



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 4 September 2019 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, Mr G McAra, Mr S Oakley, Mr C Page, Mr H Potter, Mr D Rodgers and Mrs S Sharp

Members not present: Mrs D Johnson and Mr P Wilding

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 R Sims (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

51 **Chairman's Announcements**

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

Apologies for absence had been received from Mr Wilding and Mrs Johnson.

52 **Approval of Minutes**

That the minutes of the meeting held on 7 August 2019 be approved and signed by the Chairman as a correct record.

53 **Urgent Items**

There were no urgent items.

54 **Declarations of Interests**

Mr Barrett declared a personal interest in planning application BI/19/01051/FUL as a Chichester District Council appointed member of the Chichester Harbour Conservancy and a prejudicial interest in WI/19/01353/FUL as a personal acquaintance of the applicant.

Rev Bowden declared a personal interest in planning applications CC/19/01134/REM, CC/19/01192/FUL and CC/19/01323/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in planning applications BI/19/01051/FUL CC/19/01134/REM, CC/19/01192/FUL, CC/19/01323/FUL, EWB/19/00934/FUL, WI/19/01353/FUL and SI/18/02925/FUL as a member of West Sussex County Council.

Mrs Purnell declared a personal interest in planning applications BI/19/01051/FUL CC/19/01134/REM, CC/19/01192/FUL, CC/19/01323/FUL, EWB/19/00934/FUL, WI/19/01353/FUL and SI/18/02925/FUL as a member of West Sussex County Council.

Mrs Sharp declared a personal interest in planning applications CC/19/01134/REM, CC/19/01192/FUL and CC/19/01323/FUL as a member of Chichester City Council.

55 **BI/19/01051/FUL - Scuttlebutt Café, Birdham Pool, The Causeway, Birdham, West Sussex**

Mr Sims introduced the application.

Additional information was reported on the agenda update sheet relating to an amendment to condition 2 to omit a reference to Birdham Pool Marina, and also that the development shall only be used as a Class A3 café.

The following members of the public addressed the Committee:

Mr Graham Campbell – Parish Representative

Mrs Anita Trevelyan – Supporter

Mrs Diana Fawcett – Supporter

During the discussion members sought clarification on a number of points. Mr Sims addressed the question of seasonable use, explaining that the applicant had specifically not applied for seasonable use and that when boats were in storage during the winter months the employees within the marina and boat owners were carrying out maintenance on the site and would benefit from the availability of the café. With regards to the lighting, Mr Sims drew the Committees attention to condition 4 which requested the submission of a lighting scheme to support the interests of wildlife and conserve the dark skies in the AONB. On the question of waste water, a main sewer ran along the causeway and therefore it was anticipated that foul water would be connected to that existing main sewer. Mr Sims further responded that an informative could be placed on the public rights of way, to ensure parking did not occur along it, and confirmed the applicant could be made aware of this.

Mr McAra left the meeting at 9.50am.

On the matter of the opening hours, Mr Sims explained that the applicant had requested 08.00 until 21.30, but by way of compromise officers had suggested 08.00 until 20.00 on Mondays to Saturday and 09.00 until 18.00 on Sundays and Public Bank Holidays as recorded within the suggested conditions in the report. Members agreed a proposal to amend condition 3 to the opening hours of 08.00 until 20.00 daily.

Mr Whitty responded to the question of whether a condition should be added to restrict the erection of a canopy, that any such structure was likely to be small-scale and akin to those used when repairing boats, so therefore the condition would not be reasonable.

The Chairman requested a vote on the change to condition 3 to the opening hours as 08.00 until 20.00 daily which was agreed.

Recommendation to **permit** agreed subject to the change to condition 3 and the informative not to park on the public rights of way.

56 **CC/19/01134/REM - Land West Of Centurion Way And West Of Old Broyle Road Chichester West, Sussex PO19 3PH**

Miss Bell introduced the application.

Additional information was reported on the agenda update sheet relating to an amendment to the drawing numbers in the conditions and drawing plans table shown on pages 58, 59 and 60 of the report to ensure consistency through minor changes, and the deletion of a duplicate drawing. A further verbal update was provided relating to an amendment to the materials for plot 29, a change to condition 10 also relating to materials, and a recommendation for roadways and parking spaces to be permeable or non-permeable under condition 13, in regards to surface water drainage.

The following members of the public addressed the Committee:

Mr Julian Joy - Parish Representative
Ms Valerie Briginshaw – Objector
Mr Nicholas Billington – Agent
Mr Richard Plowman – Chichester District Council Member
Mrs Clare Apel - Chichester District Council Member
Mr Adrian Moss - Chichester District Council Member

During the discussion members sought clarification on a number of points. Regarding the over-arching principles, Mr Whitty responded that both the City Council and the District Council had declared a climate emergency which would be given due weight going forward in decisions taken by officers and Members, but reminded the Committee that planning decisions must be taken in accordance with the adopted Local Plan. The Climate Emergency would influence the emerging local plan and it was a material consideration to take account of in determining planning applications. However, the starting point was the current Local Plan and the fact that outline permission had already been granted on this site, it was not reasonable to return to matters which were dealt with at the outline stage. Mr Whitty added that the developer had recently heard the Committees views on the overall residential Design Strategy and following a number of meetings with developers, officers had been able to encourage them to go further than the developers considered was necessary by the policy. Mr Whitty advised the Committee, that should the applicant go to appeal, the inspector may consider that they did not need to go beyond the policy, as they had currently agreed. Mr Whitty confirmed that

officers believed they achieved a better result in terms of sustainability than the current policy required.

Miss Bell responded that there was an outline planning permission which included almost forty conditions, a Section 106 agreement and the recommendation before the Committee. The report also included a number of Discharge of Conditions applications and more had been received since the publication of the report. All conditions had time 'triggers' by when they must be complied with. Miss Bell clarified that it was possible to consider a reserved matters application on a parcel of land, whilst simultaneously discharging and considering conditions on the outline plan with details reviewed by officers on a continuous basis. On the matter of sewage, this was dealt with in the outline permission which provided choices, and the developer was required to inform the Council of their decision regarding which option had been chosen. A requirement of the Section 106 agreement was for an Infrastructure Steering Group to be established, which related to off-site highway work. Access was fully considered as part of the outline application. Miss Bell confirmed that all amendments sought and required by West Sussex County Council Highways had been discussed with the developer and all achieved, apart from a further section of pavement that Highway officers would have preferred. Miss Bell responded with regards to solar panels, the details would be dealt with through the outline condition relating to sustainability. Miss Bell drew the Committees attention to the conditions dealing with hours of construction and movement of construction vehicles, and a further condition which dealt with access, all of which were covered in the outline application. Miss Bell also highlighted some elements which were included in the Section 106 with regards to the routing of construction vehicles.

Miss Bell clarified that archeologists were on site but this was not an issue as is outside the parcel of land being discussed and on another parcel of the site (which will be subject to a future REM application). With regards to the ecological management plan and control matters related to the garden fences backing on to the woodland, the Section 106 agreement required the applicant to submit a management plan for all areas of the site. The applicant was currently considering triple parking on a number of the plots, with the need to balance delivery of the houses and efficient use of land and parking on the site. Miss Bell confirmed that a condition could be added for bird boxes for nesting birds. Miss Bell further confirmed that boundary treatment was predominantly hedging with some brick-walling. 'Any other points of access' could also be added as part of the condition relating to emergency access bollards to ensure appropriate control. The electric charging points required through the outline permission related only to the phase one 750 dwellings, and further electric charging point provision would be considered further for phase two outline planning application. Miss Bell iterated the solar panels were proposed be installed on roofs within 25 degrees south, exceeding the requirements in the proposed design.

During a further discussion members sought clarification on a number of points. In response to the question of who considered the quality of the properties, Miss Bell explained this was for consideration as part of the reserved matters application. The discharge of the condition application would deal with the finer details such as the manufacturers of materials, and would ensure tones were complimentary to each other. In regards to the trees, Miss Bell confirmed an assessment had not been

carried in relation to the number of Ash trees, and suspected that a management company would be established to look after matters such as the trees. The applicant had confirmed that in regards to the internal roads, West Sussex County Council would not be requested to adopt them and the aforementioned management company would take this responsibility, but roads would be constructed to 'adoptable standards'. There is a separate application for the construction management plan and construction access, as outlined in the planning history, for the discharge of condition 5 on the outline planning application. Miss Bell confirmed the word 'consider' was used in relation to solar panels in the Design Strategy for all of the phases, and the detail would be provided for each separate parcel. Miss Bell explained that condition 31 in the outline planning permission related to the lighting strategy, and permitted development rights in relation to lighting for houses could be removed and therefore owners would be required to submit an application if they wished to install any external lighting.

Mr McAra returned at 10.50am.

During a further discussion members sought clarification on a number of points. Miss Bell confirmed the provision and detail of solar panels would be dealt with via condition 28 of the outline planning application. Mr Whitty responded with regards to the transformer capacity for the fitting of further vehicle recharging points, that it was understood that the developer would provide the transformers in consultation with the provider to meet demand, and in future further demand would be the responsibility of the service provider. In relation to broadband, the developer was required to install ducting for this purpose along with infrastructure for other services under condition 29. In regards to the dispersal of housing type (owned/shared ownership/affordable rented) the Supplementary Planning Document requirement was for groups of no more 14 affordable dwellings, which was considered a reasonable mix, and housing officers were satisfied with this.

A proposal was made to defer a decision on the planning application until further details and information was available in regards to climate change requirements, agreement of the management construction and environmental management plan was in place, all issues resolved by the Infrastructure Steering Group, and a decision made in relation to sewage disposal requirements. Mr Whitty responded that the detail of individual matters, were usually dealt with by way of conditions. Mr Whitty explained that not having the management construction and environmental management plan, would not interfere with a decision on the current planning application, the Infrastructure Steering Group dealt with off-site highway matters and how sewage is routed should also not determine a decision. Therefore, Mr Whitty confirmed he would not advise deferring a decision on such grounds as this may put the Council at risk of an appeal. In response to further clarification sought regarding matters internal to the site, Mr Whitty confirmed that the Committee could choose to defer a decision. The initial proposal was not seconded. A new proposal was put forward to defer a determination in order for negotiations to take place regarding any further potential propositions from the developer for increased measures to limit environmental impact, and to resolve outstanding on-site highway issues. Mr Whitty also suggested that the proposal could include a County Council Highways officer be present at the planning meeting to provide direct information to Members on this

application. This was agreed by the Member making the proposal, should the proposal be carried. The proposal was seconded and a vote was taken.

Recommendation to **Defer** for further information/negotiation regarding sustainability and on site highway matters, and attendance of West Sussex County Council Highways at the next Planning Committee.

Members took a thirty minute lunch break.

57 CC/19/01192/FUL - 9 Crane Street Chichester West Sussex PO19 1LJ

Mrs Stevens introduced the application.

Additional information was reported on the agenda update sheet relating to an amendment to the description and conditions 3, 4 and 5 regarding use as a micro-pub, timing of deliveries and that no live music was to be played.

The following members of the public addressed the Committee:

Mr Steven Pottinger - Agent

During the discussion members sought clarification on a number of points. Mrs Stevens confirmed that there was no requirement for a marketing exercise although the property had been vacant since December 2017. With regards to a clarification on a matter of consistency in connection with the next planning application on the agenda, Mr Whitty reminded Members that each planning application should be considered on its own merits.

During a further discussion members sought clarification on a number of points. Mrs Stevens responded that the type of alcohol would not be controlled, and that the applicant had agreed to the condition that prevented live music. Mrs Stevens also confirmed that condition 6 referred to smoking and a scheme to prevent litter as a result of smoking in the street. The toilet facilities would be controlled by building regulations and overseen by the Environmental Health Team.

Recommendation to **Permit** agreed.

58 CC/19/01323/FUL - 72-73 South Street Chichester PO19 1EE

Mrs Stevens introduced the application.

Additional information was reported on the agenda update sheet relating to an amendment to the name of the applicant.

During the discussion members sought clarification on a number of points. Mrs Stevens explained the differences between this application and the previous application, which related to the location on a main shopping street rather than a side street which, was also near to The Cross which was the central point of the city centre shops, and that the premises had been used as a 'pop-up' art gallery in recent months showing that the unit had not been vacant for such a long period of

time. Mr Whitty added in response to the request for further clarification, that there was no specific time-period before the class of the premises could be changed from retail, that the premises could be empty for up to two years and that the Local Plan would deal with this matter by way of policy.

Recommendation to **Refuse** agreed.

59 **EWB/19/00934/FUL - Unit J Hilton Park East Wittering Chichester West Sussex PO20 8RL**

Mr Sims introduced the application.

Additional information was reported on the agenda update sheet relating to comments from the Economic Development Team, amendment to the site history and an amendment to recommendation.

The following members of the public addressed the Committee:

Mr Trevor Bennett – Objector
Mr Marcus Green – Supporter
Mr David Gerrie – Supporter
Mr Ben Price – Applicant

During the discussion members sought clarification on a number of points. Mr Sims responded that the comments from Economic Development were given as a professional opinion. Mr Sims confirmed that Economic Development considered that there was a demand for B1 premises and the loss of this unit would remove the opportunity for a light industrial business to move into the premises. Mr Sims explained the report acknowledged the benefits as debated by the Committee, but that there was a clear conflict in relation to the aims which policy 26 was established to achieve. Mr Sims advised that in conclusion the application failed to comply with the policy, and even taking the material considerations into account, did not outweigh the requirements of policy. Mr Sims confirmed that three full-time members of staff and three part-time members of staff were employed by the business.

A proposal was made to permit the application which was seconded. Mrs Golding confirmed that the officers could settle conditions but advised that the period for compliance for representation had not yet closed and that should the Committee wish to permit the application there would be a requirement to defer it until the end of the consultation period. Mr Whitty added that there may also be a requirement to advertise a departure from the Local Plan, but that officers would consider this matter further.

Recommendation to **defer** until the end of the consultation period.

60 **WI/19/01353/FUL - Dobbies & The Shieling Itchenor Road West Itchenor PO20 7AA**

Mr Barrett declared a prejudicial interest and left the table for the duration of the discussion of the planning application.

Mr Sims introduced the application.

Additional information was reported on the agenda update sheet relating to the submission of an amended plan of the 'Proposed Plans & Elevations'.

During the discussion members sought clarification on a number of points. Mr Whitty confirmed that the loss of the hedge was considered acceptable and also that the quality of the wall to be constructed was also considered as acceptable.

Recommendation to **Permit** agreed.

61 **SI/18/02925/FUL - Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex**

Mr Sims introduced the application.

Additional information was reported on the agenda update sheet relating to further comments from the Parish Council, and officer comments and assessments in response to those comments. The comments confirmed that the Local Planning Authority is no longer able to determine the application as the applicant had appealed to the Secretary of State, that the size of the land was provided within the report, and that the turning out of horses would not require express planning permission. The Environment Agency had raised no objection, and horse waste would be managed via the recommended conditions.

During the discussion members sought clarification on a number of points. Mr Whitty confirmed that gateway had been moved further back onto the land, and that West Sussex County Council Highways had provided further comments and were satisfied with the application in relation to the highway, and also that the muck heap had been relocated. Mr Whitty reminded the Committee that the Council had lost its ability to impose conditions, but there were a number of conditions which had been suggested by the Council and it would now be at the behest of the planning inspector as to whether those conditions were imposed.

Recommendation to **not to defend** the appeal agreed.

62 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters between 19 July 2019 and 16 August 2019**

Additional information was reported on the agenda update sheet relating to future dates and venues for Current Hearings and Public Inquiries.

There were no comments or questions relating to this item.

63 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 19 July 2019 and 16 August 2019**

Additional information was reported on the agenda update sheet relating to future dates and venues for Current Appeals.

Attention was drawn by the ward Member to planning application SDNP/18/05965/FUL.

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

There were no late items.

65 **Exclusion of the Press and Public**

There was no requirement to exclude that press and public.

The meeting ended at 2.20 pm

CHAIRMAN

Date: