels; Mr Thomson explained the detailed work undertaken by officers to establish 80 decibels as the acceptable limit proposed in Condition 3. Officers had undertaken site visits, including a site visit on 28 April 2023 between 10 and 11.30pm to measure noise and assess the effectiveness of a limiter which had been fitted to the sound equipment in the building and would prevent equipment from achieving any level higher 80decibels. He referred to the national guidance and planning policy on noise that had been considered as part of the investigation work.

Regarding The Prebendal School; Mr Thomson informed the Committee that officers had stood outside the school in the evening to measure the impact of noise from the impact. Officers recorded a reading of 48 decibels, for context Mr Thomson explained a bus which passed recorded a reading of 60 decibels.

Mr Thomson confirmed that the noise limiter was now in place at the venue and since installation there had been no complaints.

Regarding limiting base frequency; Mr Thomson confirmed different levels could be set for different frequencies of sound. When officers had undertaken testing, base noise had been the main concern, through testing the 80-decibel limit was found to be an acceptable limit.

Ms Golding advised the Committee that the conditions could not be voted on separately, they would have to vote on the application in front of them.

Ms Golding provided further clarification regarding condition 16. She confirmed the condition was enforceable, however, a condition must also be reasonable, and the Committee must consider whether the condition was still reasonable, the amendment proposed was reasonable.

Following discussion, Cllr Burton proposed the application be deferred for a site visit at an appropriate time of day and to allow further negotiation with the applicant on Condition 3.

Cllr Cross seconded the proposal.

Following a vote, the Committee voted in favour of Cllr Burton's proposal to defer for a site visit.

Resolved; **defer for a site visit**, for the reasons stated above.

145 **CC/22/03201/LBC – Duke and Rye, St Peters Market Formerly St Peters Church, West Street, Chichester, PO19 1QU**

Having declared a predetermination in this item Cllr Quail withdrew from the meeting.

Mr Mew introduced the report. He drew the Committee's attention to the Agenda Update Sheet which included an additional condition to safeguard the architectural and historic character of the Listed Building.

Mr Mew highlighted the site location.

Mr Mew outlined where the proposed repair and maintenance works would be carried out.

Representations were received from;

Mr Martyn Bell – Objector
Cllr James Vivian – CDC member

Officers responded to comments and questions as follows;

Responding to concerns of a dancefloor; Mr Mew clarified where exactly it had been stated in the papers, but assured members the application was not for a nightclub, dancing was not controlled by any condition and was not relevant to the application being considered.

Mr Mew confirmed that if the building were not listed the proposed works would not require a planning application.

Following a vote, the Committee voted in favour of the report recommendation to **permit**.

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

**Members took a 30-minute break*

**Cllr Brookes-Harmer left the meeting at the conclusion of the item.*

146 **CC/21/00382/FUL – Bartholomews Holdings Bognor Road Chichester West Sussex PO19 7TT**

Mr Thomas introduced the report and explained the reason for the application being brought back to Committee, as set out in paragraph 1 (page 150).

Mr Thomas outlined the site location, and confirmed the application was for the construction of nine dwellings.

The committee were shown the proposed layout and access arrangements.

Mr Thomas concluded that because the applicant was unable to enter into a S106 agreement the application was now recommended for refusal.

There were no representations.

Officers responded to comments and questions as follows;

Mr Thomas explained the applicant had been unable to secure nitrate mitigation within their anticipated time frame and therefore wished to sell the site on.

Following a vote, the Committee voted in favour of the report recommendation to **refuse**.

Resolved; **refuse**, for the reasons set out in the report.

147 **CC/22/02382/FUL – 23 Lavant Road, Chichester, West Sussex, PO19 5RA**

Mr Mew introduced the report. He drew the Committee's attention to the Agenda Update Sheet which included an addendum to the paragraph 3.2.

Mr Mew outlined the site location. He showed the Committee the approved plans and highlighted the variations between applications.

Mr Mew detailed some of the amendments; explaining that the garden had been split and provided space for apartments 1 and 2, instead of the communal facility as approved. To prevent overlooking he showed how the balcony walls on apartments 3 and 4 had been raised.

Mr Mew highlighted the access arrangements; the entrance had been narrowed, however, WSCC had raised no objection to the amendment.

Representations were received from;

Mr Bartlett – objector (for health reasons Mr Bartlett had been unable to attend a copy of his statement was circulated to members of the Committee and uploaded on the Planning Portal)

Mrs Kerry Simmons – Agent

Officers responded to comments and questions as follows;

Mr Mew confirmed the application was retrospective and had been brought forward as part of enforcement investigations. In addition, Mrs Stevens acknowledged concerns regarding the application, however, she reminded the Committee that the fact the application was retrospective was not a material consideration.

Following a vote, the Committee voted in favour of the report recommendation to **defer for S106 then permit**.

Resolved; **defer for S106 then permit**, subject to the conditions and informatives set out in the report.

148 **BO/22/02446/FUL – Land At the Old Cart Shed Hook Lane Bosham**

Mr Thomas introduced the report. He drew the Committee's attention to the Agenda Update Sheet which included; additional third-party comments; additional supporting information; officer opinion to Counsel Opinion and an addendum to paragraph 8.16.

Following a deferral at Committee on 6 December 2023 the Committee had since undertaken a site visit on 8 January 2024.

Mr Thomas outlined the site location which was within the Parish of Bosham and the Chichester Harbour National Landscape. He confirmed the parcels of land which were in the applicant's ownership.

The Committee were shown the proposed elevations and floor plan, which included a timber sliding door.

Representations were received from;
Cllr Adrian Moss - CDC Member
Mr Tavis Cannell – Objector
Mr Alex Macdonald – Objector
Mr Steven O'Brien – Objector
Mr John Wells – Applicant
Bosham Parish Council – statement read by Cllr Adrian Moss

Officers responded to comments and questions as follows;

Regarding the agricultural need for the barn; Miss Smith confirmed the agricultural need for the barn was a relevant consideration for the Committee.

Miss Smith provided further clarification on the wording in the new Countryside and Rights of Way Act and how it differed from the previous.

Following a vote, the Committee voted in against the report recommendation to **permit**.

Cllr Burkhart proposed the Committee refuse the application as the development was unjustified; in an elevated position and by reason of its siting and design would not conserve or enhance the Area of Outstanding Natural Beauty.

Cllr Burton seconded the proposal.

Following a vote, the Committee voted in in favour of Cllr Burkhart's proposal to **refuse**.

Resolved; **refuse**, for the reasons set out above.

**Members took a ten-minute break*

149 **BO/23/01032/FUL - Broadbridge Business Centre, Delling Lane, Bosham**

Ms Bell introduced the report. She gave the Committee a verbal update informing them an additional representation had been received from Chichester Harbour Conservancy, who raised no objection to the application but requested a more precise soft landscaping condition be included as part of the application (Ms Bell explained that condition 21 as proposed was the standard condition) and; an additional condition be included requesting the proposed solar panels be wholly black in colour (including edging and surroundings). Ms Bell confirmed that officers considered this a reasonable request and were happy to accept as additions to conditions 10 and 21.

Ms Bell outlined the site location and its proximity to the Chichester Harbour. She highlighted the site access (which would remain the same), and the other buildings which were already on site including the Co-op, café, and doctors' surgery.

Ms Bell detailed the application and different uses proposed as part of the new development include an indoor gym, nursery, and vets. She drew attention to the bund, which was currently in place, and explained how this would be removed and replaced.

The Committee were shown the proposed parking arrangements, Ms Bell confirmed that WSCC had reviewed the proposals and were satisfied there was sufficient capacity.

Ms Bell gave a brief summary of the planning history on the site.

Representations were received from;

Mr Peter Sims (The Bosham Association) – Objector

Mrs Nicola Trice - Supporter

Mrs Elizabeth Lawrence – Agent

Cllr Adrian Moss – CDC Member (Statement read by Cllr Johnson)

Before opening the debate, the Chairman invited Ms Bell to respond to concerns raised regarding proposed parking arrangements.

Ms Bell clarified the arrangements and showed the Committee how the applicant had amended the proposals to accommodate additional parking within the current parking area. She assured the Committee that following concerns raised from early submissions there would be no parking provision for users in the industrial estate.

Officers responded to comments and questions as follows;

Responding to concerns regarding access to the site; Ms Bell explained access was already established to the site from Delling Lane, there was no accident data for the last five years and WSCC had raised no objection.

Regarding trees on the site; Ms bell confirmed these would be removed and replaced as part of the landscaping condition.

On the matter of parking spaces; Ms Bell confirmed the size of proposed parking space met the required standard.

Responding to hours of operation for the nursery; Ms Bell drew the Committee's attention to Condition 26 (page 224) which set out the permitted hours of operation for all premises in the development, with the exception of the veterinary practice.

Regarding the size of the gym; Ms Bell highlighted the unit which would be used as a gym, which was 92sqm in total.

On the matter of electric charging points; Ms Bell drew the Committee's attention to Condition 19 (page 222).

Following a vote, the Committee voted in favour of the report recommendation to **defer for S106 then permit**.

Resolved; **defer for S106 then permit**, subject to the conditions and informatives set out in the report and the amendments to conditions 10 and 21 as detailed in the verbal update.

150 **BX/23/01279/FUL - Land North of Town Lane Adjacent Junction with New Road, Halnaker, Boxgrove**

As announced by the Chairman this item had been withdrawn by the applicant.

151 **SDNP/23/04565/FUL - 9 Knockhundred Row, Midhurst, West Sussex, GU29 9DQ**

Miss Cranmer introduced the report. She drew the Committee's attention to the Agenda Update Sheet which included an amendment to condition 3.

Miss Cranmer highlighted the application site and explained the building was Grade 2 listed. She informed the Committee the application was for change of use only, there would be no internal or external changes to the building.

Miss Cranmer detailed what uses would be permitted and what use had been removed from the application.

Representations were received from;
Mrs Elizabeth Hamilton – Applicant

Members had no comments or questions and moved straight to the vote.

Following a vote, the Committee voted in favour of the report recommendation to **approve**.

Resolved; **approve**, subject to the conditions and informatives set out at paragraph 10.1 of the report. including the amendments to Condition 3 as set out in the agenda update sheet.

152 **SDNP/23/02453/FUL - Land Next to Hampers Green Cemetery, Petworth, West Sussex, GU28 9JL**

Miss Cripps introduced the report. She drew the Committee's attention to the Agenda Update Sheet which included an amendment to condition 3 and an additional condition – condition 5.

Miss Cripps outlined the site location which was located near to the Hampers Green housing estate. She explained the land had been used for sheep grazing but this had now ceased.

Miss Cripps explained the application was for a permissible recreation site which would include the creation of a walkway and two ponds. She informed the Committee the applicant had secured FIPL funding from DEFRA to deliver the scheme.

There were no representations.

Officers responded to comments and questions as follows;

On the issue of parking provision; Miss Cripps informed the Committee there was no parking provision as part of the application. It was possible for users to park on the road if required, however, it is anticipated that most users would be from the neighbouring estate.

Regarding maintenance of the site; Miss Cripps confirmed the applicant would continue to maintain the site.

Following a vote, the Committee voted in favour of the report recommendation to **approve**.

Resolved; approve, subject to the conditions and informatives set out at paragraph 10.1 of the report.

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

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

As announced by the Chairman the following item was considered; Response to Government consultation on 'Street vote development orders.

Mrs Stevens introduced the report. She explained what 'Street Vote Development Orders' (SVDO) were and what the purpose of the consultation was.

Mrs Stevens raised several concerns that officers had regarding the introduction of SVDO's and had been included in the proposed response, including a verbal update following comments from the Elections Manager who had raised concerns around the proposals for holding a referendum.

Regarding the weight a SVDO had to give to a Neighbourhood Plan (NHP); Mrs Stevens explained an SVDO did not have to comply the development plan, which includes Neighbourhood Plans, so they could potentially undermine work undertaken on a Neighbourhood Plan.

Responding to what benefits an SVDO might offer; Mrs Stevens drew the Committee's attention to page 32 of the supplement pack which set the perceived benefits including a possible increase in house prices for owners, increase in choice for non-homeowners and less pressure on the green belt (albeit this is not relevant to Chichester District).

Mrs Stevens clarified that a referendum for an SVDO would only be open to residents within the street, it would not be open to the wider area.

On the matter of whether an SVDO could be applied to rural areas; Mrs Stevens confirmed an SVDO could be used in rural areas. She explained there are

parameters on the number of storeys which could be permitted depending on how densely populated an area is.

Mrs Stevens acknowledged comments regarding the potential consequence of neighbourhood friction and agreed to strengthen the responses to highlight this concern.

Mrs Stevens agreed to include postal voting in the response to Q43 & Q53.

Mrs Stevens agreed to amend the response to Q46 to highlight concerns regarding whether discretion should be applied.

Mrs Stevens asked the Committee to forward any further comments they may have within the next 10 days.

Following a vote, the Committee agreed to support the report recommendation, as amended.

Resolved; That the Planning Committee considered and agreed the attached responses (as amended) to the government consultation on 'Street Vote Development Orders.'

156 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 4.35 pm

CHAIRMAN

Date: